

**TO: PLANNING COMMITTEE – 17<sup>TH</sup> FEBRUARY 2004**

**SUBJECT: PLANNING APPLICATION DECISION MAKING PROCESS**

**FROM: HEAD OF PLANNING AND ENGINEERING**

---

**1. PURPOSE OF REPORT**

- 1.1 To summarise for Members the key elements of the finally approved changes and the practicalities associated with the implementation of public speaking rights and the revised delegation agreement.

**2. BACKGROUND**

- 2.1 Full Council of 7<sup>th</sup> January ratified the proposed changes to the Delegation Agreement and the introduction of public speaking rights at Planning Committee, as previously agreed by the Standards Committee of 17<sup>th</sup> December. This report sets out a number of issues related to the detailed implementation of the changes.

**3. ISSUES FOR MEMBERS TO CONSIDER**

**Delegation Agreement**

- 3.1 The arrangements for Delegation of decisions on planning applications approved by Planning Committee in November 2003 was subject to an amendment at Standards Committee such that any applications on which adverse representations have been received in writing from a Parish or Town Council, are required to continue to be referred to Planning Committee for decision, unless the application is to be refused in line with those representations.
- 3.2 It will be crucial therefore for Parish Councils both to clearly specify whether they OBJECT to a particular application when completing the response form provided for them and to ensure that the response forms are returned to the Planning Unit within the timescales given.
- 3.3 In relation to applications where written objections have been received, the agreed revised scheme of delegation states that where 10 or more written objections or a petition with 10 or more signatures has been received, then the application will be referred to Planning Committee for decision, where the recommendation/proposed decision is contrary to the representations made.
- 3.4 A leaflet is being prepared summarising the revised delegation arrangement and is expected to be available by early March. This information will also be placed on the Council's website. The leaflet "Making your Views Known", sent out to neighbours with the neighbour notification letter will also be revised to inform local residents about the new arrangements and their right to contact their Ward Member who may then call in the application for decision by planning committee.
- 3.5 In relation to the timing of the introduction of the change to the delegation arrangements, the original intention was that the changes to delegation and introduction of public speaking rights would be introduced as a "package". It is suggested, therefore, that the new delegation arrangements will apply to applications submitted from 1<sup>st</sup> April onwards, at which time information on the public speaking arrangements starting with Planning Committee on 26<sup>th</sup> April will also be communicated to the public. To ensure a consistent approach at Committee, public speaking rights will apply to **all** applications determined

by Committee from 26<sup>th</sup> April onwards, including those cases that were submitted before April 2004.

### **Administrative Changes**

- 3.6 Currently all written representations received from local residents (estimated area 2-3,000 per annum) are acknowledged by means of a card acknowledgement, involving significant staff time and postage costs. The use of email to send representations is growing and emails are acknowledged electronically automatically. The additional requirement to notify objectors, applicants/agents and Parish/Town Councils of their public speaking rights for each planning application referred to Planning Committee during the year will impose a further demand on staff time and costs (difficult to estimate – but likely to be at least 1,000 further letters per annum).
- 3.7 In the original report to Members, it was stated that the full resource/staff time impact of the introduction of public speaking rights was difficult to predict and that the effects would need to be assessed after a six month period of operation. It would be prudent, however, to consider at this stage whether there is any scope to compensate for the inevitable increased costs by reviewing other related current procedures. A potential efficiency saving would be to discontinue the practice of formally acknowledging all incoming letters containing neighbour representations. Electronic acknowledgement of emails would however continue and emailed comments are increasing in number. ( In addition, this scenario – i.e. objectors being informed in writing of their speaking rights for applications going to Committee, but all letters from neighbours received not being initially acknowledged exists at two Planning Authorities where public speaking rights are in operation, Stratford-on-Avon District Council and Wychavon District Council.

### **Ward Members**

- 3.8 Currently, the weekly list of planning applications is included within the Members weekly bulletin and Ward details are now included on the list. The list is also emailed to all Members who have requested an electronic version. The website can also be used by Members to find out about incoming applications.
- 3.9 The original report to Planning Committee on the 11<sup>th</sup> November 2003 stated that “it would also be possible to notify Ward Members individually by email or letter on receipt of planning applications in their Ward “(i.e. over and above the sending of the weekly list).
- 3.10 Sending out individual letters to Ward Members would clearly result in significant additional costs/staff time (Circa 4-5,000 letters a year are likely to be involved) and whilst the Acolaid software now in use in Development Control contains a facility to email consultees, this feature of the system will not be operational until Phase 2 of the system is fully up and running later this year. In my view, therefore, the issue of individual notifications to ward members on planning applications should be put on hold pending Phase 2 of Acolaid, given the current facility for using the website and regular despatch of the weekly list (either within the bulletin or by electronic means).

### **Committee Agendas**

- 3.11 The entirety of the originally envisaged changes to the delegation agreement accepted by Planning Committee was not approved by Standards Committee (who as stated earlier in this report resolved that any application where adverse representations had been received from a Parish or Town Council, should be referred to Planning Committee, irrespective of whether neighbours object). At this stage, it is difficult to predict the impact these amended arrangements will have on the length of Committee agendas, but it will most likely mean that agendas will not be reduced in length to the extent that would have otherwise occurred.
- 3.12 The original intention was for all items in the reduced Agendas to be handled as Principal Items with officer and visual presentations. Given the significant change to the

delegation arrangement brought about by the decision of Standards Committee, it is proposed that the proposal to deal with all applications on the agenda as “Principal Items” be put on hold at present and reviewed in the autumn at the time of the review of the new arrangements.

- 3.13 In relation to agendas, it should be noted that one of the requirements of the Best Value inspection of the Planning Service was for Committee reports to include the full text of the conditions and reasons for them and reasons for refusal. This change will be brought into effect for the 26<sup>th</sup> April agenda, which is the first agenda for public speaking.

### **Public Speaking**

- 3.14 Those making representations, applicants/agents, parish/town councils and ward members will be notified of the inclusion of the associated applications on the agenda around the time of the despatch of the agenda, and advised to contact member services (either by phone or email) to register their request to speak. All requests (including the time received) will be logged and a preliminary list of speakers prepared for the meeting. The cut-off for inclusion on the list of speakers is 1200 on the working day before the meeting.
- 3.15 Member services staff will be available at the Council Chamber to advise potential speakers from between 515pm and 530pm on the day of the meeting. Where there is more than one request to speak on a particular application, potential speakers will be asked to nominate one person to speak. Alternatively the first person to register will be able to speak. Applicants/agents are only permitted to speak in response to an objector who is speaking (either a local resident, ward member or parish/town council representative). A final updated list of speakers will then be prepared and made available to the chair and placed on the table outside the council chamber.

### **Arrangements in the Council Chamber**

- 3.16 Potential speakers will be advised that items will normally be heard in the order they appear on the agenda and any changes to the order will be solely at the discretion of the chair. The leaflet on Public Speaking will make it clear that the time a particular item will be heard cannot easily be predicted.
- 3.17 A position for speakers within the chamber will need to be agreed. It could be that speakers will be seated downstairs within the chamber, with all other members of the public in the gallery. It would seem “customer friendly” for speakers to sit near/alongside member services staff who would explain the “3 minute rule” and be on hand to respond to any queries.
- 3.18 Security and safety in the council chamber is an issue which should not be ignored. Security issues have been recently highlighted in the Audit report of Committee services. This will be discussed at a meeting of the Risk Management Steering Group in March. Current staff available at the town hall cannot be guaranteed to be available at all times in the chamber during conduct of the evening’s business, given the need for general surveillance of the premises.

### **Dissemination of information about the new arrangements**

- 3.19 The report to Planning Committee contained the possibility of seminars being arranged for Parish/Town Councils and Ward Members to explain the change to procedures in terms of public speaking, committee site visits and delegation arrangements.
- 3.20 In the case of Parish and Town Councils, the finally approved change to the delegation agreement does not alter the existing situation (i.e. Committee referrals will continue as now on cases where they object and the recommendation is to grant). The changes in

terms of committee site visits and public speaking are clearly significant and the intention is to inform them in writing of the various changes and to respond to any queries they have either in writing or by attending a meeting if requested.

- 3.21 In relation to the approach intended for District Councillors, there will be written communication with them on the key elements of the changes and forwarding a copy of the leaflets on delegation and public speaking to them. In view of the added importance of their role, Councillors will also be encouraged to attend a briefing session on a suitable date in late march/early April.

#### **4. RECOMMENDATIONS**

- 4.1 Members are asked to indicate their acceptance of the various “practicalities” associated with the introduction of the revised delegation agreement and public speaking rights.

### **BACKGROUND PAPERS**

Report to Planning Committee – 11<sup>th</sup> November 2003.  
Report to Standards Committee – 17<sup>th</sup> December 2003.

#### **For further information about this report please contact:**

<b>Contact Officer:</b>	John Edwards
<b>Tel:</b>	(01926) 456541 (Direct Line)
<b>E-mail:</b>	john.edwards@warwickdc.gov.uk

#### **Areas in District**

**Affected:** All