

PLANNING DEVELOPMENT CONTROL COMMITTEE

24 May 2007

APPOINTMENT OF SUB-COMMITTEES AND REPRESENTATIVES 2007/2008

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES:

PDC624 - Appointment of Sub Committees etc 2006/2007 - 25 May 2006

PDC630 - The Constitution – Update And Revision - Part Three – Responsibility For Functions – Planning Development Control (Viewing) Sub Committee – 6 July 2006

EXECUTIVE SUMMARY:

At the commencement of the Municipal Year, and as a consequence of membership changes to the Planning Development Control Committee, it is necessary to review the arrangements of Sub-Committees and consider appointment of representatives made by the Committee.

RECOMMENDATIONS:

- 1 That the Planning Development Control (Viewing) Sub-Committee continues to be appointed from the whole Committee, with terms of reference as set out in the Report.
- 2 That the Chairman and Vice Chairman of the Planning Development Control Committee also be appointed as the Chairman and Vice Chairman of the Viewing Sub Committee.
- 3 That the Planning Development Control (Telecommunications) Sub-Committee continues to be appointed from the whole Committee, with terms of reference as set out in the Report, and that it be recommended that the following suggested revision to Part 3 – Page 11 of the Council's Constitution (Responsibility for Functions) be approved:

'In the event of the unavailability of a Member to attend a Telecommunications Sub-Committee meeting, a Standing Deputy of the same political group for Planning Development Control Committee may attend and vote'.

- 4 That the Chairman and Vice Chairman of the Planning Development Control (Telecommunications) Sub-Committee be appointed for the 2007/08 Municipal Year.
- 5 That a Member be appointed to the Stockbridge Oilfield Liaison Panel for the 2007/08 Municipal Year.

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DETAIL:

1. Appointments to the formal Sub-Committees
 - 1.1 Appointments to the formal Sub-Committees need to be in accordance with the 'political balance formula' laid down in the Local Government and Housing Act 1989, unless alternative arrangements are agreed (see paragraph 1.2 below).
 - 1.2 To date, Members have been minded to appoint the Viewing and Telecommunications Sub-Committees using alternative arrangements, to include membership from the whole Committee.
2. Planning (Viewing) Sub-Committee
 - 2.1. It is suggested that the Chairman and Vice Chairman of the Planning Development Control Committee continue to take the role of the Chairman and Vice Chairman of the Viewing Sub Committee.
 - 2.2. Where the Committee decides that a particular application gives rise to problems or circumstances that can only be fully appreciated by a site inspection, a Sub-Committee is appointed to consider and determine those planning applications, unless Planning Development Control Committee decides when it sets up the Sub Committee that it should report back with recommendations for final decision. (Part 3 – Page 11 of the Constitution as updated on 16 August 2006 refers).
 - 2.3. The Committee last reviewed the working of the Viewing Sub Committee on 6 July 2006 (Report PDC630 refers) and agreed, inter alia, in respect of the procedure for public participation used at the Viewing Sub Committee, to adopt the procedure used at the main Committee. This meant that three minutes each was allowed for objectors (in total), applicant/agent (in total) and the Parish Council. Ward Members were able to speak for five minutes per individual. The procedure at site meeting prior to, and at Viewing Sub Committee is set out at Appendix 1(ii). For clarity, part 3 referring to Public Participation has had additional words added (in bold) with regard to the necessity to register to speak at the Viewing-Sub Committee.
 - 2.4. It was also clarified that if a Committee Member was unable to attend a meeting of the Viewing Sub Committee, a deputy from the same political group could be called to attend and would have full voting rights on that Sub Committee.
 - 2.5. The agreed arrangements and relevant extract of the Council's Constitution (Part 3 – Page 11) referring to the Viewing Sub Committee are set out at Appendix 1(i) (ii) to the Report.
 - 2.6. It is recommended that these arrangements are adopted for the 2007/08 Municipal Year.

3. Planning Development Control (Telecommunications) Sub-Committee

- 3.1. In accordance with the decision made by the Planning Development Control Committee on 24 May 2001 regarding appointments, all Members of the Committee are able to attend meetings of the Telecommunications Sub Committee.
- 3.2. At its meeting on 22 May 2003, the Planning Development Control Committee agreed that it would be of benefit to appoint a permanent Chairman and Vice-Chairman of the Telecommunications Sub-Committee, to assist in developing an area of expertise in this important area of the Council's work. Councillor Read was appointed as Chairman and Councillor Bennetts as Vice-Chairman for the 2006/07 Municipal Year.
- 3.3. For ease of administration on site it is usually suggested that the Chairman, Vice Chairman and at least three additional Members be invited to attend, although other members of the Committee can attend and vote if they so wish. The terms of reference of the Sub Committee are as follows and Members are reminded that the applications will be determined on site:
- (a) "To determine, on behalf of the Council, applications for determinations, and the granting or refusing of prior approvals, under Part 24 of Schedule 2 of the General Permitted Development Order 1995 in the case of applications in respect of new masts and other structures in excess of 3 metres in height above ground level, and new masts on buildings;
 - (b) To determine any of the applications under Part 24 of Schedule 2 of the General Permitted Development Order 1995 referred to the Sub-Committee by the Director of Development or by a Councillor in accordance with the Scheme of Delegation to Officers;
 - (c) To determine all planning applications in respect of development involving telecommunications apparatus".
- 3.4. It is suggested that the same procedure is adopted to that of the Viewing Sub Committee with regard to deputy Members attending, and being able to vote. Therefore if a Planning Development Control Committee Member was unable to attend a meeting of the Telecommunications Sub Committee, a deputy (of the same political group) could be called to attend and would have full voting rights on that Sub Committee.
- 3.5. Therefore it is recommended that the Committee endorse of the following suggested revision to Part 3 – Page 11 of the Council's Constitution (Responsibility for Functions).

'In the event of the unavailability of a Member to attend a Telecommunications Sub-Committee meeting, a Standing Deputy of the same political group for Planning Development Control Committee may attend and vote'.

4. OTHER APPOINTMENTS

4.1. Stockbridge Oilfield Liaison Panel

The Member appointed for the 2006/2007 Municipal Year was Councillor Johnston (Councillor Baxter as deputy).

OTHER CONSIDERATIONS:

5. CORPORATE PRIORITIES (RELEVANCE TO):

None specifically

6. RESOURCE IMPLICATIONS:

Costs associated with Member meetings.

7. BACKGROUND DOCUMENTS:

None.

APPENDICES:

Appendix 1 (i) - Extract of Constitution, Part 3 – Responsibility of Functions – Planning Development Control (Viewing) Sub Committee.

Appendix 1 (ii) – Procedure at site meeting prior to, and at Viewing Sub Committee.

Appendix 1 (i)**Extract of Constitution, Part 3 – Responsibility of Functions – Planning Development Control (Viewing) Sub Committee****Planning Development Control (Viewing) Sub-Committee**

To consider and determine those planning applications which the Planning Development Control Committee decides should first have a site visit by a group of members, unless Planning Development Control Committee decides when it is set up that it should specially report back to Committee.

NB: The Sub Committee will be appointed in accordance with:

- (a) the political balance of the Council, or;
- (b) under alternative arrangements approved by the Planning Development Control Committee from time to time.

The Sub Committee should normally include the Chairman and/or the Vice Chairman and at least three additional Members shall be invited to attend, although other members of the Committee can attend and vote if they so wish, except where the Committee decides that strict political balance be observed and has indicated accordingly.

In the event of the unavailability of a Member to attend a Viewing Sub-Committee meeting, a Standing Deputy of the same political group for Planning Development Control Committee may attend and vote.

Appendix 1 (ii)**Procedure at site meeting prior to, and at Viewing Sub Committee****At the site visit prior to the Sub Committee meeting**

Members, officers, and the Ward Member(s) will visit the site(s) (in the company of the developer) immediately prior to a Sub Committee meeting, to familiarise themselves with the site and the planning issues.

Ward Members and developers will be permitted to point out factual aspects of the site and the proposed development only, and will not be allowed to present their case (whether for or against the proposal). The developer will be encouraged to inform the Officers of the features on site that are relevant so that the Officers can point these out to Members and also to ensure the safety of Members and Officers while they are on the site. The Sub Committee may, with the consent of neighbours and at the Chairman's discretion, visit neighbouring properties to view the application site. The visiting of neighbouring sites will be coordinated by the Head of Planning Control.

The public and Parish Council representatives will not be invited to attend the site visit but may attend the subsequent Sub Committee meeting.

At the Sub Committee meeting

At the Sub Committee meeting the following procedure will apply:

1. Introduction by the Chairman.
2. Short presentation by the Head of Planning on the application and the issues that need to be addressed.
3. Public participation

Members of the public and Parish Councils are able to speak in support or object to a planning application for a period of up to 3 minutes in total. Ward Members are able to speak for a period of up to 5 minutes. At each occasion where a member of the public has given notice of their wish to object, or where the Planning Officer is recommending refusal, the applicant or their agent will have the opportunity to reply for a period of up to 3 minutes.

To speak you will need to register with the Public Speaking Co-ordinator by 4.00pm one clear working day in advance of the meeting. The closing date for registering to speak is usually detailed on the Agenda front sheet.

Public speakers who have already spoken at Committee will have the opportunity to speak again at the Viewing Sub-Committee, **but will still need to register with the Public Speaking Co-ordination by 4.00pm one clear working day in advance of the meeting.**

The Public Speaking Co-ordinator can be contacted at Winchester City Council, Development Services Department, Chesil Street, Winchester SO23 0HU - (01962) 848339

4. Members of the Sub Committee ask questions of the Head of Planning to provide clarification as appropriate.
5. Committee debate the application
6. The Head of Planning provides a summary and makes a recommendation.
7. The Sub Committee makes its decision to grant, refuse or defer the application. This is minuted and presented to the next ordinary meeting of the Planning Development Control Committee for information only.