

CARLISLE CITY COUNCIL

Report to:- **Audit Committee**

Date of Meeting:- 16 April 2012

Agenda Item No:-

Public

Title:- **CARLISLE AIRPORT UPDATE**

Report of:- **Director of Economic Development and
Director of Governance**

Report reference:- **ED.18/12 / GD.22/12**

Summary:-

Further to the meeting of Audit Committee on the 13 January 2012 this report sets out the main changes to the style and content of Development Control Committee reports and how these changes meet the objectives set out in the Action Plan. This report also provides an update on the implementation of the Action Plan.

Recommendation:-

That Members note the changes made to Committee Reports and timescales of implementation.

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3 April 2012

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 The Audit Committee received report GD.06.12 at its meeting on 13 January 2012. The committee resolved the Director of Economic Development submits a report outlining the changes which had been made to officer's reports to Development Control Committee and that an update be provided on the timescale for implementation of the action plan as referred to in Minute AUC.11/12.
- 1.2 This report sets out the main changes to the style and content of Development Control Committee reports. Over the years the content of the DC reports had increased substantially and how the reports were set out made them difficult to follow and understand the key issues for consideration. It was, therefore, decided that the reports should be reviewed.
- 1.3 The Development Control Section had a meeting with consultants Urban Vision in January 2011 to look at ways of improving the format of the Development Control Committee Reports. All Planning Officers attended and lengthy discussions took place about the most effective way to change the reports.
- 1.4 The old style committee report commenced with the reason for determination by committee, followed by:
- details of the constraints and planning policies;
 - summaries of the consultation responses and any representations received, which were often very detailed;
 - and then the planning history.
- 1.5 The details of the proposal/ officer assessment of the application were located after all of the above. The recommendation only appeared once and came towards the end of the report, which was followed by any suggested conditions or reasons for refusal.
- 1.6 The new committee report format, which came into force in June 2011, commences with the recommendation, which is followed by a list of the main issues. This is beneficial to Members as they are immediately aware of the suggested recommendation and what the main planning issues are. The report then contains details of the site, any relevant background information and details of the proposal. A summary of representations and consultation responses then follows and this is more streamlined than in the previous report. The officer's report which contains details of the relevant planning guidance/ policies against which the application is

being assessed comes after this, followed by a detailed assessment of the proposal, which is based around the main issues, identified at the start of the report. Any relevant planning history is then summarised. The detailed recommendation, with suggested conditions or reasons for refusal, is located at the end of the report.

1.7 Members were involved in the formulation of the new style committee report. They commented on a draft report and their comments helped to shape the final format. The new style report has been well received by Members and the general consensus is that it is easier to read. Positive comments have also been received from customers of the planning service. Having the main issues and recommendation clearly stated at the start of the report is beneficial and this helps Members to focus on the relevant planning issues that the Planning Officer has based his recommendation on.

1.8 The Action Plan table from report GD.06/12 has been reproduced below and an additional column has been added indicating the timescale taken to implement the Action Plan.

Recommendation	Responsibility	Evidence of action to date	Timescale
<p>1. Strengthen arrangements for safeguarding and demonstrating the integrity and transparency of the regulatory planning process and ensuring it is not unduly influenced by economic development aspirations.</p>	<p>Strategic Director and Assistant Director (Economic Development)</p>	<p>The newly appointed Assistant Director (Economic Development) and Planning Manager have revised the layout of planning reports which now clearly distinguish what is and is not material to the planning decision, and what weight to give to particular issues.</p> <p>Government guidance now makes economic development aspirations more relevant in the planning system, but the reports will advise members on this.</p> <p>The Assistant Director (Economic Development) holds regular briefings with members to ensure</p>	<p>The new layout of reports was introduced in June 2011</p> <p>The National Planning Policy Framework was published 27/3/12 and will be referenced in Committee Reports from April 2012</p> <p>Monthly ongoing</p>

		improved decision making.	
2. Ensure that planning applications do not proceed to committee stage until supported by the information that planning officers require to properly report the matter to members. It is preferable for the Council to make the correct decision later rather than the incorrect decision in the right timescale, if an application has to be deferred the reasons should be made public where possible.	Assistant Director (Economic Development) and Planning Manager	The Planning Manager ensures that Schedule B planning applications (ie those without a recommendation) are no longer taken to committee. Reasons for deferral or for an application taking longer than 20 weeks are now entered onto the Acolaid system which forms the front page of the website.	No part B reports of the schedule of applications have appeared since 30/9/2011 Additional updates will appear on the web site from April 2012
3. Ensure that where legal advice identifies issues requiring resolution, such issues are demonstrably resolved. This may involve seeking further legal advice to confirm the adequacy of actions taken.	Assistant Director (Governance) and Legal Services Manager	Internal and external legal advice is set out clearly in writing and clarified verbally where necessary. The relevant planning officer must advise the legal section if the advice is not to be followed or if there is a query over the extent of the action taken. Further legal advice will be provided at that point.	This is ongoing as and when advice is required.
4. Ensure that reports to Committee are clear on the nature of legal advice obtained and actions taken as a result. Reports to committee should include an audit trail of legal advice given and any action taken in response to legal advice.	Assistant Director (Governance) and Legal Services Manager	Not all legal advice requires inclusion in the relevant report but, when it is included, the solicitor will agree that the same has been properly reflected. Any other legal advice will be properly recorded and documented.	This is ongoing during consideration of applications and preparation of reports

<p>5. Review the existing "Members Planning Code of Good Practice" to ensure it adequately covers the requirements on officers. This will ensure that Planning Officer Reports include a clear recommendation or, exceptionally, clarify why no recommendation has been possible. Consideration should be given to developing an Officers Planning Code of Practice or an amended Officer Code of Conduct for the City Council.</p>	<p>Assistant Director (Economic Development) and Planning Manager</p>	<p>The Royal Town Planning Institute professional code of conduct covers this. All planning officers are required to be members of the RTPI and are therefore bound by the professional code of conduct.</p>	<p>Membership of the RTPI is a requirement in officers Job Specifications. Membership includes a requirement to act in accordance with the code of conduct.</p>
<p>6. Ensure important professional planning judgements receive sufficient attention and are adequately documented on a timely basis.</p>	<p>Assistant Director (Economic Development) and Planning Manager</p>	<p>The format of reports to Development Control Committee has been changed to make them clearer, more informative and to identify key issues.</p>	<p>This has been introduced since June 2011</p>
<p>7. Review the provision of specialised training for members of the Council's Development Control Committee and other committees that fulfil specific statutory roles. Written evidence should be produced to show that Members on all regulatory committees have undertaken training before they take part in the decision making process of regulatory committees.</p>	<p>Assistant Director (Governance)</p>	<p>All members of regulatory committees have to undertake mandatory training before they are permitted to sit on a regulatory committee for the first time. Annual update training is not compulsory but in view of the recommendation will now be compulsory. In addition, members of the Development Control Committee are invited to attend monthly training sessions, which are not mandatory, but records are now kept</p>	<p>Training is annual on new appointments to regulatory committees. Training is also provided if Membership changes during the democratic year.</p> <p>Annual update training is provided for Members following elections as part of the Ethical Governance programme.</p> <p>Monthly training is scheduled following programmed site</p>

		which will reveal which members regularly fail to attend.	visits and reminders when Site Visit notifications are sent.
8. Ensure that where independent legal advice is required it is obtained on a timely basis.	Assistant Director (Governance)	Internal legal advice is provided promptly in response to request from clients. Where external including any requirement for a second opinion legal advice is necessary this is obtained as soon as possible and in good time for the meeting. The planning section works in conjunction with the legal section to make sure that any request for legal advice is done in the most timely manner.	Ongoing as and when advice is required.
9. Avoid tabling important documents in Committee meetings. If, exceptionally, documents cannot be circulated in advance members must take sufficient time to properly read and consider all new information.	Chief Executive and Chairs of Committees	This will be included within the annual chairman's training which is provided. In addition, and in the meantime, the solicitor servicing the meeting will provide this advice.	From May 2012 Ongoing
10. Ensure that decisions only take into account relevant considerations and do not, for example, afford undue weight to the interests of third parties.	Chairs of Committees	This is already part of the annual chairman's training as well as the annual training for members of the committee. The solicitor and planning officer also provide this advice during the meeting.	Ongoing annually

2. CONSULTATION

- 2.1 Consultation is not applicable however Councillors have been involved in the drafting of the new report style.

3. RECOMMENDATIONS

- 3.1 That Members note the changes made to Committee Reports and timescales of implementation.

4. REASONS FOR RECOMMENDATIONS

- 4.1 Changes have already been made to the committee report style as set out in this report.

5. IMPLICATIONS

- Staffing/Resources – None
- Financial – None
- Legal – It is important that the Council should seek to ensure its decision making process is as robust as possible. In addition to the practices we have already adopted, the recommendations flowing from the Audit Commission report into Carlisle Airport will only serve to further improve our systems. Any Committee Report must give Members a thorough and balanced analysis of any application, sufficient for them to make an informed decision. The Audit Commission report also requires that appropriate legal advice is reflected properly in any report.
- Corporate – Improving the report style assists with the operation of the Council's services
- Risk Management – Best practice in reports on planning applications were considered in determining the new style as well as the recommendations of the audit investigation
- Equality and Disability – None

- Environmental – None
- Crime and Disorder – None
- Impact on Customers – Clearer information provided for customers

Impact assessments

Does the change have an impact on the following?

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative?
Does the policy/service impact on the following?	No	
Age	No	
Disability	No	
Race	No	
Gender/ Transgender	No	
Sexual Orientation	No	
Religion or belief	No	
Human Rights	No	
Health inequalities	No	
Rurality	No	

If you consider there is either no impact or no negative impact, please give reasons:

No impact as the committee reports are available to all

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If an equality Impact is necessary, please contact the P&P team.