TOWARDS ONE COUNCIL   AGENDA ITEM NO. 12

IMPLEMENTATION EXECUTIVE
23 SEPTEMBER 2008

Joint Overview and Scrutiny Task Group
Development Control
Comments on officer report – Developing the Development Control Service

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Purpose of report

1.   To present to the Implementation Executive (IE) the views and comments of the task group set up by the Joint Overview and Scrutiny Transition Board (JOSTB) to review the officer report looking in further detail at certain aspects of the Development Control service for the new Council.

Background

2.   JOSTB first set up the task group in March 2008 to review the provision of Development Control services in Wiltshire. When conducting its review, the task group undertook a policy development role, focussing on governance arrangements and the scheme of delegation. The task group's final report was presented to JOSTB on 5 July 2008.

      At its meeting on 9 July the IE considered the report and recognised that it provided a framework and basis on which further detailed work could now be undertaken. It was agreed that further work was needed on key elements of the task groups proposals and a report was requested from officers on the following issues:

      - Membership arrangements for the proposed Area Planning Committees
      - The relationship between the proposed Strategic Planning Committee and the Area Committees
      - Call-in procedures and in particular the involvement of town and parish councils. Also the establishment of a level of representation that could trigger a call-in
      - More information in relation to the role of local design panels

3.   It was also agreed that this further report would need to be considered by the IE but that JOSTB or the task group might also like to consider this work.

Key issues

4.   The task group met on 10 September to consider the further officer report. Brad Fleet, Director of Development, was present at the meeting to discuss the report and answer questions. Also present was Mike Wilmott, Project Officer Group Lead.

5. The task group reviewed the report in detail and raised a number of issues. These were discussed with the officers and either a satisfactory explanation was given, or a revision was agreed to be made to the report. A small number of suggestions for further work were also put forward by the task group for consideration.

6. The main issues discussed included:

   - Political balance on committees: The legal advice given was that political balance would apply to the Strategic Planning Committee but not to the Area Planning Committees. A question was raised as to whether the council could choose to have both strategic and area committees politically balanced, if it wished. It was agreed further legal advice on this would be sought by the Director of Development.

   - Make-up of committees: A suggested make-up of the Strategic Planning Committee could include the chairs and vice-chairs from each of the four Area Planning Committees. However, it was recognised this would need to be determined by the Council at a later date. It was also indicated that the workload of the chairs and vice chairs may be such that it would not be possible for them to also sit on the Strategic Planning Committee.

   - Responsibilities between the Area and Strategic Planning Committees: Clarity is needed to ensure planning applications are sent to the appropriate committee. It was explained called-in planning applications could go to either the relevant Area or Strategic Planning Committees depending on the circumstances, although the vast majority will be dealt with by the Area Committees. This would be determined by the Director of Development or his designated representative.

   - Large-scale developments: It was clarified that the Strategic Planning Committee would consider all large-scale developments that have wider strategic implications AND raise issues of more than local importance. Large scale applications that do not have these wider implications would be considered by the Area Planning Committees.

   - Role of Area Planning Committees and Community Area Boards: The Area Planning Committees would be responsible for a number of planning matters of local importance including designation of conservation areas and village design statements. It was confirmed the Community Area Boards would be formal consultees in this process.

   - Boundaries: Existing area boundaries need to be maintained as far as possible for consideration of applications against approved local planning policies. If boundaries were changed it could lead to problems of different and possibly conflicting policies being applied to the same area. This issue will be resolved in time when all policies are harmonised into one single set.

   - Interim arrangements: The option to have the IE responsible for determining planning applications was supported. The use of co-opted members of regulatory committees of predecessor councils was not favoured.

- Design panels: It was confirmed that the design panel for Salisbury would continue and that work would be undertaken, probably post April 2009, on establishing similar panels for the other three areas.

- Scheme of delegation, call-in: The exclusions from call-in were considered in detail and a number of changes were agreed. Applications for householder development, listed building consents, and conservation area consents would normally be dealt with under delegated powers but could be called-in if required. Applications for advertisements, tree work, prior approvals, certificates of lawfulness and notifications would not be eligible for call-in and would be dealt with under delegated powers.

- Scheme of delegation, probity: It was requested that provision be made for planning applications made by elected members or senior officers be considered by committee, where objections had been made. This was to ensure that the highest standards of probity and transparency were maintained.

7. The suggested areas for further work included:

- A standard pro-forma be produced for member call-in. This will help members to make a call-in request.

- A number of illustrative cases be profiled to show how different types of planning applications would be handled by the committees. This will help to demonstrate the way in which the new process will work in practice.

Next steps
The report on developing the Development Control Service has been revised to take account of the comments made by the task group.

The Task Group will continue to scrutinise and comment on development control proposals coming forward, as and when required. It will report progress and issues to JOSTB and will maintain regular contact with the IE lead members, Councillor Toby Sturgis and Councillor Tony Phillips, and Brad Fleet, Director of Development.

Recommendations
The Task Group supports the revised development control report included on this agenda and there are no outstanding issues to bring to the attention of the IE.

Two suggestions for further work are outlined under Paragraph 7.

JOSTB Development Control Task Group
Fred Westmoreland – Chairman (SDC), Peter Davis (WCC), Bill Parks (WWDC), Ray Parsons (KDC), Ray Sanderson (NWDC). Supported by Paul Mountford and Marie Lindsay (WWDC)