

ABERDEEN CITY COUNCIL

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COMMITTEE	Development Management Sub Committee
DATE	23 August 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Development Management Sub Committee – Operation of Site Visits
REPORT NUMBER:	CG/12/079

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1. PURPOSE OF REPORT

This report seeks the Sub Committee's approval to formally adopt new procedures for the operation of site visits.

2. RECOMMENDATION(S)

The Sub Committee is recommended:-

- (a) to approve that the determination of applications which have been the subject of a site visit should be at the next scheduled meeting of the Development Management Sub Committee;
- (b) to approve that Members must attend the site visit in order to determine the application (this includes the proposing, seconding of any motion/amendment, entering the debate and voting);
- (c) to agree that any Member (Substantive Member of the Sub Committee or local Member) who wants the Sub Committee to visit a site be required to specify the planning grounds for doing so prior to a decision being made on the proposal to visit; and;
- (d) to note and adhere to the guidelines for Sub Committee site visits as detailed in the report.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

#### 4. OTHER IMPLICATIONS

None.

#### 5. BACKGROUND/MAIN ISSUES

**5.1** The Development Management Sub Committee at its meeting on 3 September, 2009 agreed that all Planning Visits would be conducted by the full Development Management Sub Committee (at that time 11 Elected Members). The full Development Management Sub Committee have, since September, 2009 considered and determined most applications subject to a site visit on site.

There have been a few logistical issues relating to determining applications on site, i.e. public accessibility to the site in question; road traffic noise; the elements etc. and one of the options for the Development Management Sub Committee to consider is whether the determination of the applications should be done at the Town House following a site visit. This would make it easier for Members to have an open and transparent debate on the matters raised at the site visit and for interested parties to properly hear that debate.

The decision could be made on the same day, immediately following the site visits, although it may be difficult to determine the time of the meeting depending on the number and nature of visits. Alternatively, the applications could be referred back to the next Sub Committee meeting. This provides a greater degree of certainty but does further delay the determination of the applications. Given the relatively small number of applications subject to site visits it is not anticipated that this would adversely affect Statutory Performance Indicators. It is, however, suggested that the situation be monitored to ensure that is the case and reviewed if necessary. This is particularly important given the Government's current proposals for planning fees whereby Councils will revert to a reduced fee if there is no significant sustained improvement in performance.

**Therefore, based on the detail above, it is recommended that the Sub Committee agree that applications which have been the subject of a site visit should be determined at the next scheduled meeting of the Development Management Sub Committee.**

**5.2** Another important issue is the need for clear and reasoned justification for site visits. In order to keep the business of the Development Management Sub Committee as timeous as possible it is suggested that when a Member proposes that a site be visited then they specify the planning grounds for doing so and why the decision can't be made based on the information in front of the Sub Committee. If the Sub Committee agree to visit the site then they will arrange a time to do so, and visit the site before determining the application (as outlined at 5.1 above).

**Based on the detail above, it is recommended that the Sub Committee agree that any Member (substantive Member of the Sub Committee or local Member) who wants the Sub Committee to visit a site has to specify the planning grounds for doing so.**

**5.3** In order to ensure continuity in terms of the decision making process and taking account of (a) the Code of Conduct requirements regarding Members only commenting on applications once all relevant information is available (“Section 7.11: You must not make public statements about a pending decision, to ensure that you are not seen to be prejudging a decision which will be made at the meeting where it can be anticipated that the information required to take a decision will be available”) and (b) the fact that applications referred for visits are often more complex and controversial and therefore require scrutiny by the full complement of Members, it is proposed that the Sub Committee introduce an arrangement whereby only Members who attend a site visit can determine the application in question. Those Members who do not attend the site visit cannot determine the application (as per the detail at 5.1 above).

**Based on the detail above, it is recommended that the Sub Committee approve that only Members who attend site visits can determine the application in question.**

## **6. Guidelines for Site Visits**

As an aide to Members who attend site visits the following guidelines have been prepared and were advised to Members at the site visits on 21 June and 2<sup>nd</sup> August, 2012. These relate to the recommendation that all applications should be determined at the next meeting of the Sub Committee.

### **Site visits**

Site visits enable Committee Members to reach an informed decision. To ensure fairness, this guidance should be observed during visits. Furthermore the Code of Conduct applies; therefore interests should be declared and Members should not attend if they have a prejudicial interest.

Site visits are not intended as an opportunity for objectors, applicants or others to lobby Members or argue their case. Members need to remain impartial; they must not appear to favour one or other party and must avoid reaching a final decision until all views have been presented at the meeting of the Development Management Sub Committee which will determine the application in question.

### **Procedure on site**

The planning officer will show Members around the area, showing relevant scheme drawings and pointing out significant features. Members may ask the planning officer factual questions but must not otherwise discuss the

application. All points should be objective relevant and material. The following procedures apply:

- Members are not permitted to hear arguments about the merits of the applications during the visit. Members should not address anybody other than each other, the Planning Officer, other Council Officers and the Committee Clerk. Members are not permitted to hear from anyone other than Council Officers unless to point out physical features.
- If the visit gives rise to excessive lobbying or demonstrations, Members may cancel the visit and arrange another in private.

**The Sub Committee are requested to note and adhere to the above guidelines.**

## 7. IMPACT

Public – the accessibility of some sites can be problematic due to the topography and terrain involved; however as they are of interest to people in the locality they are quicker to access (but not always easier to access) than the Town House. The facilities in the Town House fully comply with the Disability Discrimination Act 1995 and the Disability and the Equality Act 2010.

## 8. BACKGROUND PAPERS

Minute of Meeting of the Development Management Sub Committee of 3<sup>rd</sup> September, 2009

Standards Commission for Scotland's Code of Conduct for Councillors

## 9. REPORT AUTHOR DETAILS

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