



Report for:	Council
Date of meeting:	22 February 2017
PART:	1

Title of report:	Recommended changes to Development Control Committee
Contact:	Graham Sutton, Portfolio Holder for Housing and Planning James Doe, Assistant Director, Planning Development and Regeneration Sara Whelan, Group Manager
Purpose of report:	Decision to change the constitution, scheme of delegation and committee dates
Recommendations	That Council 1) Agree the suggested changes and their inclusion in the wording of the constitution be delegated to the Solicitor for the Council 2) Agrees the changes to the DCC dates from May 2017 – May 2018 as set out in Appendix 1
Corporate objectives:	A clean, safe and enjoyable environment Building strong and vibrant communities Ensuring economic growth and prosperity Providing good quality affordable homes The changes to the constitution will allow some applications to be processed quicker and should in turn enhance the built environment Delivering an efficient and modern council The reduction in the number of council own cases presented to committee and the reduction in the number of meetings will make the meeting a more efficient process

Implications: 'Value For Money Implications'	<p>There are no financial implications arising directly from the recommendations in this report.</p> <p>The reduction in the number of council own cases presented to committee and the reduction in the number of meetings will make the meeting a more efficient process</p>
Risk Implications	<p>The risk of delegating the Council's own schemes (either on Council land or property, or proposed by the Council) which are not major proposals or have received no objections is considered acceptable and the ability for the Assistant Director, or Ward Member to refer a case for determination by Committee would still remain.</p>
Monitoring Officer/S.151 Officer Comments	<p>Monitoring Officer:</p> <p>The amendments should help the decision making process become more efficient without exposing the Council to any further risks of challenge. However, to ensure that this remains the case, officers must continue to clearly document relevant considerations and give clear reasons for decision in writing when all delegated decisions are made.</p> <p>S.151 Officer:</p> <p>There are no financial implications arising directly from the recommendations in this report.</p>
Consultees:	<p>Jim Doyle, Group Manager Democratic Services</p> <p>Mark Brookes, Solicitor to the Council, Legal Governance Management</p> <p>Christopher Gaunt, Team Leader, Legal Governance Management</p> <p>Mark Gaynor, Corporate Director, Housing and Regeneration</p> <p>James Doe, Assistant Director, Planning Development and Regeneration</p>
Background papers:	None

Background

1. This report proposes changes to the running of the Development Control Committee (DCC). The changes as set out below have been agreed by the DCC on 2 February and a direct referral has been made to Council. The changes below set out some changes to the Council's constitution, scheme of Delegation for DCC and a new set of committee cycle dates for DCC.
2. The report has been written in consultation with the Chair and Vice Chair of the Development Control Committee and the Portfolio Holder for Planning and Regeneration.

Recommended changes to constitution

3. The changes are summarised below, and have been agreed after discussion at the DCC on 2 February 2017;
 - Ward members deputation time capped to a maximum 10 minutes

- The committee meeting closes at 10pm or with a vote called by the chair a vote could be taken to carry onto 10:30pm. The meeting would absolutely close by 10:30pm and any agenda items left un heard would be deferred to the next scheduled meeting
- Development Control Committee renamed to Development Management Committee
- Remove the ability for Discharge of Condition applications to be called in to Committee as the Local Planning Authority can be penalised for delaying the determination of these applications
- Remove ability of prior notification applications to be called to Committee. These applications have a deemed consent, set out by a national grant of planning permission through legislation and strict timescales which if exceeded results in the proposal automatically benefiting from deemed consent with no input or decision from the Council. Hence, if caught up in a committee timetable may benefit from deemed consent by default
- Change to paragraph 2.3.2 (5) of the constitution to set out that only the Council's own schemes which are Major proposals (over 10 units or over 1000sqm) or applications with objections will go to DCC. Other applications may be called in by the Assistant Director of Planning Development and Regeneration, Group Manager, Development Management and Planning or the respective Ward Member.
- There is no change to the current process of Ward Members ability to call in applications 28 days from first public consultation commencement. However, the constitution should be amended to clarify that this call-in needs to be in writing. In addition, if a Ward Member considers they want to call in an application throughout a re-consultation on amended plans this would only be agreed if their concern was related to the amendments received.
- Enforcement items (2.3.3 and 2.3.4 of the constitution) should be changed so that any prosecutions, injunctions, stop notices or temporary stop notices can go ahead with sign off from the respective Group Manager or Assistant Director, rather than needed a decision at Committee. The withdrawal or variation of earlier DCC decisions would remain. A quarterly update report would be presented to the Committee. This change would expedite enforcement work and bring us more in line with other Hertfordshire authorities, six of whom already have delegated powers to prosecute.

Recommendation to reduce frequency of meetings

- Paragraph 2.2.2 of the constitution sets out that the DCC shall meet in accordance of the cycle of meetings approved annually by Council. For calendar year Jan 2016 – Dec 2016 there were seventeen DCC meetings scheduled (once every three weeks). Two of these were cancelled, as there were not enough applications to make the meeting worthwhile and of the fifteen meetings that were held, four had six or less cases. The DCC has agreed to change the frequency of meetings to once every four weeks, which would allow for twelve sessions a year. If more are needed then an emergency DCC meeting could be booked in the diary as and when needed (Please see appendix A for suggested Committee dates from May 2017 – May 2018).
- It would be more efficient for Officers and Councillors to get through a similar amount of business in fewer meetings. This would save time organising an agenda, speakers and minutes etc. of the meetings. In terms of supporting this change, it is proposed that briefings for large-scale majors be arranged a week prior to committee so that details of a large-scale proposal can be

absorbed before the meeting. In addition, case officer presentations should be succinct. If cases were not heard before 10:30pm they would be deferred to the next committee.

Recommendation and next steps

It is recommended that the suggested changes and their inclusion in the wording of the constitution be delegated to the Solicitor for the Council and that Council agrees the changes to the DCC dates from May 2017 – May 2018 as set out in Appendix 1.

Appendix 1 - Suggested Committee dates May 2017 – May 2018

2017 (Thursday 7pm start)

25 May (allows week break following 17 May Council and confirmation of Committee)

15 June

13 July

17 August

14 September (requires rescheduling of Member Development to 7 September)

12 October

16 November

14 December

2018

18 January

15 February

15 March

12 April

24 May (allows week break following 16 May Council and confirmation of Committee)