
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	15 JANUARY 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ADRIAN KIRKHAM (EXT. 5743)	DOC:
SUBJECT:	SITE VISIT PROCEDURE AND PROTOCOL	REF:
WARDS AFFECTED:	ALL	TERMS OF REFERENCE: DC01

1.0 Reason for Exempt

1.1 Not Applicable

2.0 Recommendation

2.1 That the revised Site Visits Protocol as set out at Appendix A is adopted for all future site visits undertaken by the Development Control Committee.

3.0 Purpose of Report

- 3.1 (a) To advise members of the current policy and procedure for site visits, and,
- (b) To seek agreement to the implementation of a revised protocol for site visits undertaken by the Development Control Committee.

4.0 Detail

4.1 The current procedures for site visits were first established in 1992. They have generally served the Council well and are reproduced at Appendix B. Amongst other things, the current procedure states that:

"An opportunity was provided at the conclusion of the site visit for any person present to address any Member or informal gathering of Members on any point they wished to make prior to departure to the next site subject to the constraints of the itinerary."

This enables those who are aware of the procedure to address the members at the finish of business. However, this is not widely publicised and might be perceived to unfairly advantage those who know of the Council's practice.

4.2 Furthermore, at recent meetings applicants, objectors and third parties have addressed members on an increasingly professional and formal basis. As a consequence, officers are concerned about the potential unfairness of the current procedure. In fact this issue is now the subject of a formal complaint to the Council.

4.3 There are 2 main criticisms of the current procedure:-

- (i) The first relates to third parties, and others, who have not been afforded the opportunity to address members in any form, whilst others have been seen to have had that privilege. This has arisen particularly where members have left the application site proper in order to inspect the impact of an application from a neighbouring property. The difficulty is compounded where for example the applicant is not welcome on the neighbouring land.
- (ii) The second instance has been where third parties have addressed members in a well-prepared way that has placed other parties in a difficult situation. This is because they were not anticipating a presentation and they have been unaware of the need to prepare in advance in a similar way.

4.4 Therefore, the current system appears open to criticism and, potentially, claims for maladministration. Furthermore the Human Rights Act 1998 establishes a right for parties to have a fair hearing in the determination of their civil rights and the current procedures may not ensure that this is always the case.

4.5 One way for the Council to ensure that parties with civil rights have a fair hearing is for it to afford everyone with an interest equal rights to be heard. At present this is ensured by the written representations that are invited from all parties. If anyone is given the opportunity to address Members verbally on site, however, everyone who might wish to do so must be given an equal opportunity. Alternatively, to ensure fairness, all parties should be excluded from addressing members in the formal or semi formal arena of a site visit, even where that visit has been formally closed by the Committee Chair.

4.6 This would not stop Ward Members allowing parties etc. to engage them in conversation but it would stop the current practice of enabling individuals to speak to whoever stays to listen. In practice, this has often resulted in every Member staying to engage with matters in the same way as they did with officers before the meeting was closed.

4.7 If the Council wishes to continue with a system of allowing third parties to speak at site meetings, all parties who may want to do so, on any particular application, must be contacted and advised of the opportunity to address members at the site visit. To ensure fairness this would need to be strongly regulated so that all parties have equal chances to put their point of view. This may be difficult in the arena of a site visit where, for a variety of reasons, the order of the meeting may be interrupted, e.g. in order to see different aspects of the site. People would also need to be prevented from interjecting inappropriately, something that is difficult to achieve in a public place. Additionally, there are staffing implications to ensure that the scheme is managed and administered correctly and that everyone is informed and aware of the rules of the site visit process.

4.8 Furthermore, if the prohibition against addressing site visits in a formal manner were lifted, Members might be pressurised by their constituents to call for more site visits so as to give them a better opportunity to influence the outcome. The District Auditor has advised the Council that the present number of visits should be reduced in line with other Local Planning Authorities.

4.10 Any increase in the number of site visits coupled with a more formalised system of public address would increase the level of resources required to administer the

system. Also site visits would be longer. Even now, in winter, it is often difficult to accommodate all site visits before darkness falls. Longer visits might result in the need for separate occasions to be built into the programme so that all visits can be fitted in.

- 4.11 The most obvious way around this is to consider a policy of allowing people to address the Committee while it is in session instead of on site. This practice is rapidly becoming a performance indicator that the Government is relying on to demonstrate best value. A principal reason for not embarking on such a way forward at present is the lack of resources required to put the processes in place.
- 4.12 The other option is to review the current practice to preclude anyone from addressing the meeting in any form on the merits of the case, even officers. The sole purpose would then be to point out site features and how the proposal would affect them.
- 4.13 The District Auditor's report on Probity called for reasons for requiring site visits to be enshrined in a formal protocol so as to ensure transparency and efficiency. The model reasons set out in Appendix A are commended to Members. Subject to agreement on these reasons, if Members were to evaluate the issues carefully and quote one or other on every occasion when calling for a site visit, the potential for criticism of challenge would be much reduced. The standard reasons can be reproduced on the agenda papers of each Committee meeting so as to facilitate this practice.

5.0 Financial Implications

- 5.1 As detailed above, there are costs associated with increasing the involvement of third parties, in the decision making process. These range from the costs of administering any new system of advice and notification of all the parties to the increased amount of officer time taken to administer and attend the larger number and longer site visits. Current pressure on professional officers and administrative support would not allow for absorbing the additional workload. Current resources do not provide for this service enhancement. Attempts are being made to secure new staff through the budget process. However, even if additional staffing resources were to be obtained this may not address all the additional requirements being placed upon staff in view of the continuing increase in workloads.

6.0 Corporate Implications

- 6.1 Introducing a wider involvement in the planning process may result in the additional pressures for similar rights in other of the Council's regulatory functions.

7.0 Community/Legal Implications

- 7.1 The opportunity to address the Development Control Committee would increase community involvement in the planning process in line with the Council's aim of doing so. This is also in line with Government policy.
- 7.2 There are implications for Members in being seen to be impartial if, as a consequence of a discussion with any party on the site, they appear to have committed themselves to a conclusion on the proposal prior to the Committee Meeting.

8.0 Conclusions

- 8.1 The current procedure for site visits by the Development Control Committee is open to abuse and appears not to be working effectively as it once did.
- 8.2 The Human Rights Act 1998 has established the right to a fair hearing in the determination of a person's civil rights that may not always be provided for in the current procedures.
- 8.3 The introduction of a revised system to allow further involvement in the process will introduce additional pressures on staff that cannot be met from current levels of resources.
- 8.4 A general introduction of procedures for addressing site visits would be likely to lead to increased pressure for public speaking to be allowed at the full Committee meeting as a more equitable way of securing public confidence in the probity of the procedure.
- 8.5 Whilst difficult to enforce the most pragmatic solution for the time being would be to preclude the opportunity to address Members in any form on the site visit in any semi formal capacity.

9.0 Background Papers

- 9.1 None