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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 4th March, 2009 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1DX

### **PRESENT**

Councillors A Arnold, Mrs R Bailey, D Brown, Mrs H Gaddum, J Hammond, D Hough, J Macrae, B Moran, C Thorley, G M Walton, Wilkinson and J Wray

### **APOLOGIES**

Councillors P Edwards and Mrs M Hollins

### **ALSO PRESENT**

Councillor R Walker

#### **1 APPOINTMENT OF CHAIRMAN**

**RESOLVED:** That Councillor H Gaddum be appointed Chairman of the Strategic Planning Board for the remainder of the Shadow Year.

#### **2 APPOINTMENT OF VICE CHAIRMAN**

**RESOLVED:** That Councillor B Moran be appointed Deputy Chairman of the Strategic Planning Board for the remainder of the Shadow Year.

#### **3 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor P Edwards and Councillor M Hollins.

#### **4 DECLARATIONS OF INTEREST**

Members gave a general declaration of personal interest in respect of items on the agenda where an individual member was a Member of Cheshire County Council and/or one of the Borough Councils or Parish Councils. In accordance with the Code of Conduct they remained in the meeting during consideration of these items.

## 5 PLANNING COMMITTEE MEMBERSHIP AND ARRANGEMENTS

The Strategic Planning Board considered the report of the Borough Solicitor which identified the constitutional arrangements (terms of reference, roles and responsibilities) that would apply to the Strategic Planning Board and the Northern and Southern Planning Committees; and outlined those planning functions which would be delegated to officers. The Shadow Council had adopted the arrangements on 24<sup>th</sup> February 2009; which would, in turn be adopted into the Constitution of Cheshire East Council on 2<sup>nd</sup> April 2009.

During consideration of the documents, it was noted that paragraph (g) of Appendix A was superfluous and that the word 'approve' in paragraph 7 of the main report should have been 'determine'. The Board also sought clarification on the revocation powers referred to in Appendix C. In practice, revocations were rare as they carried cost consequences i.e. compensation and would be one of the matters for which officers would exercise their discretion to refer delegated matters up to the Committee.

A list of nominations for the Northern and Southern Planning Committees was tabled at the meeting. Members noted that, following publication of the lists, a Councillor had declined his nomination on the Southern Planning Committee resulting in a vacancy. The membership of the Committees was to be reappointed at Council on 2nd April, at which time the Chairman and Vice Chairman would also be determined.

As part of its role, the Strategic Planning Board had responsibility for the overview and control of the workload for each of the three Committees. To establish a baseline, which would enable the determination of planning applications within statutory deadlines, a schedule of meetings was submitted to the Board for approval to Full Council; Members also being requested to consider the timings and locations for each of the Committees.

### **RESOLVED: That -**

- a) Subject to the comments noted above, the constitutional arrangements for planning governance in respect of Cheshire East Council be noted;
- b) Nominations to the Northern Planning Committee comprise Councillors C Andrew, G Barton, T Beard, J Crockatt, H Davenport, M Hardy, T Jackson, W Livesley, A Moran, J Narroway, D Neilson, L Smetham, D Stockton, D Thompson and R West;
- c) Nominations to the Southern Planning Committee comprise Councillors D Bebbington, B Dykes, D Flude, E Howell, S Furlong, L Gilbert, J Jones, S Jones, A Kolker, S McGory, G Merry, A Richardson, R Walker and J Weatherill with one vacancy; and
- d) The Calendar of Meetings for the Strategic Planning Board, Northern and Southern Committees be approved and proposed for inclusion within the corporate calendar to be adopted by Full Council on 2<sup>nd</sup> April; meetings to be held where possible as follows - Strategic Planning Board 2pm at Sandbach; Northern Committee 2pm in Macclesfield; Southern Committee 2pm in Crewe.

## **6 PLANNING PROTOCOL**

Cheshire East Council had, on 24 February 2009 formally approved and adopted a Constitution that contained as part of its procedures, a 'Planning Protocol of Conduct in Relation to the Determination of Planning Matters'.

The protocol was reproduced on the agenda for the benefit of Members and was noted by the Strategic Planning Board.

## **7 PUBLIC SPEAKING AT COMMITTEE**

The provision of public speaking at Planning Committee was not a legal requirement but was considered to be good practice. As the application of public speaking rights had not been applied consistently across the four merging authorities, the report of the Principal Planning Officer proposed the adoption of an appropriate protocol for Cheshire East Council.

Members sought points of clarification and the following amendments to the protocol were proposed -

- Paragraph 1.2 final sentence to read "The time limit may be extended at the discretion of the Chairman", with the remaining words in the sentence to be deleted
- An explanatory note to be included at paragraph 2.4 clarifying that the issues listed were civil matters
- Wording of the first sentence in paragraph 2.5 to read, "Speakers should be aware of the law relating to slander".
- An additional paragraph to be included at 2.8 of the protocol to permit the Chairman to exercise discretion over the speaking time allowed in exceptional circumstances
- The word 'working' to be included between the phrase five days in paragraph d).
- Order of speakers in paragraphs 1.1 and 2.6 to match

Should the Strategic Planning Board be minded to approve the amendments, it was suggested that for expediency, delegated authority should be given to the Head of Planning and Policy in consultation with the Chairman of the Committee to make the necessary changes to the protocol to enable early publication to be achieved.

A discussion ensued regarding the length of time it was appropriate to allow ward members to speak given that there would be three Councillors representing each ward. Different scenarios were discussed; the Strategic Planning Board favouring a 5-minute time limit initially to be reviewed in six months time.

The Constitution of Cheshire East Council included a general provision for ten minutes public speaking and questions at the commencement of meetings, regarding general matters for which the Committee in question was responsible. Licensing Committee has requested that these general public speaking rights should not apply at meetings considering applications. The Board was asked whether it also wished to request that the general speaking rights should be disapplied; given the enhanced speaking rights for specific applications contained in the proposed protocol.

**RESOLVED: That**

- a) The Public Speaking Protocol submitted be approved and adopted by the Strategic Planning Board and the Northern and Southern Planning Committees with effect from 1 April 2009;
- b) Governance and Constitution Committee be requested to consider an amendment to Procedure Rule 35 of the Constitution to waive the provision for members of the public to ask questions and speak at the commencement of meetings of the Strategic Planning Board and the Planning Committees; and
- c) Delegated authority be granted to the Head of Planning and Policy in consultation with the Chairman of the Strategic Planning Board to make the necessary amendments to the protocol.

**8 CALL IN PROCEDURE AND SITE INSPECTION PROTOCOL**

To promote open and transparent decision making, Members of the authority would be able to request that planning applications which would be dealt with by officers under delegated powers could be called before a Committee. The process by which this was to be facilitated was submitted to the Strategic Planning Board for consideration. A number of minor corrections to the protocol would be required; which officers undertook to complete prior to publication.

A second document; which would govern the procedure which would apply to site inspections was also submitted for consideration; paragraph 1.3 suggesting that, as a rule, inspections would be arranged for the Friday prior to meetings of the three Committees. The Strategic Planning Board considered that this was too restrictive and that the date and time of site inspections should be agreed by the Chairman of the Strategic Planning Board and the Planning Committees.

The following amendments were also proposed –

- Paragraph 1.7 Final sentence to read “Transport will be provided as appropriate”
- The word three to be changed to four in paragraph 1.2.1
- Clarification be included under paragraph c) to ensure that a right of audience applied to parish councils

**RESOLVED: That**

- a) The Call In Procedure appended to the report be approved and adopted with immediate effect for applications to be determined from 1 April 2009; and
- b) The Site Inspection Protocol appended to the report be approved and adopted subject to the above amendments with effect from 1 April 2009.

## **9 ENFORCEMENT PROTOCOL**

The Strategic Planning Board was invited to consider a draft planning enforcement policy, which would, if approved, become operational from 1 April 2009.

An enforcement hierarchy had been set out in the document (Table 1) that would govern how complaints would be dealt with. A Member commented that provision had not been included in the protocol to ensure that Councillors were kept informed of some forms of action being taken and to this end, it was proposed that delegated authority be given to the Head of Planning and Policy in consultation with the appropriate Portfolio Holder and Chairman of the Committee to draw up a reporting procedure for inclusion within the protocol.

Consideration was also given as to how frequently update reports should be placed before Members and the Strategic Planning Board requested that in the first instance, an initial report be submitted to the Board's April meeting with quarterly reports thereafter.

The third paragraph on page four of the protocol began "Upon receipt of a reported breach". The Strategic Planning Board considered that it was necessary to include a point of clarification in the document to stipulate in what format(s) complaints could be submitted.

### **RESOLVED: That**

- a) The Enforcement Protocol appended to the report be approved and adopted with effect from 1 April 2009; and
- b) Delegated authority be granted to the Head of Planning and Policy in consultation with the appropriate Portfolio Holder and Chairman of the Strategic Planning Board to draw up a reporting procedure for inclusion within the protocol.

## **10 DATE OF NEXT MEETING**

The date for the next meeting of the Strategic Planning Board had been scheduled for Wednesday 25 March at 2.30pm, which coincided with an Honorary Aldermen Ceremony being held at Crewe and Nantwich Borough Council. At the request of some Members, it was agreed that, if possible, the meeting be moved to the morning of the 25th, the venue to remain as Alsager Civic Centre.

The meeting commenced at 2.30pm and concluded at 4.15pm

Signed .....  
Chairman Councillor H Gaddum

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