

TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr Clemens

DATE: 2 October 2018

REPORT OF: Cllr Clemens (Portfolio-holder for Planning and Housing), Democratic Services, and Service Manager Development Management

SUBJECT: Call-In of Portfolio Holder Decision 12-2018
Planning Site Inspection Procedure

PART I
(Not exempt and confidential or exempt and confidential)

RECOMMENDATIONS

The Executive is recommended to consider the recommendation of the Overview and Scrutiny Committee 10 September 2018 below:-

Resolved

That the call-in be referred to the Executive with a recommendation that:

- a) Town and Parish Council's should continue to be invited to planning site inspections.
- b) Planning Services meet with Town and Parish Councils to discuss issues raised in the Portfolio Holder decision.

1. PURPOSE

Portfolio Holder decision 12-2018 has been called in by Councillor Dewhirst and supported by Councillors Connett, Cook, Cox, Evans, Keeling, Nutley, Parker and Rollason. The report of the PH Decision is appended for ease of reference. The decision seeks to amend the current planning site inspection procedure.

2. BACKGROUND

2.1 Overview and Scrutiny Committee 10 September 2018

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Councillor Dewhirst's reason for call in is:

“Site Visits are usually to gain additional onsite local information about the application. Parish and Town Councillors are by definition the most local level of democracy and therefore have the most in-depth knowledge of the application site. Often issues can be raised that only the most local councillor will be aware and so in my view it is vital that Parish Councillors be present. If there are issues with Parish Councils then training should be made available to ensure probity.”

2.2 Extract from Overview & Scrutiny Committee Minutes 10 September 2018

The Committee referred to the report circulated with the agenda, which included the Portfolio Holder decision and comments from Town and Parish Council's.

The decision that the planning site inspection procedure is amended so that Parish and Town Council representatives are no longer invited to site inspections, had been called in by Councillor Dewhirst and supported by Councillors Connett, Cook, Cox, Evans, Keeling, Nutley, Parker and Rollason. Councillor Dewhirst's reason for the call-in was detailed in the agenda report.

The Business Manager, Strategic Place advised that complaints were received from stakeholders, who are not afforded the same opportunity to attend site inspections. He referred Councillors to paragraph 2.2 of the agenda report which quoted guidance from the Local Government Association and Planning Advisory Service's publication – *Probity in Planning for Councillors and Officers*, where advice is given that *visits made by Committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters.* There is an inherent unfairness in the current procedure which opens the Council to legal challenges. Town and Parish Councils are a statutory consultee and the views of these councils are reported in Planning Committee agenda reports. The presence of representatives at site inspections affords them further opportunity to express opinions which other stakeholders are not given.

The Portfolio Holder advised that the perception of applicants, supporters and objectors of applications is that there is an unfairness with the procedure, due to the additional opportunity given to Parish and Town Councils, and that it provides a forum for lobbying. Site inspections were on the decline with only 18 in the last 15 months. In relation to declaration of interests and Parish and Town Councillors complying with the Code of Conduct, it was for Town and Parish Clerks to advise their Councillors accordingly, through the organisations that support local Councils. It was more transparent, and good practice for Parish and Town Councillors not to be present at site inspections.

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Comments raised in support of the call-in included: there was a lack of consultation on the proposed change of procedure; applicants have unfettered meetings with planning officers; additional evidence would be useful in relation to the complaints and comments received from stakeholders on the process; the Council's Town and Parish Charter advises that they participate in the site inspection procedure; and representatives could attend, give their views and then leave the inspection.

Other comments included that there was no need for Parish and Town Councils to attend site inspection because their views are included on the Planning reports circulated with Planning Committee agendas.

In response, Councillors were referred to comments of Parish and Town Councils included in the report. The Business Manager advised that past complaints had been dealt with, and the Council should have robust and good practice processes in place to avoid future complaints and challenges. The proposed change was not a criticism of local councils. Training was not the issue, but the perception that the Council's procedure is unfair and biased.

The Committee considered that the presence of Town and Parish representatives at planning site inspections resulted in a better informed debate, because the representatives would have an in-depth knowledge of the site.

Resolved

That the call-in be referred to the Executive with a recommendation that:

- a) Town and Parish Council's should continue to be invited to planning site inspections.
- b) Planning Services meet with Town and Parish Councils to discuss issues raised in the Portfolio Holder decision.

Sarah Selway
Democratic Servicers

Nick Davies, Service Manager
Development Management

Cllr Clemens
Portfolio-Holder for Planning and Housing

BELOW TO BE FILLED IN BY REPORT AUTHOR:

Wards affected	all
Contact for any more information	Nick Davies 01626 215745

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Background Papers (For Part I reports only)	Local Governments Association and Planning Advisory Service's publication – <i>Probity in Planning for Councillors and Officers</i> PH 12-2108
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	1: PH 112 - 2018 Report 2: Comments from Town and Parish Councils 3: Overview & Scrutiny Committee Report 10 September 2018