

## **Development Management Sub-Committee – 8 December 2009**

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Minutes of the meeting of the **Development Management Sub-Committee** held on **8 December 2009** when there were present:-

Chairman: Cllr K H Hudson

Cllr C I Black  
Cllr T G Cutmore  
Cllr K J Gordon

Cllr D Merrick  
Cllr S P Smith

### **OFFICERS PRESENT**

A Bugeja	- Head of Legal Services
S Scrutton	- Head of Planning and Transportation
S Worthington	- Committee Administrator

### **1 TERMS OF REFERENCE**

The Sub-Committee noted its terms of reference.

### **2 CODE OF GOOD PRACTICE FOR PLANNING MATTERS**

The Sub-Committee considered the report of the Head of Planning and Transportation seeking approval for a revised Code of Good Practice for Planning Matters.

Before looking at the revised Code in detail, Members discussed the current system of referral for delegated planning applications raising controversial issues. Current procedures required that the Chairman of the Development Control Committee be advised of any such applications, who may require that the application be reported to that Committee for determination. Members concurred that it would be more democratic to require referral of any such controversial delegated planning applications to 3 Members of the Council, with a requirement that 2 out of the 3 Members agree to the application being referred to the Committee. Members all concurred that the 3 Members should include the Chairman of the Development Control Committee, the Portfolio Holder for Planning and Transportation and the Chairman of the Council.

It was noted that minor typographical errors in the Code that had been identified by Members would be corrected.

During discussion of the Code, Members observed that it was not uncommon at meetings of the Development Control Committee for Ward Councillors to open debate by reading from a pre-typed speech and concluding by moving a motion for or against the officer recommendation. In response to a Member enquiry relating to possible risk, officers advised that there was an inherent risk to individual Members in not complying with the Code and a risk to the Authority of the actual decision being challenged. It was, however, unlikely that a decision would be challenged on the basis of a Member not having complied with the Code.

It was emphasised that, when the officer's reports were lengthy, it could be difficult remembering key points in the reports and it was therefore useful to make notes; this was not contentious unless such notes were publicised in advance of the Committee meeting. It was highlighted that it was preferable, when using notes or pre-prepared speeches, that Members prefaced any speech with reference to the fact that they had not pre-determined the application, and would be listening carefully to all speakers and considering the evidence presented before coming to any conclusions. It was generally felt that this was an issue that should be addressed at mandatory training sessions.

It was also emphasised that evidence on which Members should base their decisions at meetings of the Development Control Committee was that contained in the officers' reports and in any addendum, together with representations made by the Parish Council and other registered public speakers, not supplementary information supplied by District Members. It was noted that although the principle was sound in the fourth bullet point under section K of the draft Code (page 6.9), it was poorly worded and needed further clarification.

In looking in detail at the Code, the following points were noted:-

- The introduction did not present the Code in a positive way. Points 2 and 3 could be combined into one statement. Similarly, the first and third bullet points of section B should be amended slightly to make them less negative.
- The fourth bullet point of section E should make the distinction that private presentations by developers that are not open to the public should be avoided by District Councillors.
- With reference to the third bullet point in section K, there should be a standing Agenda item for the Addendum to the Schedule, to allow an adjournment of appropriate length for Members to read the additional information provided.
- Members arriving late for the Committee meeting should be reminded that they are not eligible to vote on that item, as they have not been in attendance for all proceedings relating to the item.
- Section H should include an additional bullet point relating to the need to request early site visits. The final main bullet point in this section should include additional wording around not entering sites that aren't open to the public unless on an official planning site visit. Health and safety at planning site visits should be addressed at the mandatory training sessions, with reference to issues relating to insurance.

- It was possible that Councillors could be approached by residents when on planning site visits to application sites in public places; this should not, however, preclude them from listening to what resident might have to say, although Councillors shouldn't comment on what is being said; the purpose of the visits is to gather information.
- Reasons for referring items to Committee from the Weekly List should be discussed with officers as sometimes issues could be clarified, thus negating the need for referral; these reasons did not need to be included in the Committee report.
- The third bullet point in section F should be deleted, as it duplicates the Members' Code of Conduct.
- There would be merit in circulating the Code to potential District Council candidates.
- The second bullet point in section C should make reference to the fourth bullet point, for the sake of clarity.
- District Councillors could attend a public meeting or exhibition organised by developers and could similarly attend a similar presentation made by developers to a Parish Council meeting, provided that it was open to members of the public. Mandatory training sessions should provide details of all types of meeting and presentation given by developers, with clear guidance on what meetings District Councillors should not attend.
- There should be no change to the length of speaking time for Members at Committee.
- The first bullet point in section L should refer to non-participation in voting, rather than decision-making at planning meetings.
- A standing item should be included on the Agenda for the Development Control Committee to address the issue of attendance by Non-Members.

Finally, Members considered the value in changing the name of the Committee to reflect the more positive approach intended from 'development management' as opposed to 'development control'. It was suggested that an alternative might be simply to delete the word control and refer to the Committee as the 'Development Committee'.

### **Recommended to Council**

- (1) That the revised Code of Good Practice for Planning Matters be adopted, subject to the amendments outlined in the appendix to these Minutes.

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- (2) That in future referral of any controversial delegated planning applications to the Development Control Committee be determined by the majority decision of the Chairman of the Development Control Committee, the Portfolio Holder for Planning and Transportation and the Chairman of the Council. (HPT)

The meeting closed at 9.35 pm.

Chairman .....

Date .....

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Appendix

Item	Amendment
<u>Section A: Introduction</u>	<p>Amend wording in paragraph 1 to:-</p> <p>“To ensure that in the planning process all decisions are unbiased, impartial and well founded”.</p> <p>Merge paragraphs 2 and 3 into a new paragraph 2:-</p> <p><b>“Your Role as a Member of the Planning Authority</b></p> <p>To control development and to make planning decisions openly, impartially, with sound judgment and for justifiable reasons”.</p> <p>Re-name paragraph 4 to paragraph 3.</p>
<u>Section B</u>	<p>Delete the wording at the end of the first bullet point so that paragraph ends in “Members first.”</p> <p>Amend the wording of the third bullet point to:-</p> <p>“Failure to abide by this Code of Good Practice for Planning Matters may put:-“</p>
<u>Section C</u>	<p>At the end of the second bullet point add the following:-</p> <p>“...save as mentioned below”.</p>
<u>Section D</u>	<p>Fourth line of third bullet point: replace effect with “affect” and in ninth line replace judgement with “judgment”.</p>
<u>Section E</u>	<p>Amend wording of fourth bullet point to:-</p> <p>“Don’t attend a private planning presentation not open to the general public unless an officer is present and/or it has been organised by officers”.</p>
<u>Section F</u>	<p>Delete third bullet point.</p>

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Item	Amendment
<u>Section G</u>	Seventh line of second bullet point: replace judgement with “judgment”.
<u>Section H</u>	<p>Insert new bullet point at the beginning:-</p> <p>“Do request an early site visit if you think one is required”.</p> <p>Insert “not open to the public” after “Don’t enter a site” in the final main bullet point.</p>
<u>Section K</u>	<p>Amend first bullet point to:-</p> <p>“Do ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation”.</p> <p>Amend fourth bullet point to:-</p> <p>“Don’t vote or take part in the meeting’s discussion on a proposal unless you have been present during the entire debate on any particular item, including the officer’s introduction to the matter”.</p>
<u>Section L</u>	In the first bullet point, replace decision making with “a vote”.