

Regulatory & Appeals Committee Minutes

Date: 9 June 2014

Time: 7.00 - 7.53 pm

PRESENT: Councillor J A Savage (in the Chair)

Councillors M C Appleyard, A D Collingwood, R Farmer, M Hussain JP, Mrs G A Jones and B E Pearce, M E Knight.

Also in Attendance: J A Johncock and R J Scott.

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from R Gaffney, Councillor Ms P Lee and R Wilson.

2 MINUTES

RESOLVED: That the minutes of the meeting held on 10 March 2014 be approved as a true record and signed by the Chairman.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

It was noted that Councillor Collingwood was Chairman of the Standards Committee, in relation to item 5 on the agenda.

4 INTERNAL REVIEW OF PLANNING APPLICATIONS

A report was submitted which recommended that the current arrangements in place for the reference of certain planning applications to the Regulatory and Appeals committee be maintained.

The issue regarding the current process for determination of applications under the control of the Planning Committee and those being referred to the Regulatory and Appeals Committee had been mentioned at the previous meeting when it had been agreed that it would be considered in greater detail at this meeting.

The report stated that under current arrangements certain planning applications could only be determined by the Regulatory and Appeals Committee instead of the Planning Committee. This situation would only arise when the Head of Planning and Sustainability in consultation with the Chairman of the Planning Committee was

of the opinion that any decision about to be made by the Planning Committee would be “unreasonable” as set out in the National Planning Policy Guidance, and could therefore expose the Council to a substantial risk of having a costs award made against them at appeal, or if the decision was substantially inconsistent with adopted or emerging policies such that it would compromise their application or implementation.

The report also stated that at present in accordance with the Council’s Constitution approximately 97% of applications were determined under the Head of Planning’s delegated powers, with the remaining number of decisions being made by the Planning Committee itself. However the exception to this was those applications being referred to the Regulatory and Appeals Committee. It was emphasised that these were relatively small in number with a total of only 7 applications having been referred since 2007/08.

The report also summarised the reasons as to why it would be beneficial for the Council to continue with the current referral arrangements thereby rejecting the alternative options.

The Development Manager went onto elaborate on why the option of referral of applications to Full Council was not best practice, and reflecting on the recent experience of Cheshire West and Chester Council, who because they determined a series of planning applications on what were found to be unreasonable grounds had been penalised with costs awards against them of 1.5M over an 18 month time period.

Members debated the issues in some considerable detail. The vast majority of Members were of the opinion that the Planning Committee should take greater responsibility for its own decisions, without the need to constantly refer onto this Committee. It was felt that Members of Planning were highly trained with regards to planning policies/guidance and protocols and that they were fully aware of the cost implications when making decisions.

Another point of concern was that on the occasions that an application was referred, the whole case should be put forward again enabling the Committee to make a more informed decision. This would include representations from the applicant and objector, in the form of public speaking if appropriate and attendance by the local ward Member also.

Councillor Johncock (Chairman of Planning Committee) was in attendance and was given permission to speak.

He highlighted his concerns about the suggestions in the report. Whilst he agreed with the opinion that Full Council was not the best forum for the planning debate, he felt that the current referral system should be maintained. However he wished to see in addition a system in place where if the Planning Committee went against officer’s recommendations, the matter could be deferred for further officer advice as to the merits of the case. These findings could then be reported to the next scheduled Planning Committee meeting. If the Planning Committee stood by its

initial decision, it could at that stage be referred to the Regulatory and Appeals Committee.

Cllr Johncock emphasised that costs were not the overriding concern when determining applications, where it was the belief of Members that they were able to back up their decisions with clear evidence.

Members considered the issues further following Councillor Johncock's speech. It was felt that if an application was to reach the appeal stage, then the proposer and seconder of the decision should if possible contribute towards defending it. The Development Manager explained that he felt that this would be beneficial, as it would strengthen the Council's case.

RESOLVED: That the decision be deferred to enable Planning Committee to undertake further consideration on the matter, and report back to this Committee with specific proposals.

5 REFERRALS FROM STANDARDS COMMITTEE- ARRANGEMENTS FOR CONSIDERING COMPLAINTS COMPLIMENTS AND COMMENTS

A report was submitted which proposed a minor amendment to the terms of reference of the Standards Committee (Part 2A-19), to remove the responsibility for monitoring of the Council's Complaints procedure. It was recommended that this function now be transferred and incorporated by Cabinet, and that the terms of reference for Cabinet also be amended to reflect this change.

The report stated that Cabinet would monitor the complaints Procedure through an informal process via the provision of a quarterly information sheet to be circulated to the Members of Cabinet and the Standards Committee. This would remove the need for it to be reported upon at a formal meeting.

Members were informed that the Standards Committee had to date received a report on Complaints, Comments and Compliments on a quarterly basis which was considered by the Committee at its nearest meeting. However the information had been disseminated via information sheet in cases where it had been the only item on the agenda.

RECOMMENDED: That

- (i) The terms of reference of the Standards Committee (constitution reference 2A-19) be amended to remove responsibility for monitoring of the operation for the council's complaints procedure
- (ii) The terms of reference of Cabinet be amended to include responsibility for monitoring the operation of the Council's complaint procedure through an informal process, to be undertaken by the provision of quarterly information sheets to Cabinet and Members of the Standards Committee.

6 INFORMATION SHEETS

01/2014 WDC and Red Kite Community Housing. This information sheet was previously circulated.

Chairman

The following officers were in attendance at the meeting:

Ian Hunt	- Democratic Services Manager
Iram Malik	- Democratic Services Officer
Alastair Nicholson	- Development Manager
Sabah Siddiq	- Principal Solicitor (Planning)