

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub Committee
DATE	22 August 2013
ACTING DIRECTOR	Ewan Sutherland
TITLE OF REPORT	Development Management Sub Committee – Operation of Site Visits – 12 Month Review
REPORT NUMBER:	CG/13/081

1. PURPOSE OF REPORT

This report provides information for the Sub Committee to consider the procedures for the operation of its site visits as determined at the August 2012 meeting of the Sub Committee wherein it was agreed that the approved procedures be reviewed in 12 months' time.

2. RECOMMENDATION(S)

That the Sub Committee agree -

- (a) that applications which have been the subject of a site visit should be determined at the Town House immediately following the site visit (or other suitable venue as agreed by the Sub Committee); and
- (b) to consider extending the requirements for continuity in terms of decision making to instances where applications have been referred to Council for final determination and therefore agree that all members need to have a level of detail regarding the application prior to determining it at a Council meeting. An option to cover this could be the provision of sufficiently detailed maps/ plans/ photographs or video footage of the site which could be shown/ displayed at the Council meeting to assist Members.

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 23rd August 2012 agreed the following procedure in relation to site visits:

- that Members require to attend the substantive Sub Committee meeting (where the original application is considered) in order to determine any application subsequently deferred for a site visit.
- to agree that the determination of applications which have been the subject of a site visit should be on the day of the visit and on site.
- that any member (substantive Member of the Sub Committee or local Member) who wants this 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.
- to note that advice from planning officials will be available to assist Members to identify planning grounds in the advance of meetings of the Sub Committee.
- to note the general guidance for site visits (which has been altered to reflect the above decision) as follows:-
 - a) site visits enable Committee Members to reach an informed decision; to ensure fairness, this guidance should be observed during these visits. Furthermore, the Code of Conduct applies; interests should be declared and Members should not attend if they have a prejudicial interest;
 - b) 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;
 - c) procedure on site - the planning officer will show Members around the area, showing relevant scheme drawings and pointing out significant features, any other Council officers who require to address the Sub Committee will do so. Members may ask the planning officer (and any other Council officer in attendance) factual questions at this point. All points should be objective, relevant and material. Planning officers will summarise the evaluation of the application and the reasons behind the recommendations contained in the application report. The Sub Committee will then determine the application in question (by division if required) in terms of the Standing Orders of the Council. Members should not address anybody other than each other, the planning officer and the Committee Clerk;
 - d) Members are not permitted to hear from anyone other than Council officers unless to point out physical features; and
 - e) if the visit gives rise to excessive lobbying or demonstrations, Members may cancel the visit and arrange another in private”;
- that the decisions above be reviewed in a year’s time.

5.2 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 when reviewing its procedure is whether the determination of the applications should be done at the Town House following a site visit (or other venue as agreed by the Sub Committee). 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. The site visit would essentially be a fact finding exercise and the planning officer would reserve the summary of the evaluation until the meeting back in the Committee Room with debate and decision by Members thereafter. The absence of debate on site should enable the Sub Committee to give a reasonably accurate estimate of when the determination would be and depending on the nature of the visits and their location this could be imparted to all interested parties

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 if this option is approved, 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, and bearing in mind the advantages and disadvantages of both options it is recommended that the Sub Committee agree that applications which have been the subject of a site visit should be determined at the Town House immediately following the site visit (or other suitable venue as agreed by the Sub Committee).

5.3 The Sub Committee in deciding that Members require to attend the substantive Sub Committee meeting (where the original application is considered) in order to determine any application subsequently deferred for a site visit have ensured (as much as possible) continuity in terms of the decision making process, taking into account the relevant parts of the Councillors' Code of Conduct (Section 7.11) and the fact that applications referred to site visits are often more complex and controversial and therefore require scrutiny by the full complement of Members. Therefore Members have to be present at the substantive Committee, the Visit and any reconvened meeting (if this option is approved) to determine the application(s) thereafter, and that substitutes will not be allowed.

It is further recommended that the Sub Committee consider extending the continuity mentioned above in terms of decision making to instances where applications have been referred to Council for final determination and therefore agree that all members need to have a level of detail regarding the application prior to determining it at a Council meeting. Options to cover this could include all 43 members attending a site visit and whilst this would be desirable, what would be more achievable would be the provision of sufficiently detailed maps/ plans/ photographs or video footage of the site which could be shown/ displayed at the Council meeting to assist Members.

6. 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.

7. BACKGROUND PAPERS

Report to the Development Management Sub Committee on 23 August, 2012 entitled “Development Management Sub Committee – Operation of Site Visits”.

8. REPORT AUTHOR DETAILS

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