

OVERVIEW COMMITTEE

13th May 2002

**PRESENT:-**

**Labour Group**

Councillor Bell (Chair), Councillor Richards (Vice-Chair) and Councillors Harrington and Routledge.

**Conservative Group**

Councillor Bladen.

(Councillor Bambrick was also in attendance.)

OV/36. **APOLOGY**

An apology for absence from the Meeting was received from Councillor Mrs. Robbins.

OV/37. **MINUTES**

The Open Minutes of the Meeting held on 18th March 2002 were taken as read, approved as a true record and signed by the Chair.

OV/38. **REVIEW OF THE NEW POLITICAL STRUCTURE**

Further to consideration given to this matter at the Special Meetings of the Committee held on 3rd April and 2nd May 2002, it was reported that the Meeting had now been held with the County Secretary, who had highlighted no new issues and had also agreed with the priorities determined by the Committee. He had indicated that most of the components of the Constitution were now in place and appeared to comply with statutory guidance. No further submissions were required to the Department of Transport, Local Government and the Regions and it would be necessary to publicise the adoption of the Constitution in due course.

The Committee considered a composite Action Plan based on discussions at the last Meeting and as requested, the various recommendations made by the District Auditor, Members and officers had been combined where possible and grouped under the issues identified in the District Auditor's report. The responsible officer/Member had also been inserted and the target dates for the completion of the different sections of the Action Plan were as follows:-

<b>Priority</b>	<b>Target Completion Date</b>
High	September 2002
Medium	March 2003
Low	September 2003

In this regard, it was noted that the Council anticipated a Corporate Performance Assessment during the summer of 2003. It was expected that some of the simpler changes/additions to the Constitution could be submitted to the Council on an ongoing basis from July 2002.

The implementation of the Action Plan would require contributions from both Members and officers. This would be necessary not only to ensure that the timetable was achieved but also to be certain that proposed changes were realistic, effective and owned throughout the organisation. A further practical consideration concerned the absence of a new Legal and Members' Services Manager for the foreseeable future, who would be responsible for the majority of the work involved. In this regard, it was noted that a report would be considered by the Council on 16th May 2002 relating to proposals for temporary support.

The Committee considered it appropriate to include Vice-Chairs as well as Chairs in appropriate sections for the responsible Member. Although the Action Plan dealt with outstanding issues, Members considered it appropriate to reiterate the numerous positive comments contained in the report of the District Auditor commending the Council's operation during the trial period from 1st July 2001 and also that the number and size of Committees together with the frequency of Meetings was considered acceptable. Overall, the structure adopted during the trial period had operated well.

**RESOLVED:-**

***That a report be submitted to the Council Meeting on 16th May 2002 recommending that the Action Plan be approved and its implementation be monitored by this Committee.***

OV/39. **REVIEW OF PLANNING PROCEDURES**

The Chair advised that this agenda item had arisen following his concern at the process involved in the determination of a planning application. He advised that other Members had also expressed similar concerns and the Planning Services Manager attended the Meeting and explained the various stages of the planning process to the Committee. Diagrams were circulated indicating the decision-making process in conjunction with the legal requirements and development plan policies. National guidance was also discussed, particularly Planning Policy Guidance Note 3 concerning sustainability as a principal issue.

With regard to the mechanics of an application, Mr. Birkett advised that there was a presumption to permit development unless contrary to the public interest. In his extensive experience, applications in South Derbyshire had ranged from the erection of a porch on a domestic dwelling to the Toyota development at Burnaston. Discussions with applicants involved assistance in resolving problems at the application stage with a view to avoiding unnecessary work later and at any subsequent appeal. Such discussions were sometimes confidential and it was noted that there was potential for corruption in the case of both officers and Members. In some authorities, planning officers were instructed on the basis of the recommendation but Mr. Birkett disagreed with this stance as he considered that a level of independence was required. Generally, he advised that the level of assistance provided was taken as far as possible until matters were resolved and overall, he felt that the final outcome was better for this process.

Mr. Birkett circulated details of the categories of Permitted Development together with Use Classes. He advised of the different types of permission,

namely an outline permission which was a general approval with matters reserved, a full permission where all details would have been submitted and an approval of details concerning those reserved matters following an outline permission. During initial discussions on a planning application, the Development Control Section tried to facilitate joint discussions on building control matters which covered the structural stability of a development and whether it met certain criteria for sustainability on environmental issues such as heat retention, drainage, health and safety issues, etc.

Mr. Birkett circulated a plan of the District indicating the various areas allocated to officers within the Development Control Section. Based on the current rate of applications, he reported that approximately 1500 applications were anticipated this year, which would place a severe strain on resources, corresponding to 350 cases per year per officer on the establishment. This was well above the national average. However, following an internal promotion, there was now a vacant post in the Section which would only exacerbate the current pressures. Officers tried to visit all application sites and although there was a probity issue regarding the rotation of areas between officers in the Section, any rotation in the near future was not possible due to the current workload and staffing situation.

The issue of publicity was discussed and Mr. Birkett advised that the Council's minimum requirement involved the submission of a letter to any neighbour. Larger applications required more publicity, including site notices and newspaper advertisements where appropriate. This Council tended to undertake additional publicity above the minimum necessary and it was noted that a Procedure Manual was in place for officers. Officers would visit any objectors, where appropriate, if this had been requested and the consultation letter invited residents to inspect plans in the Civic Offices or to contact an officer if this was difficult. Copies of plans were available upon the payment of an appropriate fee. The Local Member also received details of all planning applications in his/her Ward and could insist on an application being submitted to the Development Control Committee for determination. Members could also take the opportunity to discuss an application with officers. The Council had a list of statutory consultees together with an additional sixty (approx) consultees who were consulted depending on the circumstances of the application. The Council must have regard to the views of the County Highways Authority, the Environment Agency and the Parish Council and the comments of some consultees were more influential than others. The Council was required to deal with a planning application within eight weeks and this Council's current average turnaround period was approximately nine weeks. Turnover would inevitably suffer due to the high workload.

At its Meeting held on 5th March 2002, the Development Control Committee approved a scheme of delegation and it was noted that a copy of the Delegation Agreement was attached to those Minutes. This was reviewed on a two-yearly cycle and any application on which an officer or Member had reservations was submitted to the Development Control Committee for determination. Mr. Birkett expressed his pleasure at the working arrangements involved with the current Delegation Agreement. It was noted that the Government had set authorities a delegation target of 90% of applications and this Council was close to this level. The Chair of the Development Control Committee had the same rights as any other Member. Prior to a Meeting of the Committee, he was provided with a briefing meeting

with officers to answer any questions and report late correspondence and modifications to agenda reports.

Mr. Birkett outlined the material planning considerations which included planning policies, the development plan and other material considerations which he circulated to Members. He advised that Government policy prevailed over policies contained in Local Plans.

A standard report format had been adopted by the Council to the Development Control Committee which ensured that applications were dealt with in a methodical manner and the report included all issues required to be considered by Members. As discussed earlier, officers tried to resolve any problems at the application stage to avoid unnecessary work at a later stage together with any appeals and costs, where appropriate. Upon refusal of planning permission, applicants were advised of the appeal procedure and it was noted that in any event, most appellants engaged an agent who had expertise in the process. Most appellants opted for a written submission at appeal. However, Informal Hearings were sometimes held and on rare occasions, a Local Inquiry would be organised to hear an appeal. With regard to the publicity of an appeal, the Council advised all consultees and respondents to the initial application.

Finally, the Council's enforcement service was discussed and Mr. Birkett advised that the Council could not operate a pro-active service due to staffing resources. He considered that the Council had the benefit of an excellent Enforcement Officer who ensured an adequate service by responding to complaints. However, he expressed a wish for the Council to operate a pro-active service, subject to staffing resources and the Council was fortunate that the majority of applicants complied voluntarily with conditions imposed.

Members expressed their thanks to Mr. Birkett for his informative presentation and the Chair advised that any specific queries could be deferred to a future Meeting. A report on the issues raised would be prepared in due course for consideration by the relevant policy committee(s).

OV/40. **ANNUAL REPORTS**

The Committee considered the Annual Reports for this Committee, the Community Scrutiny Committee and the Corporate Scrutiny Committee. Member complimented the Policy and Best Value Manager for her work on these Reports and no comments had been received. It was noted that the Council's Constitution required Overview and Scrutiny Committees to report annually to the Council on their workings.

**RESOLVED:-**

***That the Annual Reports be recommended to the Council for approval.***

OV/41. **REPORTS OF THE COMMUNITY AND CORPORATE SCRUTINY COMMITTEES**

Councillor Richards reported on the deliberations of the Community Scrutiny Committee at its Meeting on 22nd April 2002. The Committee had discussed feedback on consultation on the draft Local Plan, the Development Control Action Plan, the Crime and Disorder Strategy, the first quarter report of the

Clean Team, the South Derbyshire Community Strategy, the Community Consultation Strategy and the Annual Report of the Committee. Councillor Bladen advised that he had received complaints regarding the length of time between the emptying of bins and it was suggested that the Community Scrutiny Committee may wish to consider issues in connection with this matter.

The Chair outlined those issues considered by the Corporate Scrutiny Committee at its Meeting held on 29th April 2002. Consideration was given to Best Value Reviews in connection with financial services and asset management and the Committee also considered Central Establishment Charges, the Corporate Plan, the Capital Strategy, the Annual Report of the Committee and 'How Green is the Council'. With regard to the latter item, the Chair advised that arrangements had been confirmed for a visit to High Peak Borough Council on 31st May 2002.

R.L. BELL

CHAIR

The Meeting terminated at 5.45 p.m.