

Report to: **Development Management Committee**

Date: **2 September 2015**

Title: **Development Management Public Participation Scheme**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N**

Date next steps can be taken: **8 October 2015**

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Recommendations:

- a) To **RECOMMEND** that **COUNCIL** be recommended to amend the Development Management Public Participation Scheme to enable the opportunity for town and parish councils to speak on planning applications within their own town or parish provided that they abide by the same rules as applied for objectors and supporters; and
- b) That Members provide their views and make a recommendation on whether allowing town and parish councils to speak at DM Committee should prevent them from also making representation at site inspections

1. Executive summary

- 1) Following a 12 month trial, all Members of the Council have been consulted on their views in relation to the attendance and participation of town and parish council speaking at Development Management Committee meetings.
- 2) Those views have been considered, and this report asks for Members recommendations on the way forward.

2. Background

- 1) The last meeting of the Development Management Working Group was held on 26 February 2014, and one of the matters for discussion was the issue of town and parish council representatives being able to speak at Committee. It was agreed that the Participation Scheme should be duly amended for a trial period, and that Members would monitor the effectiveness of allowing additional speakers on each application.

- 2) As part of the trial, Members felt it appropriate to restrict the town and parish council speakers to the same limitations as members of the general public who may wish to speak, i.e. only one speaker, and a time limit applied. In addition, Members were adamant that letters should not be sent to invite Clerks to put forward a representative, with the onus being on Clerks to check if there are any planning applications for which their Council would wish to utilise this provision.
- 3) The trial has now been completed, and Members views have been sought on whether to continue to allow town and parish councils to speak at DM Committee.

3. Outcomes/outputs

- 1) Those Members who have responded to the consultation have made comments which include the following:
 - 'It is about right. Perhaps tighter time control and some confirmation that the parish representative does convey the agreed parish councils view would help'
 - 'It is essential that we hear from parish councils but we should try to use our limited time as best as possible. Parish councils will wish to communicate the same key points on site and at the meeting. I think they should have a guaranteed right to three minutes at the Committee meeting, and an opportunity to the same period at a site visit subject to time being available and the discretion of the Members present'
 - 'We need to ensure as much access to consultation on planning applications that come before DM Committee as possible. Retaining the option for a parish/town councillor to be able to speak at DM is essential for their view as a consultee to be heard at the DM Committee and to enable any questions to be asked'
 - 'It does take time, but on the whole the parish council do make some valid contribution to the debate. However, I don't understand why they should get two bits of the cherry. They need to choose whether they make their speech on the site visit or at Committee. They also need to state for the record that they are speaking for at least a majority of their parish council'
 - 'It is only right that parish councils are represented and I think three minutes is sufficient time, regardless of the application size. I think it should be at the Chairman's discretion on the site visit as to whether they can provide additional information on site but the time should be kept to a minimum'
 - 'In the context of local expectations arising from the Localism Bill, the NPPF and Neighbourhood Planning, I support parish council representation at the DM Committee meetings'
 - 'I consider it to be very helpful to have the town/parish councillors making representation at DM. It aids their understanding of the process and adds value to the discussion. I believe that three minutes is long enough to ensure that the meeting does not go on too long'
- 2) It is clear from the representations that Members are in favour of continuing to allow town and parish councils to speak at DM Committee, providing they are speaking on behalf of the Council, representing the majority view of their parish or town council.

- 3) However, the comments above indicate other elements to be taken into account, such as whether allowing town and parish councils to speak at DM Committee should then preclude them from speaking at site inspections, and whether town and parish speakers should be restricted to three minutes, regardless of the size of the application.
- 4) A number of Ward Members have discussed the consultation with their respective town and parish councils. As a result a number of town and parish councils have confirmed that they support continuing to allow their representatives to speak at DM Committee.

4. Options available and consideration of risk

- 1) Members are clearly in favour of town and parish councils continuing to be entitled to speak at DM Committee to make representations on applications in their area.
- 2) Members need to consider if allowing town and parish councils to speak at DM Committee should prevent them from speaking at site inspections. There is a clear awareness of the time constraints, both at DM Committee and on site inspections, and only allowing town and parish councils to speak at one or the other would help to reduce time taken.
- 3) If Members were to continue to allow town and parish speakers at site inspections, the application of a time limit should be considered.
- 4) Members also need to consider if any further restrictions would be appropriate such as restricting town and parish councils to speak for three minutes at DM Committee, regardless of the size of the application.
- 5) In terms of risk, allowing town and parish councils to continue to take part in the DM Committee meetings will ensure that the views of that town or parish are heard by the DM Committee Members and the public, at the time the decision is taken, and this will aid open and transparent decision making. The adverse risk is the additional time taken at DM Committee when the number of applications to be determined can be challenging.

5. Proposed Way Forward

- 1) Members should discuss the recommendation and any associated options as listed above. The recommendations of the DM Committee will then be presented to the next full Council meeting on 8 October 2015 for a final decision.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Development Management Public Participation Scheme is a policy document and will require full Council approval for any amendments to be made

Financial	N	There are no direct financial implications arising from this report
Risk	Y	There will be a negative reputational risk if town and parish councils are now prevented from taking part in DM Committee meetings however this will be addressed if Members agree to continue with the practice
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/a
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		None

Supporting Information

Appendices: None

Background Papers:

Notes of the Development Management Working Group Meeting held on 26 Feb 2014

Minutes of Development Management Committee 19 March 2014

Minutes of Council Meeting held 8 May 2014

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	N/A
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	N/A