

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON THURSDAY, 20 JANUARY 2005 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley, D R Atkins,
K A Barnes, S A Bull, R N Copping, A F Dearman,
J Demonti, Mrs M H Goldspink, J Hedley,
M P A McMullen, T Milner, D A A Peek,
P A Ruffles, S Rutland-Barsby, J J Taylor,
M J Tindale, A L Warman, M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director
Peter Biggs	- Development Control Manager
Dave Cooper	- Performance Officer
Michelle Diprose	- Democratic Services Assistant
Simon Drinkwater	- Assistant Director (Law and Control)
Harvey Fairbrass	- Development Control Manager
Andrea Gilmour	- Development Control Manager
Jean Petrie	- Administration Manager
Alison Young	- Planning Enforcement Manager

527 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors N Burdett, D Richards and G Francis.

528 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed members and officers to the meeting and explained that this meeting would be held in a different format in relation to the normal Development Control Committee meetings. The meeting was to discuss the findings and recommendations of the Best Value Review on Development Control.

The Chairman advised members that their comments from tonight's meeting would be fed into a report that would be presented to a future Performance Scrutiny Committee and then to the Executive for agreement to the proposed recommendations as detailed in the report.

The Chairman advised the Committee that due to the nature of the meeting he would like to bring forward agenda item number five as Mr Rambridge who was the person involved in the Assistant Director's (Law and Control) report was present.

RESOLVED ITEMS

ACTION

529 BRIEFING NOTE ON CERTIFICATE OF LAWFULNESS OF APPLICATIONS BY MR RAMBRIDGE

The Assistant Director (Law and Control) presented a report to advise the Committee of the history of Mr Rambridge's applications and the current position, and asked the Committee to note the report.

The Assistant Director (Law and Control) advised members that since 1988, Mr Rambridge had submitted approximately 29 applications in relation to a residential annex in the garden of a residential property in Grange Road, Bishop's Stortford, that he felt he did not need permission for.

In most cases, Mr Rambridge appealed against the decision, but had been unsuccessful in the appeals. He had repeatedly questioned the validity of the Council's

decisions and tried to justify some form of financial claim against the Council, to which he had not been able to provide any evidence in support for the claim.

The Assistant Director (Law and Control) advised Members that the applications centred on the interpretation of the General Permitted Development Order 1995 that permitted the erection of certain dwellings within the curtilage of the garden.

The Assistant Director (Law and Control) gave an overview of the Schedule, Part 1 Class E of the 1995 Order.

Councillor Mrs M H Goldspink thanked officers for setting out the report clearly, and asked that in relation to the report and the Wards involved, that All Saints should also be included because Grange Road now fell into the Ward due to a subsequent boundary change.

Councillor Mrs M H Goldspink felt that Mr Rambridge had a genuine desire to help relatives in providing accommodation for them, but she felt that in relation to planning law, East Herts Council had got it right and had done the right thing.

RESOLVED – that the report be noted.

ALC

530 BEST VALUE REVIEW OF DEVELOPMENT CONTROL

The Executive Director addressed the Committee in relation to the recent Best Value Review of Development Control and the presentation of the final report that would be given by Members and officers that had been involved in the review.

In relation to the service performance, the issue of staff turnover inhibited the delivery of some of the objectives resulting in difficulty in meeting performance indicators. Therefore, a new staffing structure was currently being looked at. It was noted that the Development Control Service had been affected by a number of problems over

the past two years, in particular, high levels of staff vacancies and IT problems.

The Executive Director informed the Committee that the Comprehensive Performance Assessment (CPA) had highlighted some achievements within the Development Control Section. It had concluded that East Herts worked well in partnership with relevant organisations, although there was room for improvement.

She further reported that in January 2004, the Executive Directors took the decision to commission an urgent review of the way the service was operating, to identify the core problems and propose solutions.

The review was undertaken by the Assistant Director (Policy and Performance) and the Assistant Director (Regulatory Services) who had subsequently agreed to undertake the Interim Management of the Development Control Service.

The Executive Director also reported that the aim of the review was to address the following areas:-

- Service performance in 2003;
- Comprehensive Performance Assessment (CPA) findings;
- Fundamental Service Review agreed by Directors Board to identify problems; and
- The principles of Best Value.

In addition to the progress reported to Performance Scrutiny Committee in June 2004, the Executive Director set out four other key areas of the service that would be included in the review. These were:-

- Enforcement;

- Public perception;
- Inter-relationship of development control and other departments within East Herts Council; and
- The role and effectiveness of the Development Control Committee.

The Assistant Director (Regulatory Services) informed the Committee that the outcome of the Best Value Review needed to ensure a service that was fit for the purpose, met all targets, kept applicants and the Government happy, and kept partners and ward members informed of targets, etc.

He further stated that the process that needed to be developed had to be a robust one, which could be built upon to make uniformed decisions. The IT needed to be robust and it was felt that more use could be made of it. It was felt that the skills and knowledge were now in the right place and the need to build on the necessary performance had been acknowledged by the team.

The Planning Enforcement Manager addressed the Committee in relation to the Enforcement element of the review. She advised that the Assistant Director (Policy and Performance) had consulted with other service areas within the authority and had completed a benchmarking exercise with Maldon District Council on the operation of the service. The outcome was, that although there were good practices in place at East Herts, there were key areas where enforcement could be improved upon. Maldon District Council had a higher staff resource for enforcement and was able to deal with compliance matters quicker.

She advised that it had not always been possible due to time constraints to proceed with prosecution in some cases. With the recent appointment of the Head of Legal Services, a resource to enable more time to be spent on enforcement issues had been allocated.

It was noted that a draft enforcement policy was currently being produced.

Peter Biggs, Development Control Manager presented a short report in relation to the public perception element of the review. He informed Members of the consultation on the inter-relationship of Development Control and other departments, which found various opportunities for cross working.

In relation to the Section 106 agreements, it was felt that clearer guidelines, better monitoring and ensuring there was no missed opportunities when signing up to Section 106 agreements was needed.

A cross section of staff in Development Control and some from other service areas that were acting as a critical friend had been brought together to establish a Continuous Improvement Team (CIT).

One of the recommendations that came out of the Review was to engage regular applicants and key developers through annual agents' forums and establishing a development team approach for major schemes.

The design of the website was being looked at and improvements would be made where necessary.

An internal database to set up and monitor Section 106 agreements would be set up.

Councillor M R Alexander spoke to the Committee on behalf of the Members that were involved in the Best Value Review of the Development Control Committee.

Councillor M R Alexander advised that as well as looking at the function and role of the service it was felt that the role of the Development Control Committee should be scrutinised. This involved a review team comprising Members from the Development Control Committee and

officers. The team looked at the following areas:-

- Committee structure;
- Pre-application discussion panel;
- Committee Member site visits;
- Public presentations;
- Presentation of reports; and
- Probity issues.

In carrying out the research, visits to the following councils were conducted:-

- North Herts District Council;
- Uttlesford Council;
- Southend-on-Sea Borough Council;
- Dacorum Council; and
- Enfield Council.

It appeared all the authorities carried out electronic presentations of applications, public representations at Development Control Committee, microphones were present for all members and public speakers.

Councillor M R Alexander advised Members that due to the demographic size of East Herts, it was felt by the Review team that the size of the Committee remained the same.

Following on from the site visits, and taking into account the good practices from other authorities visited that East Herts were benchmarked with, the Review team concluded

there was room for improvement and suggested the following recommendations:-

- Electronic presentation of applications;
- Public presentations at Development Control Committee;
- Acoustics of the meeting room and layout made more user friendly;
- Minute taking at Development Control Committee enhanced;
- Invitation of external specialist advice;
- More training and support provided to Parish and Town Councils;
- Regular training sessions'
- Investigate further the feasibility of pre-application discussion panels;
- Co-ordinated site visits.

In conclusion, it was felt that the capacity and performance of the service had improved and there was a clear commitment from staff. It was felt that with a new staff structure, stability might be enhanced.

The Executive Director reiterated that the proposals in the report were only recommendations and the Review team would welcome the Committee's comments. The Committee commented as follows:-

- Councillor D A A Peek felt that some applications should be refused and not be presented before the Development Control Committee in relation to the designs of a proposed building and the issue of

them complying with the Local Plan.

- It was felt by most Members that daytime visits would be impractical, as those in employment would find it difficult to attend.
- Section 106 agreements needed to work in partnership with the County Council and more officers should be in place to monitor the agreements of Section 106.
- Some concerns were raised in relation to public representation and some Members felt that it might become a “public slanging match”. It was reiterated by the Review team that the procedure would be for a member of the public or a designated speaker to have a set time allowed. Overall, Members were supportive of the recommendation for public representation.
- Some concerns were raised over the possibility of fewer applications being determined by Committee and the quality of what was given to an application. i.e. content of report.
- Some comments were made in relation to the layout of the Waytemore Room, Bishop’s Stortford, and a suggestion was made that Development Control Committee meetings should only be held in Wallfields, Hertford, where the room was more adequate to accommodate the amount of people attending. The Committee Chairman commented that if meetings were only held in Hertford, the residents of Bishop’s Stortford would not be too happy if they had to travel to Hertford every time they wanted to attend the Development Control Committee. Therefore, it was recommended that the layout of the Waytemore Room be explored further as per the recommendation.

- Members agreed with the recommendation of an increase in staffing, although some concern was raised in relation to the costs involved. Clarification on whether the budget was already in place was sought and given.
- Members were pleased that there would be training for Town and Parish Councillors.

Following a discussion in relation to electronic presentations, some Members raised concern that this had already been agreed and was not being presented as a recommendation. It was noted that the report on page 9, point 4.19, paragraph 2 stated, “it was agreed that this would be applied to applications and will be phased in”. It was agreed by the Review team that this would be changed to “it is recommended...”

Councillor M R Alexander advised the Committee that the move to electronic document management was in line with the Implementing Electronic Government (IEG) Statement, and it was hoped that this would be in place by October 2005. He advised that although some developers would submit applications/plans electronically, there would still be some paper applications received.

The Executive Director confirmed that a protocol was currently being produced but still needed some final detail. The protocol, once complete, would be submitted to Members for approval.

The Executive Director thanked Members for their contribution in relation to the Development Control Review and stated that their input would be included within the final report.

RESOLVED – that the comments from this meeting be fed into a report that would be presented to a future Performance Scrutiny Committee and then to the Executive for agreement to the proposed

APP

recommendations as detailed in the report.

The meeting closed at 9.05 pm

Chairman
Date.....