



Leicester
City Council

MINUTE EXTRACT

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: TUESDAY, 14 JULY 2009 at 5:30 pm

P R E S E N T :

Councillor Clair - Chair
Councillor Shelton - Vice-Chair

Councillor Bayford
Councillor Chowdhury
Councillor Glover
Councillor Mayat

Councillor Bhavsar
Councillor Desai
Councillor Joshi
Councillor Wann

* * * * *

166. DECLARATIONS OF INTEREST

Members were requested to declare any interests they had in the business to be discussed on the agenda, including under the Council's Code of Practice for Development Control Decisions, and or indicate that Section 106 of the Local Government Finance Act applied to them.

No declarations of interest were received.

Under the Code of Practice for Development Control Decisions, the following declarations were made:

Councillor Bhavsar declared he had received a representation in respect of application 20090300, Tower Street.

Councillor Chowdhury declared he had received a representation in respect of application 20090300, Tower Street.

Councillor Clair declared he had received representations in respect of applications 20090093, Evington Valley Road, and 20090300, Tower Street.

Councillor Desai declared he had received representations in respect of applications 20090093, Evington Valley Road, and 20090300, Tower Street.

Councillor Glover declared she had received a representation in respect of application 20090300, Tower Street.

Councillor Joshi declared he had received a representation in respect of application 20090300, Tower Street.

Councillor Mayat declared he had received a representation in respect of application 20090300, Tower Street.

Councillor Shelton stated that, after being approached by the applicant of application 20090300, he had advised that any points or representations be made in writing to the Committee Members. Councillor Shelton also declared that he had received further representations in respect of the same application.

Councillor Wann declared he had received a representation in respect of application 20090300, Tower Street.

170. REVISIONS TO CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN DEVELOPMENT CONTROL DECISIONS

The Director of Legal Services submitted a report that enabled the necessary approvals to be made to the Council's Code of Practice for Member Involvement in Development Control Decisions.

The Committee was asked to approve the revisions proposed within the report and make any comments and delegate to the Director of Legal Services and the Director, Planning and Economic Development, in consultation with the Chair and Vice Chair, to undertake any further amendments arising from the Committee's consideration and comments from the Standards Committee prior to the final version of the Code being submitted to the Council.

Members of the Committee raised the following points:

- That in relation to the revised text at 4.4 of Appendix 1, advising that Members should avoid meetings with applicants prior to or during the processing of an application unless an officer was present, this was too prescriptive and unenforceable;
- Similarly, that the same revised text at 4.4 was contradictory, as it seemed to recommend that Members should avoid such meetings but then continued to give advice on what to do if one did take place;
- That the advice outlined within the report, particularly in relation to 4.4, was very welcome as Members have, in the past, been close to the line with applications; and
- In the instance where all Councillors from a single ward be Members on the Committee, what action could be taken when a constituent asks for advice on a planning application at surgeries;

In response to the points raised, Officers stated that:

- Members should always exercise judgement and if an applicant requested a meeting, which could be perceived as influencing the process, an Officer should be present;
- That the wording at 4.4 be amended to read 'Committee Members should not *arrange to meet...*'; and
- That in the instance where all Ward Councillors are Committee

Members, they should explain to the applicant that they cannot get involved due to their position on the Committee that will consider any application, and also advise that they contact the relevant planning Officer or neighbouring Ward Councillor for more advice on the matter;

In response to the matter of all Ward Councillors being representatives on the Planning Committee, Councillor Clair also confirmed that the Ward Councillor concerned was able to represent the applicant at the meeting as a Ward Councillor. If this option was taken up, the Ward Councillor concerned would not be able to be involved in the decision making process as a Member of a Planning Committee.

RESOLVED:

that the report and comments be NOTED.