

TO: **PLANNING COMMITTEE – 3RD AUGUST 2005**

SUBJECT: **REVIEW OF DECISION MAKING PROCESS**

FROM: **PLANNING & ENGINEERING**

1. PURPOSE OF REPORT

- 1.1 To move forward on the issues raised in the review of the decision making process undertaken in 2004 and considered by full council on 19th January 2005.

2. BACKGROUND

- 2.1 Planning Committee approved a number of changes to the decision making process for planning applications at their meeting on 6th December 2004.

- 2.2 These related to:-

- the Delegation Agreement
- Public Speaking arrangements
- the Committee site inspection process

- 2.3 The various changes were not ratified by full council of 19th January 2005 and were referred back to Planning Committee for further consideration. The main concern related to the proposed extension to the delegation agreement, where the ending of automatic referral of cases to Planning Committee where the Head of Planning's recommendation was contrary to the representations of the local council was seen as eroding the rights of local councils.

- 2.4 A summary report outlining the key changes and the response of full council was prepared for Planning Committee for their meeting on 22nd June. At that meeting, Planning Committee agreed to refer the issues to a reconstituted working party of four members – Cllrs. Evans, Mrs. Compton, Mackay and Blacklock. The working party met on 13th July.

- 2.5 The working party's broad conclusions were:-

- 2.6 Delegation

The original agreed revised arrangements as approved by Planning Committee in December 2004 still represented a workable approach, although whether the overriding of parish/town council representations would lead to a lesser number of items being reported to Committee was dependent on the extent to which ward councilors 'called in' those applications for committee decision.

The originally agreed revised arrangements were seen to have merit in that it "empowered" ward councillors to undertake a more active role in the deciding of planning applications.

Possible variations to the proposed changes to the Delegation arrangements as originally proposed to be amended could be in the form of a less radical change which would not include a general right to override Parish/Town Council views (subject to ward member referral) but would allow:-

- the Head of Planning to determine applications where the recommendation (of grant or refuse) is contrary to the representations of the Parish Council (i.e. object or support), where, the Head of Planning is satisfied that the plans have been amended to address the concerns of the Parish/Town Council, or
- Where the representations made raise issues which are not material to the planning assessment of the particular application, or
- Where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances.

Appendix A sets out the preferred amended scheme (as previously approved by Planning Committee in December 2004, whilst Appendix B sets out a more restrictive increase in delegated powers, reflecting the above bullet points.

2.7 Public Speaking Rights

This has proved very popular and had represented a significant enhancement to the rights of the various parties involved in the Development Control process. The arrangements are to continue but with an extension of rights to allow applicants/agents/supporters to address the Committee where an application is being recommended for refusal, irrespective of whether an objector is speaking. Appendix C contains the revised Public Speaking arrangements.

2.8 Site Inspection Process

The working party considered that it would be of benefit to endeavour to hold site inspections of “major” sites or “significant” applications in advance of the Planning Committee. Such sites would be identified in association with the Chair and Vice Chair at the briefing session held prior to finalising the agenda. Such visits would be held on the Saturday immediately before the Planning meeting. It would remain open to members of the Committee to add further applications for site inspections at that meeting, with these cases being included on the list for the following Saturday. A set calendar of dates for such Committee inspections would be publicised in advance which would thereby promote general awareness of the site inspection dates. Appendix D relates to the revised Site Inspection procedure.

2.9 Role of Ward Councillors

The working party agreed that ward councillors could attend Committee site inspections and confirmed that there should be no right to address the Committee during site inspections (from any party) since comprehensive rights for key stakeholders in the planning application decision making process are available in the Council Chamber at the stage of determination of the application. Ward Councillors (like applicants/agents) could, therefore, be asked to provide factual clarification or respond to questions, but not express opinions about the particular development proposal being examined.

- 2.10 Some discussion took place about the rule in the Council's constitution which limits Councillors speeches to 10 minutes at all meetings and whether Planning Committee should be excepted from this constitutional rule. The overall view was that this was not a major issue for Planning Committee as most ward councilor speeches were less than 10 minutes and there was no need to make special reference to Planning Committee in the constitution.

2.11 Other Operational Issues

Although this item was not discussed by the working party, the report to Planning Committee of 22nd June 2005 referred to the increasing frequency of two night meetings, since the introduction of public speaking, with one meeting (February 2005) extending onto a fourth night and another meeting 3rd and 4th May) only able to be completed to two nights by having an earlier start 4.00 p.m. on 4th May. The "two night" system does add considerable complexity to the public speaking process and confusion to the public with different speakers often indicating differing preferences for a particular night. Members' Services have raised the possibility of moving to a fortnightly meeting which would mean one night every two weeks rather than two nights every three weeks and also commencing the meeting earlier (as was done on 4th May) to ensure the business is completed on one night.

In my opinion, the implications of such a change to current practice would need to be carefully thought through in order to properly evaluate its benefits and any possible disbenefits. If members consider there is merit in investigating this potential change further, I consider this would need to be the subject of a further separate report.

3. POLICY AND BUDGET FRAMEWORK

- 3.1 The introduction of public speaking rights has been absorbed without any increase in resources. This has impacted on staff time both in the Planning Unit and Members' Services. Resending invitation to speak letters for cases that have been deferred for site visits (often where large numbers of letters are involved) does add to overall costs.

4. RECOMMENDATION

- 4.1 That Planning Committee recommend to full council that with effect from 1st October 2005:-

- (1) the amended Scheme of Delegation as set out in Appendix A (Preferred Scheme) be approved or alternatively as set out in Appendix B if full council are not prepared to accept the Appendix A arrangements
- (2) the procedure for public speaking as set out in Appendix C be approved
- (3) the procedure for Committee Site Inspections as set out in Appendix D be approved.
- (4) that a briefing note be prepared for ward Councillors and Parish/Town Councils on the agreed changes.

- (5) that a further report on the impact of any finally approved amendment to the current delegation agreement be made to Planning committee after 12 months of operation
- (6) That a further report be prepared for Planning Committee on the implications of a fortnightly cycle of meetings

BACKGROUND PAPERS

Report to Planning Committee on Decision Making Process – 4th December 2004
Minutes of Full Council meeting – 19th January 2005
Report to Planning Committee – June 22nd 2005

Areas in District Affected: Whole District:
Key Decision: No

For further information about this report please contact:
--

Contact Officer:	John Edwards (Group Leader – Development Control)
Tel:	(01926) 456541 (Direct Line)
E-mail:	john.edwards@warwickdc.gov.uk