

DEVELOPMENT CONTROL COMMITTEE PROCEDURES

Council - 15 November 2022

Report of: Monitoring Officer

Status: For consideration

Also considered by: Governance Committee - 1 November 2022

Key Decision: No

Executive Summary: Following meetings of the Governance Working Group, that was established to review certain Development Control Committee processes, this report sets out the recommendations that are the outcome of their review. The Working Group recommends amendments to Part 7 of the Constitution, as set out at Appendix A.

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Recommendation to Governance Committee: That it be recommended to Council that:

- a. the amendments to Part 7 of the Constitution, as attached at Appendix A, take effect from the 2023/24 municipal year.

Recommendation to Council: That the amendments to Part 7 of the Constitution, as attached at Appendix A, take effect from the 2023/24 municipal year.

Introduction

- 1 A Working Group to consider the practices of the Development Control Committee was first constituted on 13 April 2022 to consider (and if appropriate propose) amendments in principle to Part 7 of the Constitution. This report introduces the findings and recommendations of that Members' Working Group. That Working Group was reconstituted on 21 June 2022.
- 2 The Working Group consisted of Cllrs. Eyre, Nelson and Bayley and was advised by a Development Manager, the Planning Improvement and Standards Manager and by the Senior Solicitor as well as the Chairman of the Development Control Committee.
- 3 The Working Group has duly met and in accordance with the resolution considered the rules for addresses to the Committee (paras 3.27 - 3.37); the rules for site inspections (paras 3.17 - 3.26); and the order of business. The last physical meeting of the Working Group was on 10 October 2022.

- 4 Following the review that Group has proposed amendments to the constitution.
- 5 At its meeting the Working Group identified areas for more detailed consideration. Where these involved amendments to the constitution Officers drafted amended wording for the consideration of the Working Group.
- 6 The Working Group unanimously agreed the amended wording found at Appendix A to this report. In view of this Working Group decision, the recommendations are put before Members for resolution.
- 7 The members of the Working Group are thanked for their work. Those members of the Working Group present are invited to speak on the findings of the Group.

Terms of Reference

- 8 The Working Group was originally founded pursuant to resolutions as follows:
 - a. A Working Group be formed to propose any necessary amendments in principle to Part 7 of the Constitution to the next meeting of the Governance Committee;
 - b. The Working Group shall consist of three Members from the Governance Committee;
 - c. The Working Group shall be advised by an Officer nominated by the Monitoring Officer, the Chairman of Development Control Committee and an Officer nominated by the Chief Officer - Planning and Regulatory Services;
 - d. If so minded, the Working Group shall only make proposals in principle to amend Part 7 with in respect of the following matters:
 - i. Rules for Addresses to the Committee at Meetings of Development Control Committee (paras 3.27 - 3.37);
 - ii. Site Inspections (paras 3.17 - 3.26);
 - iii. The order of business (including rights to address the Committee) (paras 3.5 - 3.6).
 - e. The Working Group is not established to agree the precise wording of any suggested changes.

Outcomes of the Working Group

- 9 Regarding the order of the agenda (para. 3.6), no fundamental changes are recommended. However, an amendment is proposed to request that Members not be repetitive during debate. This is to ensure that the meeting can proceed expeditiously.

10 The Group considered the speaking time allowed for speakers (para 3.6 (b)) but felt the current system was working well and declined to make recommendations for change.

11 The Group declined to recommend public speaking on enforcement matters or the protection of trees (para. 3.27). These matters are not publicised in the same way as other planning matters and it could be unreasonable to expect anonymous complainants to attend public meetings when the other party would speak. However, Planning Services and Democratic Services would be able to direct interested parties to other ways of ensuring their representations are heard, such as by lobbying Committee Members or by submitting written comments to Planning Services. It was noted that certain works could arise from a tree's position in a Conservation Area rather than under a TPO and so it is recommended that this "gap" is closed.

12 In the same paragraph (3.27) it is proposed that the reference to a report of delegated decisions be removed. This is because such reports are no longer presented and all decisions can be readily accessed through the Public Access system.

13 The Working Group felt that it would be appropriate to clarify the Committee's processes regarding visual aids (para. 3.34). The Group felt that it was an appropriate time to codify existing practice of limiting the number of slides to three and that these should be still images only. It was noted that the constitution already prohibited written information being used as a visual aid; it was expected that the existing practice should continue of declining any slides that had writing on that was not a reference key or part of the application plans.

Other options Considered and/or rejected

The Working Group worked through the relevant parts of Part 7 of the Constitution and considering whether any part of them may be improved by amendment.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

It should be noted that the legal position in relation to Development Control and the Development Control Committee is amply set out in the Constitution. In particular, Members are reminded of the need to act as if the Committee were a quasi judicial meeting.

Members are reminded of the need to avoid conflicts of interest, bias or pre-determination.

The Human Rights Act 1998 applies to proceedings of Development Control Committee.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the Council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Conclusions

It is recommended that the attached amendments be made to Part 7 of the Constitution.

Appendices

Appendix A - Part 7 of the Constitution.

Background Papers - none.

Martin Goodman
Monitoring Officer