

The Planning Code of Good Practice for members of Wiltshire Council.

Report by Brad Fleet

Purpose of report

1. To make a decision on an appropriate course of action in the light of differing views on the purpose of planning site visits which have been expressed by members of the Constitution Focus Group and the Joint Overview and Scrutiny Transition Board (JOSTB).

Background

2. The Planning Code of Good Practice has been produced to help members navigate the development control planning process and it seeks to provide guidance on a number of issues such as member interests, fettering discretion, lobbying and decision making.
3. The final version of the code will be appended to the Constitution as a useful reference document and as such, its content was reviewed by the Constitution Focus Group on the 17th of March. The comments of the group were taken on board by officers and the revised version of the code was then scrutinised by members of the JOSTB on the 27th March.
4. JOSTB in turn suggested a number of further changes, most aimed at improving the clarity of the document and of a complimentary nature to those made by the Focus Group. There was, however, one area where the views of the two groups differed. This is on the manner in which development control site visits are carried out and their purpose. On one hand, the Focus Group would like visits to be purely fact finding in nature, with no decisions being taken on site. The Focus Groups preferred text is: -

Site Visits - Members will be expected to be familiar with the site and the issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual councillor before the meeting, although Members should not enter onto a site without the consent of the owner. On no account should Members express a view on the merits of the application to anyone, including the applicant, owner or any third party.

The committee reports and officer presentations should provide ample information for members to determine applications. Very exceptionally, members at a committee may feel that a site visit is appropriate to assess the implications of the development. In these cases, consideration of the application should be deferred pending a members fact finding site visit. (The site visit will be arranged by officers and although the owner's permission will be required, there should be no dialogue with members of the public or applicant/owner during the visit) The application will then be re-listed on the following agenda.

5. On the other hand, JOSTB indicated that they wanted the site visits to be a continuation of the committee meetings, with the committee reconvening on site and determining the applications at the end of the site visit process. JOSTB preferred wording is: -

Site visits - Members will be expected to be familiar with

Exceptionally, members at a committee may feel that a site visit is appropriate to assess the implications of the development. In these cases, consideration of the application should be adjourned to an agreed date. The Committee will then reconvene at the site and after inspecting it, will determine the application. Since the meeting is a continuation of the original committee meeting, the Members present will have the authority to determine the application as they would if they were back in the Council Offices. There should be no dialogue with members of the public or applicant during the proceedings.

Conclusion

6. Officers in the five authorities have worked with both procedures but if the new council is to work in a consistent manner across the county, it will be useful if it operates its decision making process in the same manner in each of the development control hubs.
7. The first area planning committee meeting (with co-opted members) is being held on the 8th April in Chippenham so a decision is needed beforehand.
8. In most cases, officers would make a recommendation on a course of preferred action at this point in a report but in this instance, as both approaches to site visits work and there are fairly strong member advocates for both ways of working, the decision has to be democratically made by members themselves.
9. Members of the Implementation Executive are therefore asked to consider the proposals of both the Constitution Focus Group and the JOSTB and decide which form of site visit should be adopted by the new council.