

**EXCERPT FROM DEVELOPMENT CONTROL COMMITTEE MEETING MINUTES -
6 APRIL 2017 (DCC95 2016/17)**

RESOLVED –

1. That a revised report be prepared to set out a clear final proposal taking account of the below agreed principles;

SCHEME OF DELEGATION

- When an objection is submitted this should not automatically trigger a referral to a Committee or Panel.
- A referral to a Committee or a Panel should only be made when an objection is accompanied by an explicit request to do so and in all cases the objection must form a valid material planning consideration.
- A request for a referral to a Committee or Panel from a Town or Parish Council must be accepted only from the Town or Parish Clerk or the Parish Secretary in the case of a Parish Meeting.
- A request from a Town or Parish Council must be received within 28 calendar days of notice of an application being given.
- A Town or Parish Council having requested a referral to a Committee or Panel must give an undertaking to attend the relevant meeting to explain their concerns.
- A failure on the part of a Town or Parish Council to attend a meeting on 2 occasions within a rolling six month period will result in the Town or Parish Council being excluded from requesting a referral for a three month period. The Chair of Development Control to have the discretion to waive the exclusion where circumstances justify the need.
- A Ward Councillor may request an application within their Ward, or an application in an adjacent Ward where there is a significant impact on their Ward, be referred to a Committee or Panel as long as the objection is based on a material planning consideration and received within 28 days of notice of the application being given.
- A Ward Councillor may request that an application that is not within their Ward or the adjacent Ward but within the Borough be referred to a Committee or Panel where, with the agreement of the Chair of the Development Control Committee, it is considered that there is a significant planning environmental consideration.
- Public representations in objection to an application will only trigger a referral to a Committee or Panel where;
 - In the case of a 'Minor', 'Other' or 'TPO' application there are a minimum of 5 objections from separate households are received.
 - In the case of a 'Major' application where a minimum of 20 objections from separate households are received.

- In all cases the nature of objections forms a material planning consideration.
- A procedure be proposed to allow a 'conditional' referral to Committee or Panel on a material planning consideration to be requested where should amendments to a scheme be made or conditions be applied addressing the concerns raised, the objection and request for referral can be withdrawn.

ENFORCEMENT DECISIONS

That the status quo remain and no amendments be made to the Scheme of Delegation.

RIGHTS OF WAY

- That determination of an application for a non-executive decision to carry out functions relating to public paths and rights of way including those specified under Schedule 1 of the Local Authorities (functions and responsibilities)(England) Regulations 2000 Functions be delegated to the Service Director Public Realm.
- That in all cases when an unresolved objection is received the matter be referred to the Development Control Committee for determination.

SPEAKING ARRANGEMENTS

- That a Ward Councillor be permitted to speak on any application within the Borough (subject to fulfilling request criteria).
- That a maximum of 3 public speakers in objection be permitted in respect of any single application.
- That the public speakers be selected on a 'first come first served' basis following internet publication of the agenda for the relevant application.
- That individual speakers be granted a maximum of 3 minutes each to make their statements (excluding right of reply).
- That any Group or Organisation be treated as one of the three public speakers, but more than one person may speak within the allotted time. No preference will be given to any group or organisation when allocating speaking time.
- Town or Parish Councils will retain a separate right to speak in objection or support of an application.
- Objectors to an application may ask up to a maximum of 2 questions in respect of any one application. One minute will be allocated to ask a question and will not form part of the 3 minutes allocated for speaking. No supplementary questions will be permitted and any comment on a reply will be made as a part of a speakers allocated speaking time.
- The Right of Reply be granted the accumulative time allotted to all objectors speaking to an application.
- Speakers wishing to speak in support of an application may speak as part of the time allocated for a right of reply.

- Where there are no speakers in objection, no right of reply will exist unless the officer recommendation is to refuse the application in which case 3 minutes will be allocated for that purpose.
 - A Ward Councillor may speak in support, in Objection or from a 'neutral' position but must advise the Service Director Legal and Democratic Services where they object to any element of an application so that a right of reply may be offered to the applicant (or agent).
 - That the Chair of the relevant meeting maintain the discretion to vary the speaking arrangements for an individual meeting.
2. That a review of the arrangements be conducted after a 12 month period.