



DERBY CITY COUNCIL

PLANNING CONTROL COMMITTEE

28 APRIL 2005

Joint Report of the Directors of Corporate Services and Development and Cultural Services

Planning Control Committee - Workload and Organisational Issues

RECOMMENDATION

- 1.1 To decide whether to hold meetings of the Planning Control Committee twice a month, except in January and August, with effect from the 2005/06 municipal year.
- 1.2 To decide whether to recommend full Council to amend the Constitution in accordance with paragraph 2.7.

SUPPORTING INFORMATION

- 2.1 At its meeting on 27 January 2005, the Committee considered a report concerning the operation of the Committee in the light of concerns about the length of meetings and other organisational issues. For convenience, the report is reproduced at Appendix 2.
- 2.2 The Committee resolved:
 - 1) to reduce the public speaking time from five to three minutes per person.
 - 2) to defer a decision on holding Committee meetings twice a month until the last item on the April 2005 agenda, pending the outcome of the decision above.
 - 3) to group similar applications at the same or adjacent sites and have objectors and supporters speaking once on the group applications, in accordance with the scheme for public speaking at Committee.
 - 4) to organise further training for committee members on what constitute material planning considerations.
- 2.3 The Committee is asked to review the experience of reducing public speaking time and decide whether it is necessary to hold bi-monthly meetings from 2005/06.
- 2.4 The leaflet giving information about public speaking at the Planning Control Committee was submitted to the Plain English Panel. The Panel asked for amendments to be made to the format of the leaflet before it is considered further by the Panel.

2.5 Since the previous report, the Chair has raised concerns about the effectiveness of the current arrangement for Members to request that a planning application, that would ordinarily be dealt with by the Director of Development and Cultural Services under delegated powers, be considered by the Planning Control Committee. He feels that there is a tendency for Members to use this facility and then not follow up the request by attending the meeting to make oral representations, or submitting written representations, on the application. In many cases, the application appears not to be controversial and the application is determined in accordance with the officer recommendation without debate. This therefore has the effect of delaying the decision on the application.

2.6 The relevant provision of the Constitution is contained in Part E of Part 3 which contains the delegated powers of the Planning Control Committee as follows:

“Planning Control Committee

Will deal with:

- 1) decisions relating to town and country planning, commons registration and the use and regulation of highways, that would fall within the definition of key decisions if these were Executive functions
- 2) determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:
 - a. four or more objections have been received and the officer recommendation is to approve, or
 - b. the application is contrary to a Local Plan allocation and the officer recommendation is to approve, or
 - c. a Member of the Council has, within three weeks of being sent notification of an application, written to the Director of Development and Cultural Services requesting its determination by the Committee.
- 3) approving the principal terms of planning and highway agreements
- 4) dealing with proposals to discontinue the use of land
- 5) considering any objections to the making or confirmation of orders made under highways or planning legislation where there have been objections including:
 - tree preservation orders;
 - orders to create divert or close footpaths or bridleways;
 - or to modify the definitive map.”

2.7 Paragraph 2) c. is a local practice and not required in any regulations or guidance. It would be possible, therefore, to deal with the situation through a change to the Constitution, approved by full Council, either by deleting paragraph 2) c. altogether or by amending it as follows:

- c. a Member of the Council has, within three weeks of being sent notification of an application, written to the Director of Development and Cultural Services requesting its determination by the Committee, **giving reasons for the request. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Development and Cultural Services.**

- 2.5 A new multi-media system is being installed in the Council Chamber as an e-Derby, e-Democracy initiative. As well as providing enhanced digital audio and video, the system will also provide the facility for the meeting to be webcast. It is hoped that the system will be ready for use at the Committee's next meeting on 26 May 2005. To be effective it will be necessary for members and officers to sit in designated places in the Chamber.

Appendix 1

IMPLICATIONS

See the report to the Planning Control Committee on 27 January 2005 - Appendix 2. The redesigned leaflet and Council Chamber multi-media system will improve public access to the democratic process.

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Background papers:	None
List of appendices:	Appendix 1 - Implications Appendix 2 - Report to the Planning Control Committee on 27 January 2005



DERBY CITY COUNCIL

PLANNING CONTROL COMMITTEE 27 JANUARY 2005

Joint Report of the Director of Corporate Services and Director of Development and Culture Services

Planning Control Committee – Workload and Organisational Issues

RECOMMENDATIONS

- 1.1 To hold meetings of the Planning Control Committee twice a month, except in January and August, with effect from the 2005/06 municipal year. (paragraphs 2.5 – 2.7)
- 1.2 To group similar applications at the same or adjacent sites and have objectors and supporters speaking once on the group applications, in accordance with the scheme for public speaking at the Committee. (paragraph 2.8)
- 1.3 To make arrangements for committee members to raise questions about issues of fact or planning considerations before meetings, either through named officers or through Derby Net. (paragraph 2.9)
- 1.4 To organise further training for committee members on what constitute material planning considerations. (paragraph 2.10)

SUPPORTING INFORMATION

- 2.1 Concern has been expressed about the length of meetings of the Committee and whether meetings operate in the most effective manner.
- 2.2 Currently, the monthly meetings normally last between 3½ and 4 hours, starting at 6pm and regularly finishing between 9.30 pm and 10 pm.
- 2.3 The first part of the meeting is taken up with hearing representations from objectors to, and supporters of, planning applications, under the scheme for public speaking at the Planning Control Committee (see leaflet attached). This is followed by discussion of the application concerned and its determination by the Committee. Since a number of applications give rise to objections, and there can be up to three speakers on each application, consideration of these applications can take up the greater part of each meeting. This also means that those applications where no objections have been received, but are nevertheless important, are considered at the end of the meeting when Members and officers have already been in a session of three hours concentrated debate.

- 2.4 Public speaking at meetings of the Planning Control Committee is important to the democratic process as well as fulfilling the Council's corporate objective of being open, transparent and honest in everything we do. Speakers are also customers and should therefore be provided with a service which at least meets the spirit of the Council's Customer Service Strategy. Currently some speakers may have to wait up to three hours for their turn to address the Committee.
- 2.5 It is proposed, therefore, that, from the 2005/06 municipal year, meetings of the committee be held twice each month other than January and August. With fewer items on each agenda, there will be more time to give thorough consideration to all planning applications, whilst at the same time allowing adequate opportunity for public speaking. It should also reduce the average waiting time for speakers.
- 2.6 It will be important to continue to structure discussions effectively to make sure that the fortnightly meetings do not themselves expand to 3 or 4 hours through unnecessarily detailed debate. Otherwise the benefits to the public and Members will be lost.
- 2.7 A move to fortnightly meetings will add pressure to an already crowded civic diary. This will have to be taken into account when the Schedule of Meetings is drawn up for the Annual Meeting of the Council in May 2005. We must also have regard to the additional pressures on Members' time imposed by the introduction of the new licensing regime coming into force in February 2005. In this context, Members will be aware of the proposal being submitted to Council on 26 January to reduce the size of the Planning Control Committee from 14 members to 10 members.
- 2.8 There are occasions at a meeting when there is more than one application relating to a particular site, or applications relating to adjacent sites, where issues of concern may be similar. It would be possible in these circumstances to group these applications and have objectors or supporters speaking only once.
- 2.9 Some discussion at meetings of the Committee involves Members asking officers to clarify issues of fact about applications or whether particular matters are material planning considerations which the Committee should take into account. It should be possible to deal with these matters before the Committee meeting, perhaps through officers making themselves available at specific times to answer Members' questions. The Director of Development and Cultural Services is investigating whether a DerbyNet area could be established for this purpose so that other members of the committee could see the responses of officers. Any pre-consideration must be related to clarifying issues of fact and planning considerations, and not any form of discussion which would constitute pre-determination.
- 2.10 Planning law is fairly complex and it is proposed to organise training for committee members on what constitute material planning considerations. Although this subject is covered in the annual planning training day in May, it is considered that it is important enough to devote a specific training session to this fundamental concept.

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Background papers:	None
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial

- 1.1 None directly arising.

Legal

- 2.1 None directly arising

Personnel

- 3.1 The move to fortnightly meetings will put additional pressure on a number of support functions in Corporate Services and Development and Cultural Services. It will necessitate the reprioritising of development control administrative activities.

Equalities impact

- 4.1 None directly arising.

Corporate objectives and priorities for change

- 5.1 The proposals support the corporate objective – **We will be open, transparent and honest in everything we do** – and the corporate priority for change – **We will decide planning applications more quickly, maintaining the quality of decision-making.**