

PLANNING DEVELOPMENT CONTROL COMMITTEE

24 MAY 2012

APPOINTMENT OF SUB-COMMITTEES ETC 2012/13

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES:

[PDC781](#) – Sub-Committees Procedures and Minor Changes to the Constitution – 11 December 2008

[PDC871](#) – Changes to the Scheme of Delegation to Officers and other Administrative Matters – 18 November 2010

[PDC899](#) – Appointment of Sub-Committees etc 2011/12 – 26 May 2011

EXECUTIVE SUMMARY:

This report recommends the continuation of the Planning Development Control (Viewing) Sub-Committee. For information, the report sets out detailed guidance on Viewing Sub-Committees, which was last agreed by Committee on 18 November 2010.

Members are also requested to note the procedures for pre-emptive site visits, set out in paragraph 3.13, and the need to set aside every Tuesday before the Thursday meetings for this purpose.

RECOMMENDATIONS:

1 That the Planning Development Control (Viewing) Sub-Committee continues to be appointed from the whole Committee, working within the existing arrangements as set out in the Report, with a quorum of three members.

2 That the Chairman and Vice Chairman of the Planning Development Control Committee also be appointed as the Chairman and Vice Chairman of the Planning Development Control (Viewing) Sub-Committee.

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DETAIL:

1. Appointments to Sub-Committees
 - 1.1 Appointments to 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 Sub-Committee using alternative arrangements, to include membership from the whole Committee.
2. Planning Development Control (Viewing) Sub-Committee
 - 2.1. Viewing Sub-Committees are appointed where a particular application gives rise to issues or circumstances that can only be fully appreciated by a site inspection.
 - 2.2. In considering Report PDC781, Members had agreed that it was not necessary for the formal meeting of the Viewing Sub-Committee in the local hall or Guildhall to receive another full officer presentation (although any relevant updates would be provided) or another round of public participation (which included Ward Member's deputations). Members had agreed that the purpose of the Viewing Sub-Committee was to view the site, not to hear the presentation and public participation again. The site visit is held immediately prior to the public meeting and Members are accompanied by officers and, on occasion, the applicant.
 - 2.3. The membership of the Viewing Sub-Committee will be all those PDC Members in attendance when the decision to convene the Sub Committee is made. This would prevent a Member (or Deputy Member) who did not attend that initial full meeting from attending the subsequent Viewing Sub-Committee and determining an application, because they would not have heard or seen all the relevant information and officer's presentation etc.
 - 2.4. The Chairman and Vice Chairman of PDC are the Chairman and Vice Chairman of the Viewing Sub-Committee.
 - 2.5. The quorum of the Sub-Committee is three members (Report CAB2031, 9 July 2010 refers).
 - 2.6. It is recommended that these arrangements continue for the 2012/13 Municipal Year.

3. The following guidance on Viewing Sub-Committees was agreed by Committee at its meeting on 18 November 2010 in relation to Report PDC871 and is set out here for completeness and Members' information only.

3.1. Extract from PDC871:

3.2. Site Visits

3.3. An informal meeting of the Planning Development Control Committee was held on 21 October 2010 and sought clarification on the position of non-City Council representatives at site visits and City Council Members who had not attended site visits. Following a discussion on these issues, the informal meeting recommended no change to the current practice and the following paragraphs are for clarification only.

3.4. Attendance of Non-Winchester City Council representatives

3.5. Following debate, the Informal Group agreed to continue the policy that only;

- the Committee,
- relevant Ward Members,
- officers, and
- the applicant (see paragraph below)

should be invited to site visits.

3.6. The Group agreed that the purpose of the site visits was for the Committee to familiarise themselves with the site, such as the relationship of the proposed development and neighbouring properties and/or access arrangements. Within that remit, there was no purpose in inviting those who were not involved in the decision-making process (such as County Council members, Parish Councils, amenity groups and neighbours) in addition to any health and safety/insurance issues that may arise.

3.7. Applicants were invited to facilitate access for the Committee to the site (which is usually private land) and to assist the Case Officer on any matters of fact that may arise. However, it was noted that any other parties were welcome to forward their concerns about an application to the Planning Case Officer and, where possible, the site visit would take these into account by (for example) viewing the site from neighbouring properties.

3.8. Attendance of Planning Development Control Committee Members at Site Visits

3.9. The Head of Legal Services advised that there were no powers to exclude a Member from determining an application if they had not attended a site visit, as the site visit itself did not form part of the formal meeting.

3.10. However, it would be good practice for Members who have not attended the site visit, but later attend the formal meeting, to publicly explain why they consider themselves to have sufficient information to be able to determine the application. For example, a Member might not have voted in favour of a site visit, but may still participate in the final decision, as they consider that they

are able to determine the application from the officers' presentation without first visiting the site.

- 3.11. It may also be possible for a Member to vote for a site visit, not attend the site visit, and yet still determine the application at the later public meeting. In these circumstances, it would be reasonable for that Member to explain that they had voted for the site visit to enable other Members to appreciate, for example, the unique qualities of the area, whilst they were personally very familiar with the site and therefore did not personally need to attend.
- 3.12. However, the guiding principle should be that it is for the Member who had not attended the site visit to publicly explain the apparent paradox of why they consider themselves able to determine an application on which the Committee had agreed a site visit was necessary.
- 3.13. Pre-emptive Site Visits
- 3.14. The informal meeting agreed with the suggestion of the Head of Planning Management that it would be possible to anticipate that certain significant applications would benefit from a site visit, prior to determination at a formal meeting. **It was therefore agreed that Members would be asked to reserve every Tuesday morning before each Thursday meeting of the full Planning Development Control Committee for such events.**
- 3.15. The Head of Planning Management would, in consultation with the Chairman, identify such applications and the site visits would be held on these Tuesday mornings. The applications would normally be determined two days later at the full Planning Development Control Committee and they would be included, with all other applications before Committee, in the Schedule of Applications for that meeting.
- 3.16. Members and relevant Ward Members would be notified of these Site Visits in the week prior, although, as they did not form part of the formal meeting, they were not subject to the usual Access to Information provisions for Council meetings.
- 3.17. The informal meeting agreed that this new arrangement would prevent duplication of meetings, saving time for Members, officers and the public alike.
- 3.18. Members who had not attended these site visits would be subject to the same guidance set out above. However, as the decision to call the site visit would have been that of the Head of Planning Management (in consultation with the Chairman), the Member may not be in a position to decide whether or not they have sufficient information to determine the application until after the officer's presentation.
- 3.19. However, the Committee should note that the quorum for the full Committee is four members, and the Tuesday site visits should therefore be attended by at least four Members of the Committee that will attend the subsequent formal meeting.
- 3.20. This new arrangement of effectively pre-empting site visits would not affect the Committee's power to refer any other applications to a meeting of the

Planning Development Control (Viewing) Sub-Committee with a site visit. However, it may now be possible to hold these meetings on the reserved Tuesdays.

OTHER CONSIDERATIONS:

4. SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

None specifically

5. RESOURCE IMPLICATIONS:

Costs associated with Member meetings.

6. RISK MANAGEMENT ISSUES

None

7. BACKGROUND DOCUMENTS:

None

8. APPENDICES

None