

North Somerset Council

REPORT TO THE PLANNING & REGULATORY COMMITTEE

DATE OF MEETING: 10 DECEMBER 2014

SUBJECT OF REPORT: UPDATED CODE OF PRACTICE FOR COMMITTEE SITE INSPECTIONS

TOWN OR PARISH: ALL

OFFICER/MEMBER PRESENTING: HEAD OF DEVELOPMENT MANAGEMENT

KEY DECISION: NO

RECOMMENDATIONS

1. The Code of Practice for Committee Site Inspections as set out in Annex B to this report be **CONFIRMED** and brought into immediate effect.

SUMMARY OF REPORT

In April 2012, the Planning and Regulatory Committee introduced a procedure for the management of Committee Site Inspections. In view of the changes to the Committee system with the abolition of the Area Committees it is necessary to update the procedures. Further amendments are also proposed to give clarity to third party attendance and speaking arrangements in the light of recent experience.

1. POLICY

Maintaining efficient and effective working practices are a key part of the council's transformation programme.

2. DETAILS

From time to time the Planning and Regulatory Committees carries out committee "site inspections". As these inspections have become more common it is appropriate in the interests of openness and transparency to review and confirm their method of operation. The current arrangements agreed in April 2012 are attached as Annex A.

A Committee site inspection is convened purely to see the application site. Modelled on the format used by Planning Inspectors to consider planning appeals, no other parties are normally expected to attend or make representations to Councillors. Nevertheless, there are occasions when it is appropriate for members to receive a briefing on a planning application or to be able to ask questions of the applicant or others. In such circumstances, it may be most efficient to combine this with the site inspection arrangements and it is therefore proposed to amend the arrangements to allow for this at the Chairman's discretion.

Annex B sets out the proposed updated arrangements under which committee site inspections could be conducted and it is recommended that this is formally confirmed as a Code of Practice to guide future committees.

It is important to be clear that no decision on the planning application is undertaken at the site visit. The decision can only be taken at a formal meeting of the relevant committee.

3. CONSULTATION

The Deputy Head of Legal and Democratic Services and Deputy Monitoring Officer and relevant Development Management officers have been consulted on the proposed changes.

4. FINANCIAL IMPLICATIONS

An efficient committee site inspection enables effective use to be made of resources and reduces costs involved in extending Committee time unnecessarily.

5. RISK MANAGEMENT

An updated written procedure is required to ensure risk of legal challenge is minimised.

6. EQUALITY IMPLICATIONS

Decisions on planning applications are governed by published law and procedure. Access issues are taken into account in all planning decisions.

7 CORPORATE IMPLICATIONS

Article 6 of the Human Rights Act 1998 gives the right to a fair and public hearing.

8 OPTIONS CONSIDERED

Various alternative arrangements for members' site visits have been considered.

AUTHOR

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BACKGROUND PAPERS

Previous Committee reports and procedures

ANNEX A

THE CURRENT CODE OF PRACTICE FOR COMMITTEE SITE INSPECTIONS

Agreed by the Planning & Regulatory Committee 25 April 2012

- The purpose of a committee site inspection is for councillors to visit the site with the appropriate planning officer(s) or other technical advisers on an agreed date for the sole purpose of seeing the site of a planning or related application and viewing the proposals on the ground.
- The relevant Committee Chairman will lead the inspection and within the terms of the Code of Practice will have discretion over the way the inspection is carried out.
- No decision on the planning application can be made at the site inspection and any interested parties must be made aware of this if they so inquire.
- A planning officer will normally attend the site inspection to explain the application plans.
- Other than North Somerset councillors or officers no other parties will be invited to attend.
- With the permission of the landowner or applicant, councillors will normally go onto the application site to view the proposals.
- The site viewing points are at the discretion of the committee but officers will normally invite members to view the site from relevant positions which may include adjoining land subject to permission from the landowner
- As the purpose of the site inspection is solely to view the site, no representations will be heard from supporters of, or objectors to, the application. Objectors or supporters however may be permitted to observe the site inspection from a distance.
- Where the committee considers it wishes to hear representations from objectors, supporters, the applicant or other bodies such as the Town and Parish Council on site, the site inspection will be abandoned and the parties invited to attend a full site meeting convened for an appropriate alternative date.
- Councillors may request officers to seek clarification or further information on aspects of the proposal prior to formal consideration of the application at the Area Committee meeting.
- No formal minutes will be taken because a site inspection is purely carried out to view the application site. The officer(s) however may take informal notes of any issues or queries raised.
- The application will normally be decided at the next formal meeting of the Area Committee following the site inspection. No decision on the planning application can be made at the site inspection.

ANNEX B

THE PROPOSED CODE OF PRACTICE FOR PLANNING & REGULATORY COMMITTEE SITE INSPECTIONS

*(The proposed alterations are shown in **bold**)*

- The purpose of a committee site inspection is for councillors to visit the site with the appropriate planning officer(s) or other technical advisers on an agreed date for the sole purpose of seeing the site of a planning or related application and viewing the proposals on the ground. **It is not to replace other means of applicants, objectors or others making representations on the application (e.g.: through public speaking arrangements at Committee).**
- The relevant Committee Chairman will lead the inspection and within the terms of the Code of Practice will have discretion over the way the inspection is carried out.
- No decision on the planning application can be made at the site inspection and any interested parties must be made aware of this if they so inquire.
- A planning officer will normally attend the site inspection to explain the application plans.
- Other than North Somerset councillors relevant officers, **the applicant and representatives of the relevant Town/Parish Council (as representatives of the local community)** no other parties will normally be invited to attend. **The number of representatives of the Town/Parish Council permitted at any site inspection will normally be limited to two.**
- With the permission of the landowner or applicant, councillors will normally go onto the application site to view the proposals.
- The site viewing points are at the discretion of the committee but officers will normally invite members to view the site from relevant positions which may include adjoining land subject to permission from the landowner
- As the purpose of the site inspection is solely to view the site, **no representations will be heard from supporters of, or objectors to, the application.** Objectors or supporters however may be permitted to observe the site inspection from a distance.
- **Where a member of the committee wishes to ask questions of the applicant or the Town/Parish Council on site, this will only be permitted at the discretion of the Chairman.**
- **Where appropriate, a separate officer briefing on an application may be arranged for the Committee at a suitable venue to which the applicant, representatives of the relevant Town/Parish Council, and/or other interested parties may be invited.**
- Councillors may request officers to seek clarification or further information on aspects of the proposal prior to formal consideration of the application at the Committee meeting.
- No formal minutes will be taken because a site inspection is purely carried out to view the application site. The officer(s) however may take informal notes of any issues or queries raised.
- The application will normally be decided at the next formal meeting of the Committee following the site inspection. No decision on the planning application can be made at the site inspection.