

Regulatory Board and Planning Procedures

March 2007

A review by the Overview Scrutiny Committee



Scrutiny Review of Regulatory Board and Planning Procedures

March 2007

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| 1 | Executive summary. | | |
| 1.1 | The overview scrutiny committee agreed to undertake a review of Gravesham Borough Council's Regulatory Board and planning procedures. A task group of five members of the scrutiny committee carried out the review. | | for Regulatory Board members and substitutes, who should not be allowed to attend the Board as a voting member until such training has been undertaken; |
| 1.2 | Terms of reference

The terms of reference for the review were:-

To identify 'best practice' in the procedures (formal and informal) adopted in Kent and peer authorities for determining planning applications with particular reference to the operation of Regulatory Boards and if appropriate make recommendations to the Council as to how our own procedures might be improved. | 1.3.4 | That appropriate display technologies, to enhance the visualisation and understanding of site plans and photographs, be introduced at Regulatory Board meetings. |
| 1.3 | Recommendations to the Council are:- | 1.3.5 | That more information should be provided to members of the public at Regulatory Board meetings such as introductions by the Chair, nameplates for all members and officers and a single laminated A4 sheet describing what happens at the meeting placed on all seats in the public area. |
| | 1.3.1 After lengthy discussion the Scrutiny Committee agreed that the existing number of members on Regulatory Board worked well for Gravesham and a case for increasing the membership could not be made. | 1.3.6 | That more general information on the planning process is made available both online and through printed leaflets. These leaflets should give advice on such things as how a planning committee works, public speaking and other topics that help the public understand the planning process and what is expected of them when they make a planning application. |
| | 1.3.2 That Gravesham Borough Council permits members of the public to speak at Regulatory Board meetings under strict guidelines which will form part of a set of protocols to be drawn up governing the operation of the Regulatory Board; | 1.3.7 | That site inspections for member information only be instigated concurrently with the introduction of public speaking at Regulatory Board meetings. These site inspections to take place, |
| | 1.3.3 That all members of the council should be offered training in planning matters and it should be compulsory | | |

	<p>where possible, prior to regulatory board meetings and by either the joint agreement of the Chair and Shadow Chair or at the request of 3 members of the Regulatory Board. Public site meetings will cease in their current form with the new protocols to cover the detailed procedures attaching to the new arrangements;</p>	<p>Regulatory Board, the Shadow Chair of Reg Board, the Corporate Lawyer and the Head of Democratic Services and a representative from Committee Section.</p> <p>The task group visited three peer local authorities to talk with the chairs of their planning committees and to observe their committees in action. These councils were Braintree, Tunbridge Wells and Canterbury. All these councils permit members of the public to speak at their meetings.</p>
	<p>1.3.8 That a small group of members and officers is formed to draw up a set of protocols to cover all procedural aspects of the Regulatory Board, including the other recommendations contained in this report. Such protocols also to include pre-application discussions and "lobbying", with a "trigger point" for the former to be defined whereby a prospective applicant is invited/allowed to present their early ideas for large or controversial developments to all council members.</p>	<p>A questionnaire was sent to our peer authorities to identify and compare their procedures and processes with our own.</p> <p>2 Background.</p> <p>2.1 The Local Government Association in its publication Member Engagement in Planning Matters (ref 1) says "Members need to be aware of their obligation to an impartial approach. An objective consideration of material facts at the planning committee is the correct place for members to make their views, based on an impartial consideration of the evidence presented at the time."</p>
<p>1.4</p>	<p>The context in which this review was undertaken was a meeting between the Leader of the Council Councillor Burden, the Chair of Regulatory Board Councillor Meredith and the leader of the opposition Councillor Snelling to discuss the operation and administration of the Board.</p>	<p>2.2 "Planning is a complex area for anyone to engage in. Elected members have an essential role to play in delivering a planning system that, if engaged with effectively, can deliver both the needs of the current and future communities in their area." (Planning Advisory Service – Elected Members Planning Skills Framework April 2006 (ref 2)).</p>
<p>1.5</p>	<p>Evidence gathering</p> <p>Evidence gathering sessions were held with the Director (Regeneration and Regulation), the Development Control Manager, the Chair of</p>	<p>2.3 The Department for Communities and Local Government commissioned a study of Councillor Involvement in Planning Decisions (ref 3) to obtain a better understanding of the</p>

relationship between planning committees, officers and cabinet members in local authority planning decision-making. The final report, published in January 2007, found that “although around 45% of elected members are actively involved in development control decision-making in an average authority, few members of the planning committee are involved in forward planning to any meaningful extent. This has a potentially negative impact on the extent to which members feel they have ‘ownership’ of the policies which they are expected to implement through the granting or refusal of planning permission. Regular ‘policy update’ training events were also found to be beneficial to members and to the quality of their decision making. Of course, member decision-making is also influenced by a number of other factors, but the promotion of closer links between policy and development control would help to foster more consistent, planned, decision-making and potentially increase the scope for elected members to get involved in planning.”

2.4 Gravesham Borough Council's planning department receives on average 1100 planning applications per year. Of these 89% are delegated to officers for determination and less than 2% result in a site visit.

2.5 At the latest Planning User Satisfaction Survey carried out in 2006/07, as part of best value, GBC's rating for BV 111, 'Overall satisfaction with planning services by those making a planning application', was **81%**

Comparisons with other Kent authorities and our CiPFA nearest neighbours, from a similar survey carried out in 2003/04, are shown in the table below.

North Hertfordshire	83.00 %	Dover	73.00 %
Wellingborough	81.00 %	Swale	73.00 %
Havant	78.00 %	Ashford	71.00 %
Charnwood	77.00 %	Tunbridge Wells	67.00 %
Gloucester	76.00 %	Thanet	63.00 %
Ashford	71.00 %	Maidstone	57.00 %
Kettering	71.00 %	Gravesham	77.00 %
Colchester	66.00 %		
Bedford	64.00 %	Top Quartile	81.00 %
Rugby	--	Medium	
Gravesham	77.00 %	Median	74.00 %
		Kent Average	74.64 %

Top Quartile	81.00 %
Medium	
Median	74.00 %
Bottom Quartile	68.25 %
CiPFA Average	78.00 %

2.6 The Regulatory Board has 9 members (5 Labour and 4 Conservative) and meets every 4 weeks.

2.7 Members of the public are not permitted to speak at Regulatory Board meetings but can voice their opinions at site visits.

2.8 The Regulatory Board has no formal written protocol other than those in Annex 3.4 of the Council's constitution which refer to enquiries concerning planning matters and site inspections.

3	Outcome of Review.	authorities, the number of members on planning committees as a percentage of all council members averaged 44%.
3.1	<p>Comparison with Kent and peer authorities</p> <p>A questionnaire was sent to Kent and peer authorities</p> <p>Thirteen completed questionnaires were returned.</p> <p>The average membership of planning committees was 15</p> <p>The survey found that meetings can last anywhere between 1 and 4 hours with as few as 5 or as many as 20 applications being determined during this time.</p> <p>Generally meetings are held every 4 weeks</p> <p>Universally respondents said that they held regular training sessions for planning committee members. For some authorities this training is mandatory and a pre requisite for taking a place on the committee.</p> <p>Of the 13 authorities who returned completed questionnaires 12 permitted members of the public to speak at their planning committee meetings</p> <p>4 authorities held site inspections rather than public site meetings.</p> <p>Full details of the responses to the questionnaire appear in Appendix 1</p>	<p>For Gravesham this would be 19. The current Regulatory Board membership is 9 with 6 substitutes.</p> <p>Recommendation</p> <p>After lengthy discussion the Scrutiny Committee agreed that the existing number of members on Regulatory Board worked well for Gravesham and a case for increasing the membership could not be made.</p>
3.2	<p>Size of Committee</p> <p>The Department of Communities and Local Government (DCLG) commissioned research into how councillors are involved in planning decisions. The final report (ref 3) concluded that, of the case study</p>	<p>3.3 Public Speaking</p> <p>Analysis of results from our questionnaire showed that, of those who responded, all bar one permitted members of the public to speak at their planning committee meetings.</p> <p>The task group visited three of these authorities to see their planning committees in action.</p> <p>Authorities who permit members of the public to speak at meetings ask that people register their intention to speak in advance of the meeting so that some control can be put on numbers and in cases where there are large numbers wishing to speak those nearest the development site can be given preference. Most authorities limit individuals to between 3 and 5 minutes to put their point of view.</p> <p>Ward members and parish councillors can also speak usually at the discretion of the chair and in some cases under similar constraints to those placed on the members of the public.</p>

The Chair of Regulatory Board and the Head of Legal Services at Gravesham are in favour of introducing public speaking.

If public speaking at Regulatory Board meetings was introduced it would be appropriate to make changes to the format of site visits one of which would be to remove the public's right to speak at these visits. Site visits would become essentially site inspections at which members could get information from officers and address any issues arising from the planning application.

Recommendation

That Gravesham Borough Council permits members of the public to speak at Regulatory Board meetings under strict guidelines which will form part of a set of protocols to be drawn up governing the operation of the Regulatory Board.

Recommendation

That site inspections for member information only be instigated concurrently with the introduction of public speaking at Regulatory Board meetings. Site inspections will take place prior to regulatory board meetings and by the joint agreement of the Chair and Shadow Chair. Public site meetings will cease in their current form with the new protocols to cover the detailed procedures attaching to the new arrangements;

3.4 Training

All authorities agree on the need for training. The survey showed that for some councils this is mandatory for members of planning committees.

The DCLG report (ref 3) concluded that "All members of the council should receive training in planning matters and it should be compulsory for planning committee members". It also found that "Regular 'policy update' training events were found to be beneficial to members and to the quality of their decision making."

This view was supported by the discussions the task group had with members of the Regulatory Board and officers at Gravesham and at the authorities they visited during the course of this review.

Recommendation

That all members of the council should be offered training in planning matters and it should be compulsory for Regulatory Board members and substitutes, who should not be allowed to attend the Board as a voting member until such training has been undertaken;

3.5

Public information on planning procedures and the operation of planning committees.

Many authorities have systems installed that offer the opportunity to submit planning applications and to view existing applications online.

The use of electronic images of plans and sites at planning committee meetings is of considerable assistance to officers, members and the public alike.

These images are projected onto a large screen that all at the meeting can see and the planning officer can scroll through images and plans using a computer mouse. One authority the task group visited said that the introduction of electronic images of the

sites subject to planning applications had dramatically reduced the number of site visits made by their committee.

Members of the public attending Regulatory Board meetings at Gravesham members, whether a decision had been made, whether a vote had been taken and the outcome of that vote.

Two of the councils the authority visited had nameplates for officers and all members of the committee. The chair would introduce themselves and the officers at the start of the meeting.

This review revealed that the planning departments of many Kent authorities and others are publishing a wide range of information leaflets on planning. These leaflets give advice on such things as how a planning committee works, public speaking and many other topics that help the public understand the planning process and what is expected of them when they make a planning application. These leaflets are available from local authority offices and are often downloadable from their websites. Gravesham had made similar leaflets available to the public in the past.

Recommendation

An IT system to display plans and site photographs at Regulatory Board meetings is introduced.

Recommendation

More information should be provided to members of the public at Regulatory Board meetings such as introductions by the Chair, nameplates for all members and officers and a single laminated A4 sheet describing what happens at

the meeting placed on all seats in the public area.

Recommendation

More general information on the planning process is made available both online and through printed leaflets. These leaflets should give advice on such things as how a planning committee works, public speaking and other topics that help the public understand the planning process and what is expected of them when they make a planning application.

3.6 Pre application meetings and lobbying

Pre-Application Meetings

Gravesham Borough Council's constitution annex 3.4 Protocol for Relations between members of the Council and the Public, etc under section 2 Enquiries Concerning Planning matters para 2.3 states that "It is advisable for Members to avoid pre-application discussions with applicants. The most appropriate course of action is for all enquirers to be referred to the appropriate officers, without comment. **It is vital that no indication be given by Members as to the likely success or failure of an application.**"

In the recent past when large scale or controversial developments have been proposed Gravesham Borough Council has allowed the developers to give a presentation to all members of the council on their proposals. These presentations have taken place prior to an application being submitted. The task group supports this approach with the proviso that it is chaired by an officer and no views are expressed by members. Members should only be

permitted to ask questions to clarify points of concern.

A clear distinction should be drawn between the situation that pertains prior to and post application. There is evidence from background reading to the review that current planning "guidelines" suggest that to have member involvement in pre application discussions can be of great benefit in the progress of an application. Clear lines of engagement that all parties can work to need to be established and there is a wealth of guidance both nationally and from local best practice as to how this could be implemented.

Lobbying

The Local Government Association (LGA) in its publication 'Member engagement in planning matters'(ref 1) takes the view that "Lobbying is an integral part of the planning process and should not be denied to members. Both applicants and objectors should have access to their representatives."

The LGA goes on to say "planning committee members should

- Take care about expressing an opinion which may be taken as indicating that they have already made up their mind on a decision before they have had the opportunity to consider all the relevant information, evidence arguments and views
- Adopt a listening role and restrict themselves to giving procedural advice including suggesting to those lobbying that they should speak or write to the relevant officer in order that their opinion's can be included in the officer's report

- Make it clear that they will only be in a position to make a final decision after having received the officer's report and heard all the relevant evidence, arguments and views at committee"

Such "lobbying" should be recognised as part of the democratic process, but the drawing up of a set of protocols defining the Council's approach to pre application discussions and lobbying would need professional officer guidance.

Recommendation

That a small group of members and officers is formed to draw up a set of protocols to cover all procedural aspects of the Regulatory Board, including the other recommendations contained in this report. Such protocols also to include pre-application discussions and "lobbying", with a "trigger point" for the former to be defined whereby a prospective applicant is invited/allowed to present their early ideas for large or controversial developments to all council members.

References

- 1) Member Engagement in Planning Matters – Local Government Association – www.lga.gov.uk
- 2) Elected Members Planning Skills Framework – Planning Advisory Service – www.pas.gov.uk
- 3) Councillor Involvement in Planning Decisions Final Report – Department of Communities and Local Government – www.communities.gov.uk
- 4) Code of conduct for councillors and officers involved in the planning process – Hertfordshire County Council.

Appendix 1

Scrutiny Review of Regulatory Board and planning procedures.

Evidence gathering session with Kevin Burbidge, Director (Planning and Regeneration) and Clive Gilbert, Development Control Manager

Venue: Civic Centre, Gravesend
Tuesday 9 January 2007

Present: Cllrs: M Snelling
Jane Cribbon,
Rosemary Leadley,
Newell
Ken Jones

In Attendance

Mr D Finch, Corporate Policy Officer

Mr Burbidge gave the task group his thoughts on the current planning processes at GBC

- The processes within the planning department had been learnt from best practice
- He was grateful for the delegated powers from the regulatory board.
- There were quite severe time constraints for the determination of planning applications
- He had considered the issue of allowing members of the public to speak at meetings
- There could be benefits from the better management of site visits.
- Member training was very important.

Reference, throughout this evidence gathering session, was made to notes of a meeting held in August 2006 between the Leader of the Council, Councillor Burden, Chair of the Regulatory Board, Councillor Meredith and the leader of the opposition group Councillor Snelling (all members of the task group had been sent a copy of these notes).

Mr Gilbert said that the purpose of the Regulatory Board was to make good, fair decisions on planning applications - democratically, lawfully and properly. He would welcome anything that would assist in maintaining the probity and propriety of the Reg Board.

He went on to say that the speed of decision on planning applications was reflected in our BVPI performance which was good. Contrary to other authorities GBC were winning 95% of planning appeals which showed that our reg board processes were able to withstand external scrutiny.

He felt that there was scope to modify the format of meetings by adopting more modern technology and improving training opportunities for both members and officers.

He had some reservations about allowing members of the public to speak at reg board meetings. He felt that time constraints and the method by which speakers were chosen would limit the effectiveness of their contribution. He went on to say that a lot more can be gained from the freedom of individuals to speak at site visits.

Site visits were seen to be an important element of planning applications but that there was room for them to be managed more effectively particularly where highways issues were involved. Mr Gilbert thought that a case could be made for closed site visits a week before a meeting that could ensure the attendance of the right people and give the opportunity to clarify any issues that arise. His one concern with this would be that the public might have a problem with what they might perceive to be going on during any such site visit.

Mr Gilbert was asked whether there was any pressure on us to allow members of the public to speak at meetings

He replied that “No, there was no pressure from the Audit Commission, CIPFA or any other organisation to allow public speaking.”

Had he had any complaints about this?

Some agents had asked whether we allowed public speaking at reg board and had expressed surprise when told that we did not.

When an application is called in by a member - who should be allowed to speak on it, should there be a free for all?

As a general principle any democratically elected member should have the right to speak. However, any representation should be relevant and appropriate. Perhaps there is a role of the lead member for planning from each group to act as some sort of filter.

The meeting agreed that there was much scope for the introduction of advanced IT enable drawings to be displayed at meetings.

Mr Burbidge said that a new planning software package which would permit the viewing of drawings on line and would offer the opportunity to improve the presentational aspects of applications should be up and running soon.

There are nine members on reg board. Is this enough?

Reg board would benefit from a larger number of skilled experienced members to maintain the quality of debate. There should be a minimum training requirement for the members of the board.

There is a case for all members of the council to have basic training on planning particularly propriety and probity to enable them to give informed advice to their constituents.

Other issues discussed were:

- the length of reports and it was suggested that briefer policy sections

and a summary of the Human Rights Act section could be implemented to reduce the size of reports;

- the incidence of speaking on non-material or non-planning issues. Mr Gilbert suggested that feedback from members be sought on any areas relevant to planning which could be fed into policy development (sustainability standards, room sizes etc).

Scrutiny review of reg board and planning procedures - Monday January 29 2007.

Interviewees

Councillor Meredith
Councillor Theobald
Martin Goodman

Present

Councillor Snelling
Councillor Leadley
Councillor Cribbon
Councillor Jones
Councillor Newell
Doug Finch

The meeting started off with a discussion about the numbers, currently 9, of councillors on regulatory board.

The more councillors involved the more democratic representation there would be. However this had to be balanced against the desire of members of the reg board to speak and the meetings could become unacceptably long.

Whilst no one had a particularly strong view on numbers it was accepted that a regulatory board of 15 members would be the maximum and the current 9 members the minimum.

The task group sought the interviewee's views on who should speak at reg board meetings.

It was agreed that ward members and all members of the regulatory board should be allowed to discuss applications. There followed some discussion as to whether other members should be allowed to speak. It was suggested that certain applications, particularly very large developments, had a borough-wide impact and could be appropriate for input from non board members subject to strict regulation by a protocol and the agreement of the chair.

The Chair has the veto on who should speak. The idea was floated that where a ward has more than one member it might be possible to elect who would speak on behalf of that ward before the meeting. Any such arrangement would need a set of protocols laid down if this was to function efficiently and fairly.

There was a grey area around what is relative to the planning application and what is not. Many issues are raised that relate to a planning application but are not determining criteria. When everyone has spoken on an application the Chair should confirm, in his summing up, what is relative to the determination of the application.

What are your views on allowing members of the public to speak at reg board meetings?

The Chair was in favour but had had opposition from officers. Councillor Theobald said that, in his opinion, there were a couple of things to consider; firstly there was a dilemma as to who should speak and secondly at site visits anyone can speak which makes for a more open forum. He thought that allowing members of the public to speak could make the reg board meetings longer and felt that the existing balance was about right. He agreed that the recently introduced licensing panel which allowed the public to speak on applications albeit under strictly controlled conditions worked well.

Martin Goodman said that the head of legal Services, Mike Hayley, was in favour of introducing public speaking at reg board.

It was suggested that if public speaking was allowed at reg board meetings then there would be no public speaking at site visits. You could have one or the other but not both.

It seemed entirely reasonable to look at the licensing panel protocols on public speaking when considering the possible introduction of this facility at reg board.

The general view was that site visits, as they were currently organised, worked pretty well.

Large scale and strategic developments required site inspections that should be open to all councillors but closed to the public so that councillors can get a better understanding of the proposals. These site inspections should be held before the application came up at regulatory board. Some members would have difficulty with this if these inspections were to be mid week. Again it was felt that how site visits and inspections were organised should be part of any reg board protocol.

There was a discussion about site visits relating to small scale applications as to whether it would be possible to draw up a list prior to a reg board meeting. The reg board members usually had a feel for those applications that were likely to need a site visit and these could be first on the agenda so the public did not have to sit through the whole meeting to find out.

Councillors Meredith and Theobald agreed that utilising advanced technology to display plans on large screens was essential both for members and the public.

The task group and interviewees discussed the matter of member training. It was agreed that training for all members of reg board and to a lesser extent all members was desirable. Some other authorities made any such

training mandatory before a member could sit on a planning committee. It was felt that it was inappropriate to disenfranchise anyone and so any new member coming onto the reg board would have to undertake training within say 3 months. This time limit and training generally would be part of any reg board protocol. Planning officers could give give members a basic grounding in planning procedures to get them started.

The meeting then discussed application advice and lobbying. Pre application advice and discussion by members was advocated provided no opinion was expressed. Much pre application advice and discussion was held with officers.

Post application discussions were not permitted.

There were concerns about lobbying and there were strongly held views that no one sitting on reg board should talk to developers. Martin agreed that the principal, at the moment, is that we don't.

Martin Goodman was asked what he would change. He emphasised that the reg board made good decisions and its success rate with appeals was very good. However, he thought that meetings were a little too informal and that a formalised protocol that could be made available to members of the public should be introduced. He went on to say that leaflets describing a code of conduct for site visits should be available.

It was agreed that there were holes in policy, local plans were out of date and the local development framework should be in place.

One other issue raised was the lack of 'any other business' at the end of meetings. This was usually dealt with on an ad hoc basis with officers. No mechanism exists, for example, to deal with matters of planning enforcement and it was felt that there should be some facility or mechanism for including such things on the agenda.

Regulatory board review evidence gathering session -21 February 2007

Interviewees

Sue Hill and Shirley Whatmough.

Present

Cllrs. Snelling, Leadley, Newell and Jones
Doug Finch.

Sue Hill had been minuting regulatory board meetings for a number of years and during that time had had many phonecalls from members of the public who had attended regulatory board meetings saying that they couldn't hear what was being said, they didn't know who were officers and who were councillors or who had the right to vote and who didn't. The meeting agreed that having name tags identifying individuals would be a good idea. This could be implemented through a regulatory board/planning protocol.

Members of the public were also unsure as to whether a decision had been made and what that decision was. This was due to there being no clear show of hands or vocal response when a vote was taken.

There was also a lot of 'technospeak' at meetings that the public did not understand. Members of the task group said that this was also a problem for parish councillors when planning issues were discussed.

Mrs Whatmough said that Reg Board meetings will be held in the new Council Chamber where there would be a much more efficient microphone system.

Sue agreed with the evidence Martin Goodman, GBC's corporate lawyer, gave to the review when he said that he thought that the meetings were carried out in a rather too informal way.

Sue was asked whether there were any practices that could be usefully resurrected

from previous years. She said that having a leaflet explaining the workings of the reg board meetings that could be made available to members of the public before the meeting would be very useful.

She also used to attend the chairs briefing and that had been helpful. Sue added that officers from highways and building control did not regularly attend meetings and she felt that they should be present. Something else that used to be done was that the plans were posted on noticeboards and available to the public an hour before the meeting. This could be reintroduced with the use of modern technology to display the plans on flat screen monitors before and during meetings.

Sue also felt that in the past the officer input to the meetings was more proactive which tended to keep the meetings moving rather than reactive as it has been more recently.

Sue didn't think that the number of members on the committee was a particularly relevant issue.

Notes on scrutiny task group visit to Witham as part of Reg Board and planning procedures review.

Tuesday 27 February 2007.

Present:-

Councillor Snelling
Councillor Jones
Councillor Newell
Councillor Jane Cribbon.
Doug Finch Corporate Policy Officer

Witham is an area committee of Braintree District Council and has a membership of 20 councillors. The membership of the committee does not reflect the overall political complexion of the council.

The area committee does not only consider planning applications it also addresses issues raised by members of the public on such things as anti social behaviour.

Comments on planning applications and other issues are raised at Public Question Time which is an agenda item immediately after the approval of the minutes of the last meeting.

One observation the task group made was that when a member of the public spoke at question time on a planning application they felt that it might be difficult to relate their comment's to the actual discussion on the application which could come much later in the meeting.

Members of the public have to request an opportunity to speak prior to the meeting from Democratic Services and are allowed 3 minutes to speak. The question time session lasts approximately 30 minutes. A leaflet explaining how the process works is available from either of the main council offices.

Name plates for all the councillors are put out prior to the meeting. Unfortunately, due to the siting of the public gallery not all the councillor's names could be easily seen.

The Chair introduces all the officers present. There was no officer present from the legal department.

All speakers at the meeting have microphones connected to a loudspeaker system so that all present can hear what is going on.

The Chair keeps to the 3 min limit with gentle 'hurry ups' to speakers when they are likely to overrun. However, he used his discretion when appropriate.

Plans are viewed on a screen via an overhead projector.

The only planning applications put before the committee are brought by officers. The vast majority are determined under delegated authority.

Overall there was a good level of informed debate and the Chair kept the meeting moving and was able to summarise effectively when motions and amendments were

moved for voting. The Chair controlled the meeting firmly but with a sense of humour.

Scrutiny review task group visit to Tunbridge Wells on 7 March 2007

Councillor Rusbridge - Chair of Western Area Planning Committee

Councillor Mrs Paulson-Ellis – Vice Chair

Mr J Kehoe – Head of Planning Services

Councillor M Snelling

Councillor K Jones.

Doug Finch – Corporate Policy Officer

Tunbridge Wells has two area planning committees, Eastern Area and Western Area.

Each Committee has 15 members

The Western Area committee meets every 3 weeks at 2pm on Wednesdays.

The agendas are on the whole short with over 95% of applications determined under delegated powers.

Members of the public are permitted to speak at planning committee meetings. The authority has a leaflet 'Your Right to Speak at Planning Meetings' which fully describes the process. Speakers are allowed 3 minutes each and there can be a maximum of 4 supporters and 4 objectors for each application. Representatives of Parish or Town Councils are also allowed 3 minutes. Those wishing to speak have to register their intentions by 4pm on the day before the meeting.

Tunbridge Wells has also established a Planning Application Forum which applies to 'major' applications only. This forum offers the opportunity for local residents and other interested parties to present their views to Councillors, planning officers and the applicant. In order for a forum to be held certain criteria need to be met, one of which is a petition of at least 25 signatures of adult

residents living in the Borough of Tunbridge Wells. Full details of the forum are made available to the public in a leaflet.

More recently the Council has introduced and published another leaflet entitled 'Guidelines for involving the community before submitting a planning application'. With this guidance the Council seeks to encourage developers to make their proposals available to the public for comment when they submit a planning application for larger scale development.

Site inspections are held on the morning of the meeting at which the application will be discussed. These visits are for members only and officers give a presentation on the application putting it into context. The applicant may be present but is not a pre requisite.

There are regular updates on member training including question and answer sessions with officers held before every meeting. Every year a member from each of the two committees is sent to the Town and Country Planning Summer School which is a 4 day seminar and in 2007 is being held at Swansea University. Members have basic training before taking up their place on the committee.

The task group then sat in on a committee meeting.

At the start of the meeting the chair welcomed everyone, introduced himself and then all the officers present.

All committee members and officers have their respective nameplates on the table in front of them.

All applications, plans and site photographs were displayed via a laptop onto a large screen.

Following the presentation of an application the chair invites questions and then when

there are no more questions the committee can discuss the application.

There were no members of the public wishing to speak at this meeting.

Scrutiny review of regulatory board visit to Canterbury 27 March 2007

Present

Councillors Cribbon and Newell

Interviewees:

Councillor Oakeshott, Councillor Avery, Councillor Pepper and Kim Bennett Head of Development Services.

Canterbury's Development Control Committee has 18 members with 3 Co Chairs, one from each party, with each meeting having a different chair on a rotation basis.

The committee is made up of 9 Conservatives, 7 Liberal Democrats and 2 Labour councillors.

Meetings start at 7pm and usually finish between 9 and 10 but if the meeting goes on longer than this it is adjourned at 11pm. Up to 18 applications can be discussed in this time.

There is legal representation at all development control committee meetings.

Applications are considered by the committee when there are more than 3 objectors or at a member's request. 89% of applications are determined under delegated powers. Large applications and developments automatically trigger a report to the committee. Canterbury has no problem with developers giving presentations to members as this helps the planning process but members are not permitted to voice any views they may have concerning the application at this time, it is an information gathering exercise only.

Unlike other authorities we have visited during this review the members and officers do not have name plates in front of them nor does the chair introduce the officers present. Members of the public who wish to speak on an application have to register their intention to do so by 12.30 on the working day before the committee. Three objectors and three in favour are permitted to speak for no longer than 3 minutes each. Ward members and parish councillors are allowed to speak under similar constraints.

Where there are a lot of speakers on an application those nearest to the proposed development site are chosen first.

Interestingly also on the agenda are:

- "Site inspections by the Development Control (Site Visits) Panel".
- Planning Appeals. This is a report by the Head of Development Services on the decisions on planning appeals

The electronic imaging of plans and photographs of sites works extremely well. The planning officer can change images using a mouse and the members can concentrate without having to spend time sifting through hard copies to make sure they are looking at the right one. An additional benefit of the introduction of this technology was the reduction in the number of site visits made by the committee. At the meetings there is also a device similar to an overhead projector but has a digital camera that can be used to display additional plans and diagrams brought in by speakers to the meeting.

It is a requirement that all Development Control Committee members undertake training as soon as is practically possible after being appointed to the committee. Top up sessions are given by the Head of Development Services throughout the year.

Canterbury also has a site visits panel which is made up of 6 members of the Development Control Committee. This panel meets to consider requests, based on planning reasons only, for a site visit, adjourns for the visit and then reconvenes to discuss the visit and make a formal recommendation to the main Development Control committee

Appendix 2

Gravesham Borough Council Scrutiny Committee Review of planning procedures and regulatory board questionnaire

Name of Authority	Gosport	Canterbury	Medway
No of Reg Board Members	10	18 (9 for a quorum)	15
Frequency and timing of meetings	Monthly	Every 4 weeks	Every 3 weeks
On average how long do your meetings last?	1.5 hours		2-4 hours
On average how many applications are considered during this time?	12		16
Do you allow members of the public to speak at your meetings and what procedures do you have for this?	Yes – deputation procedure – 3 days before request to be made 5 minutes in support / 5 minutes against	Yes - No more than 3 persons in favour of a proposal and 3 persons against a proposal shall be entitled to speak. All persons wishing to speak shall notify the committee administrator no later than 12.30pm on the working day before the day of the meeting. All persons speaking shall be strictly limited to 3 minutes each.	No
What formal/informal arrangements have you for site meetings and site inspections?	Members may defer for site visits which are informal and usually take place the afternoon of the Board meeting.	Development Control (Site visits) panel (6 members - 3 for a quorum)	Protocols set out in our ISO procedures manual

How are these meetings/inspections called and who is invited to attend?	See above		Members request site visit – anyone with representations is invited to attend
Do you make any distinction between a site meeting and a site inspection?	No		We call them site visits : members view site considering report and third parties have the opportunity to point out their concerns
Do you have any compulsory/mandatory training given to members prior to them taking up their seat on the planning committee?	No		Members must have appropriate training before sitting on DC committee
Do you have the results of any planning satisfaction surveys you have carried out in the last 5 years that you are willing to share with us?	(03/04) BVPI 89% satisfaction	(03/04) BVPI 111 – 89%	yes

Name of Authority	Bedford Borough Council	Shepway	Braintree
No of Reg Board Members	13	13	Braintree has three Area Committees, each with all elected ward Members for that particular area. 60 Councillors in total.
Frequency and timing of meetings	Every 3 weeks at 6.30pm	Every 3 weeks	There is an Area Committee every week, one week off. Each Area Committee meets every 4 weeks.
On average how long do your meetings last?	2.5 hours	3-4 hours	Start at 19:15 and end on average around 21:30 – 22:00.
On average how many applications are considered during this time?	22	6-12	In the region of 5 to 10.
Do you allow members of the public to speak at your meetings and what procedures do you have for this?	Yes a) public question time at the beginning of the meeting. b) Right to speak scheme	Yes – 3 minutes each for applicant/agent, town/parish council ward member, one local resident objecting and one in support.	Members of the public are allowed to speak at all public Council meetings including the Area Committees. We ask people to register their intention to do so first but this does not preclude other people from being able to speak at the meeting. Each person has 3 minutes. Standing orders require Members to vote for an extension beyond the allotted 30 minutes if public question time is going to go on longer.
What formal/informal arrangements have you for site meetings and site inspections?	Formal arrangements set out in the Council's Constitution (Guidance for Councillors dealing with Planning matters)	They are purely for members to look at the site, there is no provision for representations to be made	Members rarely, if ever, defer for a site visit. Members' protocol suggests that they individually look at sites beforehand.

How are these meetings/inspections called and who is invited to attend?	Site inspections are a committee resolution Planning Committee members 7 subs, appropriate ward councillors and an officer (either service manager development control or a principal planner)	They are requested by a councillor at the meeting at which the application is proposed to be heard, they have to be proposed seconded and voted on and the motion has to be carried.	N/a
Do you make any distinction between a site meeting and a site inspection?	Yes, our committee members, having resolved to have a site visit, carry it out outside the committee meeting. ie it is an inspection not a meeting. The matter is then formally debated/determined at the next full meeting of the committee	Yes they are site inspections. Site meetings where people could speak were changed to site inspections when we brought in public speaking.	N/a
Do you have any compulsory/mandatory training given to members prior to them taking up their seat on the planning committee?	yes	We do organise formal training when there is a change to a significant number of members. ie after an election	Training – yes but not compulsory or mandatory.
Do you have the results of any planning satisfaction surveys you have carried out in the last 5 years that you are willing to share with us?	BVPI 111 85% (03/04)	We are currently undertaking one and don't have the results yet.	Not available at this stage.

Name of Authority	Kent	Swale
No of Reg Board Members	16	Planning committee 15 members
Frequency and timing of meetings	Monthly – 10am	Every 4 weeks. 7pm Thursdays
On average how long do your meetings last?	2.5 hours	3 hours
On average how many applications are considered during this time?	7	20
Do you allow members of the public to speak at your meetings and what procedures do you have for this?	Yes, for 3 rd party correspondents only – three working days notice, 5 minutes per speaker with more than one speaker at Chairman's discretion – 5 minutes right of reply by applicant/agent.	Yes. We send everyone writing to us with comments a booklet when we advise them of date of meeting. We allow up to 4 speakers – in order – Town or Parish Council rep; 1 supporter; 1 objector; then applicant/agent. Speakers have to register by noon the day before. First come first served. If several objectors we advise them to pick a spokesperson. Those committee items with public speakers are considered first. Speakers get max 3 minutes each. Stopwatch.
What formal/informal arrangements have you for site meetings and site inspections?	Agreed either at Committee following debate with no resolution or by request agreed through Chairman.	At the Planning meeting, a councillor will propose a site meeting and they vote on whether one is necessary. Sometimes Chairman proposes one right at start of meeting, they vote on the site meeting before discussion of that agenda item, or sometimes midway through discussion, when they decide they really need to look on site. If they defer for a site meeting the public speakers are asked whether they wish to speak at the meeting or less formally on site. Let them speak if they want to, but Members don't discuss the application further at this meeting. Site meetings generally held Monday morning - 10 days or so before next meeting. No resolution or vote on site. Just fact finding. Listen to anyone who attends. Members careful not to make a decision before application discussed at next meeting - under previous minutes. Members decide the application at this second formal meeting. No public speaking allowed at this meeting.

How are these meetings/inspections called and who is invited to attend?	As above – usually District and Parish Councils, applicant/agents and 3 rd party correspondents.	We write to everyone who wrote to us - straight after committee, inviting them to attend - plus appropriate officers (Kent Highway Services, EHOs etc if relevant). At the meeting Chairman asks Planning Officer to briefly summarise and update everyone on application. Then he goes round the circle of people - asking who wants to speak, starting with PC and ending with Members in turn. Gives everyone chance to speak. All walk site (without public present) Look at issues raised. Fact finding. Disperse without vote.
Do you make any distinction between a site meeting and a site inspection?	Yes – the former being a visit by Members and Officers only and the latter being with other invited parties.	Site inspection by case officer. Or by individual Members in their own time. Or by other officer on their own. Site meeting involves several people, chaired, usually by Planning Chairman.
Do you have any compulsory/mandatory training given to members prior to them taking up their seat on the planning committee?	Yes – basic planning and probity issues.	Yes. All Members must attend an evening's training session before sitting on Planning Committee.
Do you have the results of any planning satisfaction surveys you have carried out in the last 5 years that you are willing to share with us?	Yes, but unlikely to be much use for comparative purposes given different complexity and volume of work at County level.	No. Sorry.

Name of Authority	Charnwood
No of Reg Board Members	We have two Plans Committees, each comprising 13 members. We also have a Regulatory Committee of 13 members which, inter alia, considers and determines applications that have been 'determined' by one of the Plans Committees, but the decisions on which have been referred to it by 5 members of Council. Answers to the questions below apply to all 3 committees; a and b respectively, where separate.
Frequency and timing of meetings	a. They meet alternately on a 3-week cycle b. It meets on a 6-week cycle.
On average how long do your meetings last?	a. 2½ hours b. 1 hour.
On average how many applications are considered during this time?	a. 5 or 6 (approximately 94% decisions are delegated to officers) b. 1, about every other meeting.
Do you allow members of the public to speak at your meetings and what procedures do you have for this?	Yes – they have to request well in advance (i.e. before agenda publication and confirm 48 hours before meeting. if an objector asks to speak, we give the applicant the opportunity to do so as well, without their having to give prior notice. each has 5 minutes, strictly controlled. Parish Councils also have the right to speak, with the same notice procedure. Ward members have to give 24 hours notice of wishing to speak and are, similarly, limited to 5 minutes. Go to our web site for further details.
What formal/informal arrangements have you for site meetings and site inspections?	As many members as we can summon tour application sites for inspection, usually by coach, during the afternoon of the meeting day.

How are these meetings/inspections called and who is invited to attend?	They are always held – e-mail letters sent out to inform of start time and itinerary. Only members of the committee are invited to attend, no applicants or objectors. If any turn up, they are not allowed to address the members, but we are obviously not in a position to stop them listening in. Members do not discuss what they think on site.
Do you make any distinction between a site meeting and a site inspection?	As a result, we do not have site meetings.
Do you have any compulsory/mandatory training given to members prior to them taking up their seat on the planning committee?	Yes – for all committees. (a number of members sit on more than one and other members are reserves)
Do you have the results of any planning satisfaction surveys you have carried out in the last 5 years that you are willing to share with us?	2003-04 77% satisfied or very satisfied with the service.

Name of Authority	Rushmoor	Tunbridge Wells
No of Reg Board Members	Development Control committee – 11 members including chair + non-voting cabinet member.	2 Planning Committees (Eastern and Western) 15 Members on each.
Frequency and timing of meetings	Monthly	Every three weeks at 2pm
On average how long do your meetings last?	1.5-2hrs	Western – 1-2 Hours Eastern – 2-3 Hours
On average how many applications are considered during this time?	5 - 6	Western – 2-8 Eastern – 1-5
Do you allow members of the public to speak at your meetings and what procedures do you have for this?	Yes – One objecting speaker is allowed, 5 minutes on each application. 5 minutes response is also allowed to applicants.	Yes – 3 minutes for each, max 4 supporters and 4 objectors, 3 minutes for Parish Council, first come first served and these are booked through Committee Services by day before
What formal/informal arrangements have you for site meetings and site inspections?	Committee agenda advises members of likely forthcoming items at future committees. At this point members can propose and vote to carry out a site visit (giving reasons). If they decide to do so it is arranged by corporate services on Wednesday evenings in summer and Saturday mornings in winter. Members are accompanied by two officers.	Site inspections in hours before meeting. Sites to be visited agreed with Chairman. Minibus between sites.
How are these meetings/inspections called and who is invited to attend?	See above	See above – Letter sent to all Committee members for inspection only not discussion or decision.

Do you make any distinction between a site meeting and a site inspection?	No	Not held.
Do you have any compulsory/mandatory training given to members prior to them taking up their seat on the planning committee?	No	Yes
Do you have the results of any planning satisfaction surveys you have carried out in the last 5 years that you are willing to share with us?	N/A	Currently undertaking a survey at the moment.

Name of Authority	Dartford	Sevenoaks
No of Reg Board Members	17	18 - Development Control Committee
Frequency and timing of meetings	Every 4 weeks	13 times a year plus any extra meetings deemed necessary
On average how long do your meetings last?	2.5 hours	2 hours
On average how many applications are considered during this time?	15	8.2 Applications are considered on average
Do you allow members of the public to speak at your meetings and what procedures do you have for this?	Yes, one for and one against the recommendation, each allowed 3 minutes. Speakers have to register at to do so at least 3 days before the meeting.	Yes – one speaker against the application and one speaker in support of the application is allowed to speak for 3 minutes each. Speakers have to telephone or write to the Council before 5 p.m. on the day before the day of the meeting. Exceptions are made for very large developments.
What formal/informal arrangements have you for site meetings and site inspections?	No informal arrangements as such, though Members sometimes have a look at sites before meetings. The Board may defer an application for a site meeting.	There are formal arrangements for site meetings and they are booked into the calendar of meetings each year. Five members of the Committee attend site meetings on a rota basis. Members of the public who have written to the Council on an application and other interested parties such as local societies, town/parish councils, local Members etc are invited to the site meeting. There is a procedure set down for site meetings which the chairman follows. Site visits are arranged by the Development Services Team and are informally attended by an Officer of the Committee Services Team. Site visits take place before the meeting of the Development Control Committee at which the application will be considered. All members of the Committee and appropriate Officers are invited to attend together with the applicants.

How are these meetings/inspections called and who is invited to attend?	The applicant and third parties are notified and may attend and address the meeting. However, the meeting will not discuss the application and no decision is taken.	Site Meetings are agreed at Development Control Committee meetings. See above for site visits.
Do you make any distinction between a site meeting and a site inspection?	No	A site meeting makes a recommendation to the next meeting of the Committee. The site visit is held before the meeting of the Committee as mentioned before, to inform Members of the Committee.
Do you have any compulsory/mandatory training given to members prior to them taking up their seat on the planning committee?	Yes, training is arranged for all Members	No not compulsory although Members of the Committee are expected to attend the training offered.
Do you have the results of any planning satisfaction surveys you have carried out in the last 5 years that you are willing to share with us?	BVPI 111 survey in 2003-04 showed 86% satisfaction with planning service. No other surveys undertaken in last 5 years.	We have just undertaken a new survey and will supply results when they are published

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