



Public Participation in Development Control

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Report to the City Council

Public Participation in Development Control

Further copies of this report can be obtained from:

Scrutiny Support Officer: **Ajmal Hussain**

☎: **0121 303 1520**

E-mail: Ajmal.hussain@birmingham.gov.uk

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Public Participation in Development Control

Contents

Contents	2
Preface	3
1: Summary	4
2: Summary of Recommendations	6
3: Introduction	8
3.1 Introduction	8
3.2 Terms of Reference	8
3.3 Method of Investigation	9
4: Findings	11
4.1 The Development Control Committee and the Planning Service	11
4.2 Inviting Public Involvement	15
4.3 Service Improvements Introduced and Planned	15
4.4 Service Users	17
5: Conclusions and Recommendations	19
5.1 Overall Conclusions	19
5.2 Service Improvements	20
5.3 The Role of Members of the Council	21
5.4 Decentralised Decision Making	22
5.5 Progress on Implementation	24
Appendix 1: Schedule Summarising Written Evidence	25
Appendix 2: Witnesses Appearing Before the Committee	29
Appendix 3: Suggested Improvements Arising From Evidence and Discussions	30
A3.1 Advice and Guidance	30
A3.2 Plans Availability	30
A3.3 Consultations	30



Public Participation in Development Control

Preface

By Councillor Sue Anderson

Chair, Public Participation in Development Control Task and Finish
Overview and Scrutiny Committee



Nobody who has served as a Councillor can be unaware of the importance of development control decisions to the general public as well as to those making planning applications. Proposals and decisions can create controversy on scales ranging from a pair of neighbours to hundreds of people or more. All sides in any particular debate may hold their views with equal conviction and express them with passion and force. The Development Control Committee, supported by the officers from the Planning Service, have difficult jobs to do. Their decisions must be taken according to clear legal principles which delineate what are and are not proper planning matters, and must be taken in a way which is seen to be open, fair, and based squarely on the material facts and policies involved in the particular case.

So it is necessary to keep a distance between decision makers and officers on the one hand and concerned objectors and applicants on the other. An unfortunate side effect can be that this is perceived as a lack of interest, coldness, or arrogance – perceptions which in many Members' experience can colour citizens' picture of "the planners" and indeed of the City Council as a whole. Government targets for planning emphasise speed of decision making. We can all agree that this is desirable, but speed is not the most important factor. Surely taking good quality decisions is paramount; and a key element here is to make sure that public voices are heard and seen to be taken into account.

During the course of this scrutiny we found many good steps which the Planning Service is already taking to improve this aspect of the service. More were identified during the course of our investigations. The biggest gains, however, will come from helping us as elected councillors to be able to represent our constituents better. Our report sets out some speedy, simple ways in which this could be done. Potentially the most far-reaching initiative would be to bring development control decision making into a devolved framework. This needs careful consideration and a much wider debate than can be held within a single Overview and Scrutiny Committee.

Sue Anderson



Public Participation in Development Control

1: Summary

- 1.1 This review focused on the opportunities given to the public for participation throughout the life of a planning application. Very closely linked to this is the ability of elected Members to represent their constituents' views.
- 1.2 Responsibility for decisions on planning applications rests with the Development Control Committee, supported by the Planning Service. The Committee does not decide every application; 87% are delegated to officers under a clear protocol. The Government target for delegation is 90%.
- 1.3 Development control performance nationally is assessed against a small number of performance indicators largely based on the time taken to determine applications. On the key indicator, it is pleasing to note that the City Council is meeting its target. Whilst the target is being met, it is important to understand that in comparison to other Core Cities, Birmingham does not perform as well. This is due to the large number of relatively complex major developments in Birmingham, compared to other cities.
- 1.4 A best value service improvement plan was agreed in May 2002, and subsequently inspected by the Audit Commission. The inspectors made a number of recommendations aimed at improving user satisfaction. In the fifteen months since then a number of improvements have been put in place. A Planning Enquiry Centre, linked to Contact Birmingham, is now operating, and the Planning Service Website has been improved. Notifying the public of applications have been revised, and the arrangements for the public to view planning applications have been improved.
- 1.5 Public speaking rights and other changes have been introduced at the Development Control Committee. Further initiatives to help improve the service are planned. During the course of our review, we identified still others, which we recommend that the Chief Planning Officer is given the discretion to consider and act upon as he sees fit.
- 1.6 The major area where quick action can be taken to improve public participation in development control is that of supporting Councillors. Members of the Development Control Committee themselves can only take their decisions on the basis of full information found in the officer's report.



Public Participation in Development Control

It is the other Members of the Council, not generally as expert in the planning field, who take the role of representing public views. Our report recommends a number of simple actions which could be taken to inform and help Members in this work.

- 1.7 Looking at development control performance across the Core Cities, it is noticeable that Birmingham, along with Leeds, receives far more planning applications than the others. Bristol, Leeds and Sheffield each have a degree of area-based devolution in their systems, with a small number of area panels. This gives opportunities for the local public and Members to be involved in discussion and decision. Overall, the performance of these three councils is not out of line with those councils operating a single development control committee. We must be cognisant of the fact that circumstances in other authorities may be different to those in Birmingham, and any further consideration of this should examine these circumstances in greater detail.
- 1.8 During our review we discussed the possibility of devolving decision making to three area committees, North, South and Central, with Central making strategic, city-wide decisions. Experience from elsewhere shows that public participation can benefit from a simple but well-designed area system without performance suffering, and this fits with the City Council's general policy of devolution and other Members. In arguing for the status quo, the Chair of the Development Control Committee expressed her strong conviction that a single development control committee best ensured consistency, probity and timeliness in planning decisions. The final decision on this rests with the City Council, guided by the Cabinet Committee on Devolution.
- 1.9 Our recommendation to the City Council is that there should be a fuller and wider debate on the possibility of introducing a devolved system. This debate should result in the Council itself deciding the best course of action.



Public Participation in Development Control

2: Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R1	That the City Council reaffirms the importance it attaches to public participation during the planning applications process.	Development Control Committee	not applicable
R2	That within the context of the Planning Control Service Improvement Plan, further practical actions will be identified which the Planning Service will take to help the public to comment on planning applications.	Chief Planning Officer	April 2004
R3	That the Planning Service should undertake a specific exercise to check that all required notifications are in fact being made. This should be from a sample planning application where residents have complained that they were not informed, because people cannot participate unless they are aware of the existence of and progress on a planning application.	Chief Planning Officer	January 2004
R4	That immediate steps be taken to: <ul style="list-style-type: none">• Provide all Members regularly with the full weekly list of planning applications, in a medium of each Member's choosing• Inform Members of the scheme to delegate decisions on planning applications to officers, and in particular to make Members aware that they can request that any application be considered only by the Development Control Committee• Advise all Members of valid grounds of objection and how best to represent their constituents on planning issues	Chief Planning Officer	January 2004



Public Participation in Development Control

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- Inform all Members of the basis on which the Enforcement system operates, including what does and does not constitute grounds for enforcement action, and the processes which must be gone through
 - Regularly inform all Members of developments to the Planning Service website, particularly what information is held and how to get to it
 - Provide Birmingham's MPs with each of these pieces of information, should they wish to receive it

R5	That the Cabinet Committee on Devolution, in consultation with the Chair of Development Control, be asked to consider the issues around a decentralised development control system and how one might operate in Birmingham, so that the City Council can decide before June 2004 whether such a system should be introduced.	Leader of the Council	May 2004
R6	Progress towards achievement of these recommendations should be reported to the Regeneration Overview and Scrutiny Committee on a six-monthly basis until completed. The first report should be made in April 2004.	Chief Planning Officer	April 2004



3: Introduction

3.1 Introduction

- 3.1.1 The Co-ordinating O&S Committee in April 2002 agreed to set up the Public Participation in Development Control Task and Finish Committee to review the processes adopted for public participation in the consideration of planning applications, including at the Development Control Committee's meetings.
- 3.1.2 It was difficult to attract a full complement of Members to carry out this review, and the Committee only began its work in December 2002. The Members of the Committee were:
- Councillor Sue Anderson (Chairperson)
 - Councillor John Alden (until 20 May 2003)
 - Councillor Andy Howell (until 2 May 2003)
 - Councillor Mike Leddy (until 2 May 2003)
 - Councillor Margaret Scrimshaw
- 3.1.3 Throughout the review the Committee was supported by a small team of officers. Nick Partridge from the Scrutiny Office acted as lead review officer. John Culligan from the Planning Service advised the Committee throughout as its expert witness. The team also included Alison Smart of the Planning Service and Ajmal Hussain and Gail Sadler from the Scrutiny Office.

3.2 Terms of Reference

- 3.2.1 When the Co-ordinating O&S Committee first identified the review, the focus was on public participation at the Development Control Committee meeting itself – in particular the issue of public speaking rights. By the time that the membership of the Task and Finish Committee had been identified, the best value review of the Planning Control function had not only been concluded but had also been the subject of an Audit Commission report. Both the



Public Participation in Development Control

Best Value Review and the Commission's report highlighted actions needed to improve public understanding of and participation in decisions on planning applications. Accordingly the Development Control Committee agreed to undertake a six months long pilot of public speaking, although that pilot was not expected to finish within the O&S Committee's lifetime.

3.2.2 Therefore the Task and Finish O&S Committee approached its task by considering:

- the opportunities for public participation throughout the life of a planning application;
- the opportunities for Members to represent public views and influence the development control process;

with the objective of supporting the planned service improvements by identifying further actions to improve the quality of public participation.

3.3 Method of Investigation

3.3.1 At the beginning of the Committee's work, the Chair wrote to all Members of the Council, Birmingham MPs, and to agents and residents groups whose details are contained in a database held by the Planning Service. She invited them to submit evidence in writing. 403 letters were sent out, resulting in 44 replies. These are summarised in Appendix 1.

3.3.2 The Committee was briefed on aspects of the Planning Service such as current performance on planning applications; the existing approach towards inviting public involvement in planning applications; the Service Improvement Plan and its implementation.

3.3.3 The Committee then invited a selection of those who replied to give evidence in person. The intention was to hear a range of views. Four evidence-taking sessions were held, hearing views from:

- two developers and West Midlands Planning Aid;
- three area-based community organisations;
- three Members of the Council;
- two Birmingham MPs.



Public Participation in Development Control

- 3.3.4 Evidence-taking concluded with a discussion of the pros and cons of a decentralised system of development control committees. The Chair of the Development Control Committee, Cllr David Roy, and the Chief Planning Officer attended this session.
- 3.3.5 Appendix 2 shows all the people who appeared as witnesses before the Committee; a summary of each session can be found in the minutes of our meetings.



4: Findings

4.1 The Development Control Committee and the Planning Service

- 4.1.1 Within the City Council, responsibility for decisions on planning applications primarily rests with the Development Control Committee, on which currently 15 Members sit. The Committee is supported by the Chief Planning Officer and officers from the Planning Service and in particular the Planning Control Division. A system involving a single committee is the norm for the core cities. However, Bristol, Leeds and Sheffield City Councils all have an area structure, involving 3, 2 and 3 area panels respectively.
- 4.1.2 In Birmingham, the Committee does not decide every planning application. In fact currently 87% are delegated to officers to decide. Government policy is to encourage this, and the national target for delegation is 90%. In Birmingham there is a clear protocol setting out which categories of application may be delegated. All controversial applications are decided by the Committee, which typically needs to meet three times every month, such is the volume of applications in Birmingham.
- 4.1.3 Development control performance nationally is assessed against a small number of performance indicators largely based on the time taken to determine various classes of application. A key indicator for the purposes of the Comprehensive Performance Assessment is the percentage of applications determined within 8 weeks. The City Council's performance on this indicator shows a steady improving trend:



Public Participation in Development Control

Key Indicator	Actual 2001/02 ¹	Actual 2002/03	Actual First quarter, 2003/4	Target 2003/2004
% of ALL applications determined within 8 weeks	56%	58%	76%	65%
% of MAJOR applications determined within 13 weeks	27%	26%	30%	50%
% of MINOR applications determined within 8 weeks	40%	42%	63%	50%
% of OTHER applications determined within 8 weeks	61%	65%	82%	73%
% of HOUSEHOLDER applications determined within 8 weeks	73%	73%	90%	85%

Fig. 1: Birmingham City Council planning decisions
Source: Birmingham City Council Performance Plan 2003/4 and service plans

- 4.1.4 The city council's performance for April – June 2003 is 76% against our own target of 65%. As an O&S committee, we are pleased to see the improving trend over the last three years and the current performance reaching, and in most categories exceeding, the target. At the same time, we note that the number of applications is currently 13% more than at the same time last year. In these circumstances it must be right to be cautious as to whether the current performance can be maintained to the end of the year, although it must be hoped that the target at least will be reached.

¹ The figures in Fig. 1 and Fig. 2 / 3 were calculated differently. Fig. 1 was calculated using the dispatch date of the decision notice. Fig. 2 / 3 were calculated using the decision date on the decision notice. Future figures will be based on dispatch date, as used in Fig. 1.



Public Participation in Development Control

4.1.5 The following tables compare our performance on the number of applications received and the percentage determined within 8 weeks to that of other core cities.

	Applications	% within eight weeks
Birmingham	5,829	61
Bristol	3,126	74
Leeds	6,725	58
Liverpool	2,978	74
Manchester	2,443	76
Newcastle	2,249	50
Nottingham	1,844	69
Sheffield	3,604	65

Fig. 2: Planning decisions, decided within eight weeks – Year Ending 31 March 2003

Source: Table 7, <http://www.planning.odpm.gov.uk>

	Total Major	% within 13 weeks	Total Minor	% within 8 weeks	Total Other	% within 8 weeks
Birmingham	39	23	429	50	1,071	74
Bristol	27	56	233	68	429	76
Leeds	66	61	331	70	1,094	77
Liverpool	37	59	208	65	502	79
Manchester	46	48	196	69	308	76
Newcastle	21	29	133	42	497	60
Nottingham	24	50	140	69	288	83
Sheffield	47	53	192	48	528	75

Major

- Residential developments of over 10 dwellings or 0.5 hectares.
- Developments for other uses of over 1000 sq m or 1 hectare.

Minor

- Where it doesn't meet the above criteria.
- Excludes 'other' and 'householder' applications (see below).

Other

- Changes of use where no 'built development' is taking place.
- Applications to display advertisements.
- Works to extend/alter/demolish Listing Buildings.
- Applications for works in conservation areas.
- Certificates of Lawfulness.
- Notifications – e.g. for telecommunications equipment, electricity lines etc.

Fig. 3: Planning decisions, by development type and speed of decision –

January – March 2003

Source: Table 8,

<http://www.planning.odpm.gov.uk>



Public Participation in Development Control

- 4.1.6 It is clear that Leeds and Birmingham have a much greater workload than the other cities. Performance varies quite widely from city to city and from category to category. There is no simple relationship, however, between performance and the existence of a devolved development control system – the performance of Bristol, Leeds and Sheffield is neither consistently better nor consistently worse than the others.
- 4.1.7 The Development Control Business Manager at Sheffield City Council provided by e-mail this description of the system there:
- “Sheffield currently has three Area Planning and Highways Boards, which have full powers to determine planning applications referred to them. Sheffield City Council currently delegates 85% of all application decisions to senior planning officers, but major schemes or locally controversial applications are determined by the Area Boards.*
- This is a long-established system in Sheffield, designed to enable local Members to have a significant role in determining applications in their areas. In the rare event of an application raising significant city-wide issues, such as the City Airport or Heat from Waste Plant (Incinerator), the City Centre and East Board is identified as having the lead role in city-wide regeneration. The Area Board system also facilitates the Council's Chance to Speak, by its local focus and shorter agendas, giving more opportunity for additional speakers.*
- In practical terms, it also works well with the management structure in Sheffield, whereby Area Team Managers have significant responsibility delegated to them to determine the recommendations to the Area Boards, albeit under the guidance of senior managers, who otherwise have a more strategic management role.”*
- 4.1.8 Returning to the situation in Birmingham, a best value service improvement plan for Planning Control was agreed in May 2002. This was subsequently inspected by the Audit Commission. Overall the Commission assessed the service as “fair” with “promising” prospects for improvement. Of particular relevance to our review was the following recommendation of the Commission:
- “We recommend that the Council should urgently re-examine the operation of the Development Control Committee, with the aim of improving the user satisfaction of the Committee.*



Public Participation in Development Control

Specifically, the Council should look at improved introductions of applications, explaining decisions, reducing distractions, improving the displaying of plans and other information, and ensuring the debate is informed and kept relevant to the application being considered, through appropriate intervention and public speaking."

4.2 Inviting Public Involvement

- 4.2.1 There is a statutory requirement to notify adjoining residents about planning applications, either by writing directly to residents or by posting a site notice. Public Notices are also included in the local newspapers in certain circumstances. In Birmingham both methods are used but the extent of notification exceeds the simple requirements. The Service sent out 166,907 notification letters in 2002, an average of 25 letters per planning application. All site notices are now posted by planning officers rather than asking applicants to do so. The Division has a system in place to check that all the initial notification letters for each application are correctly addressed and sent out.
- 4.2.2 Local councillors and MPs are advised of those applications in their areas which the Planning Service considers to be significant. The 299 residents associations and neighbourhood forums logged with the Division are notified of most applications, other than minor householder and advertisement applications. Current applications can be viewed at the Planning Service Offices at Alpha Tower, at Neighbourhood Offices across the city and at Harborne library. Ward Committees often also discuss current planning applications. Finally, in the case of a small proportion of applications the Development Control Committee visits the site before taking its decision. This can provide the opportunity for members of the public to voice their views.

4.3 Service Improvements Introduced and Planned

- 4.3.1 As a Committee we looked only at those parts of the service improvement plan which address informing or involving the public – whether applicants, neighbours, residents associations or elected representatives. Several of these have already been implemented, and more are planned.
- 4.3.2 Current planning applications are now kept at reception in Alpha



Public Participation in Development Control

Tower, where they can be seen by visiting members of the public. There is also a duty planner system, so that planning officers are also available at reception to answer technical questions. More locally across the city, current applications have until now been available at Neighbourhood Offices, supplemented by the pilot scheme at Harborne library. Following the success of that scheme, more libraries will be used as they have flexible opening hours and staff with more time to explain plans to local residents. A revised network of libraries and neighbourhood offices is due to be put in place later in 2003.

- 4.3.3 A Planning Enquiry Centre has been set up, consisting of a dedicated team of officers to deal with 3,500 queries received each week. It went live on 24 March 2003. The team is equipped with "scripts" setting out a series of questions and answers to allow them to deal with the majority of straight forward planning queries as they come in. The target is to deal with 80% of all queries in this way, with more complex issues being dealt with later either by the team or by other planning officers. The Enquiry Centre uses the same technology as, and is linked to, the City Council's Contact Centre. The Enquiry Centre staff have an accurate, up to date list of telephone contacts within the Planning Control Division.
- 4.3.4 The Public Participation letter has been revised. Colour, type size, layout and language were all looked at. The letter is now accompanied by a simple guide to the planning application process. It also advises on speaking at the Development Control Committee and summarises the grounds on which objections can be made on planning applications. On the outside of the envelope, there is text in eight languages explaining that the letter is important. The letter itself contains an e-mail address to respond too, as well as a postal address and a telephone number. The revised letter was introduced in May 2003.
- 4.3.5 The Planning Control Website is being improved to make it more interactive and user friendly. The officer who has recently been appointed with specific responsibility for this has identified a programme of specific improvements, many of which have already been introduced. The programme ranges from being able to access the statutory register of planning applications and current planning policy documents to being able to comment on current applications on line and logging possible breaches of planning control. Looking further ahead, work is underway to allow users to view plans on line from the turn of the year, and it is anticipated that online submission of planning applications will be available by January 2004. In addition, the Planning Service is involved in a national e-government project which will conclude in



Public Participation in Development Control

March 2004. This will make more services and advice available over the internet, and bring more improvements to the way people can access helpful planning information.

- 4.3.6 Meetings of the Development Control Committee now have improved arrangements for members of the public. Explanatory leaflets are now placed on seats in the committee room. There are name plates identifying Members of the Committee, and microphones so that the discussion can be heard. The Chair introduces the meeting. On 5 June 2003, the Committee began a pilot period allowing applicants and objectors an opportunity to address the Committee. These opportunities are time-limited so that the meetings do not take too long. The next step, which is due to be introduced in October, will be to present committee reports in a new format. This will allow for more explanation of the reasons for the recommendations and give any proposed planning conditions in full, rather than the abbreviated forms which have been used until now.

4.4 Service Users

- 4.4.1 As individual Members we are used to receiving complaints and objections to planning applications. It is pleasing to report, therefore, that many witnesses appreciated the work of the Development Control Committee and planning officers. Coupled with this, however, were many areas of concern. These included:
- *Lack of notification* was frequently mentioned. We were given examples of neighbours not receiving letters, site notices not being posted, and organisations not being notified. Members and MPs too felt that they were not informed of all applications in which they might be interested;
 - *Access to applications* was often criticised. Locally, libraries were preferred to neighbourhood offices. Centrally, some witnesses considered Alpha Tower inaccessible from various parts of the city, particularly by public transport;
 - Several witnesses considered that *officer advice was inconsistent* in that different officers gave different advice;
 - *Objectors not being kept informed*. This covered both objectors to current applications not being informed of amended plans, committee and site visit dates, and objectors to previous applications not being informed of



Public Participation in Development Control

new applications on the same site;

- *Insufficient guidance to Members and the public* as to what constitutes good planning grounds for objections. This lack of understanding amongst the public leads to suspicion that their objections are being ignored. The principles underlying section 106 agreements are similarly not understood. The whole issue of these agreements is the subject of a separate scrutiny exercise for the Regeneration O&S Committee.
- *Enforcement is a particular area of misunderstanding.* Neither the general public, nor many City Councillors, understand either the circumstances under which enforcement action may be taken or the statutory processes which must be followed. The Planning Service, and therefore the City Council, will continue to suffer unwarranted criticism and a damaged reputation until these matters are more clearly explained.



5: Conclusions and Recommendations

5.1 Overall Conclusions

- 5.1.1 The Planning Service devotes much time and energy to inviting the public to give their views on planning applications so that the decision makers can be informed. It is clear that inviting and dealing with these views, whether in support of or objecting to particular applications adds to the time which must pass before decisions can be taken on those applications. There is therefore a tension between inviting public involvement and the performance criteria for the service, which are essentially about speed of processing. The Development Control Committee also places high regard to the quality of the developments under consideration, which again can lead to prolonging a decision in some circumstances.
- 5.1.2 We recognise the importance to the City Council of the Planning Service improving its performance against the standard indicators. On the other hand, we were impressed by the importance given by the Chair of the Development Control Committee to the quality of decisions. We agree that quality is of over-riding importance, even if this involves taking a little longer in making the decision. Moreover, one aspect of quality is that public views have been fully sought and weighed during the decision taking.

	Recommendation	Responsibility	Completion Date
R1	That the City Council reaffirms the importance it attaches to public participation during the planning applications process.	Development Control Committee	Not Applicable



Public Participation in Development Control

5.2 Service Improvements

- 5.2.1 The evidence we have heard demonstrates that the Planning Service goes far beyond the statutory minimum in giving opportunities for public comment. On the other hand, we have heard examples of cases where not all those potentially affected by a planning application have been notified. As elected Members, we have first – hand experience of other cases.
- 5.2.2 Many of the changes made under the service improvement plan will address the problems raised with us. We were particularly impressed by the plans for the Planning Enquiry Centre which should provide consistent advice through a single point of contact.
- 5.2.3 During our meetings, many suggestions were made for further improvements beyond those in the current service improvement plan. These are listed at Appendix Three. In our time-limited exercise we have not been able to evaluate these to test which would make the biggest impact in aiding public understanding and participation. We are also mindful of the advice from the senior management that in implementing the service improvement plan the Planning Service is undergoing a period of substantial change at the same time as increasing importance is being placed on meeting the performance targets.
- 5.2.4 Therefore in this area we are not recommending immediate, specific actions. We do, however, believe that further improvements beyond the current plan could be taken relatively easily when the time is right. In particular, the diversity of the city's population and living conditions must be recognised and addressed. This may result in, for example, ensuring adequate support is given to all in pre-application discussions, particularly when community organisations are the applicants. Similarly, the new public participation leaflet, which sets out grounds on which the public are entitled to object to planning proposals, may need to be tailored to meet the different needs of different areas.

	Recommendation	Responsibility	Completion Date
R2	That within the context of the Planning Control Service Improvement Plan, further practical actions will be identified which the Planning Service will take to help the public to comment on planning applications.	Chief Planning Officer	April 2004

- 5.2.5 However, there are some issues raised with us which cannot be



Public Participation in Development Control

tackled in this way. This is the case with the instances where basic information appears not to have reached interested members of the public – such as initial notification, subsequent amendments to proposals, and so on.

- 5.2.6 We accept that no system is 100% accurate. It may well be that such cases are small in number compared with the volume of planning applications received and of notification letters successfully sent out. Nevertheless we would have wished to have received more hard evidence from the Planning Service of its quality assurance procedures through which management would be confident that the required notifications are in fact made.

Recommendation	Responsibility	Completion Date
R3	That the Planning Service should undertake a specific exercise to check that all required notifications are in fact being made, because people cannot participate unless they are aware of the existence of and progress on a planning application, .	Chief Planning Officer January 2004

5.3 The Role of Members of the Council

- 5.3.1 Members who serve on Birmingham's Development Control Committee constitute a highly skilled and experienced body of expertise, extremely well-versed in planning matters. Annual training of these members is arranged by Planning Services for them. However, they cannot represent their constituents' views on planning applications; they must not express an opinion on an application before being informed of all the material facts through the report from the Chief Planning Officer on that application.
- 5.3.2 The representative role falls to those Members of the Council who do not sit on the Committee. However the evidence before us is that these Members (and also MPs) do not feel properly informed – either of specific planning applications in their wards, or of the basic principles of the planning system. This extends beyond planning applications to issues such as enforcement where, because of the limitations of the statutory framework, it may often appear to complainants that the City Council has "done nothing."
- 5.3.3 It is in supporting and informing these elected representatives that a step-change could be made in the quality of public involvement. The actions we have in mind are relatively simple,



Public Participation in Development Control

would not be costly, and could be implemented quickly.

Recommendation	Responsibility	Completion Date
<p>R4 That immediate steps be taken to:</p> <ul style="list-style-type: none"> • Provide all Members regularly with the full weekly list of planning applications, in a medium of each Member's choosing • Inform Members of the scheme to delegate decisions on planning applications to officers, and in particular to make Members aware that they can request that any application be considered only by the Development Control Committee • Advise all Members of valid grounds of objection and how best to represent their constituents on planning issues • Inform all Members of the basis on which the Enforcement system operates, including what does and does not constitute grounds for enforcement action, and the processes which must be gone through • Regularly inform all Members of developments to the Planning Service website, particularly what information is held and how to get to it • Provide Birmingham's MPs with each of these pieces of information, should they wish to receive it 	Chief Planning Officer	January 2004

5.4 Decentralised Decision Making

- 5.4.1 Finally we turn to the most radical and contentious of our deliberations. The City Council has a policy of localisation and devolution, based largely on the premise that decisions will be better, and public participation will be increased, if those decisions are taken more closely to where people live. So far this policy has only been applied to a selection of executive functions; the City Council has not so far considered the devolution of regulatory



Public Participation in Development Control

functions such as development control.

- 5.4.2 Early on in our deliberations it seemed to us that, given the direction of City Council policy, and given that the focus of our review was on aspects of public participation, we would be remiss if we were not to consider this possibility. We discounted the idea that development control decisions could be taken at constituency level. Instead we considered the possibility, drawn from the experience of Bristol, Leeds and Sheffield, that Birmingham City Council could operate a Development Control Committee taking decisions on all major planning applications and on those in the central area. It would be supported by two sub-committees, dealing respectively with applications in the north of the city and in the south.
- 5.4.3 This idea does not have universal support. The MPs who spoke to us saw little benefit in a system of more local development control committees. The Chair of the Development Control Committee expressed her strong conviction that the necessary virtues of consistency, probity and timeliness in planning decisions are best obtained and demonstrated through a single development control committee. In this she was forcefully supported by Councillor David Roy. The Chief Planning Officer raised concerns over performance; he pointed out that Bristol and Sheffield do not receive the number of applications that Birmingham does, whilst the decentralised system in Leeds, where the number of applications is similar, performance is lower than here.
- 5.4.4 We considered these arguments carefully. We also recognised that there are counter arguments. The general policy of devolution has found support from all parts of the City Council. Contact with Leeds and Sheffield has identified that they have obtained benefits from their degree of decentralising development control. A system of a strategic and central committee supported by two area sub-committees would, we consider, minimise problems of inconsistency whilst developing public interest and allowing the public more opportunity to speak at committee meetings. The two sub-committees would also provide ideal training grounds for Members before they are asked to take decisions on the biggest and most complex applications in the main committee.
- 5.4.5 At the same time we are once more aware of the need to take change at a measured pace, and to allow the proper time for the details of a workable scheme to be developed. It was only in April that the City Council agreed the action plan for the first tranche of devolution and localisation. The earliest that a decentralised development control committee system could be introduced is in the second tranche. In the meantime there is room for a fuller



Public Participation in Development Control

debate, involving the Council membership as a whole rather than the relatively small number who have had the opportunity to air their views during this scrutiny exercise.

Recommendation	Responsibility	Completion Date
R5	That the Cabinet Committee on Devolution, in consultation with the Chair of Development Control, be asked to consider the issues around a decentralised development control system and how one might operate in Birmingham, so that the City Council can decide before June 2004 whether such a system should be introduced.	Leader of the Council May 2004

5.5 Progress on Implementation

- 5.5.1 In order to keep Scrutiny Members informed of progress in implementing the recommendations within this report, it is recommended that the Chief Planning Officer report back on progress on a six monthly basis, following agreement of these recommendations at Council.

Recommendation	Responsibility	Completion Date
R6	Progress towards achievement of these recommendations should be reported to the Regeneration Overview and Scrutiny Committee on a six-monthly basis until completed. The first report should be made in April 2004.	Chief Planning Officer April 2004



Appendix 1: Schedule Summarising Written Evidence

Respondent – Councillor	Respondent – non- Councillor	Date acknowledgment sent	Willingness to appear before committee	Summary of comments
Deirdre Alden		21/11/02	Not indicated – but one of her constituents would be willing	<ul style="list-style-type: none"> • Constituents not receiving public notification letters • How fair is the consultation process? i.e. who decides how many people to consult and who? • Notification of site visits often received after the visit has happened • Public speaking at committee should be introduced • Undertook a mystery customer survey on “public access to planning applications” – report sent to Phil Crabtree
	West Midlands Planning aid Service	21/11/02	Not indicated	<ul style="list-style-type: none"> • Make applications available in local libraries/community centres • Public participation letters should feature maps of the affected area • Planning Officers unhelpful • Public speaking at committee should be introduced • Planning Dept address database should be updated
	Walmley Residents Association (Sutton Coldfield)	21/11/02	Yes	<ul style="list-style-type: none"> • Make applications available in local libraries/community centres • Public participation letters should feature maps of the affected area • Planning Officers unhelpful • Public speaking at committee should be introduced • Planning Dept address database should be updated
	Access Committee for Birmingham	25/11/02	Not indicated	<ul style="list-style-type: none"> • Make applications available in local libraries/community centres • Planning Officer’s advice not always accurate and consistent • People/organisations in proximity should always be notified of outcomes, either way • Commercial applications ought to be presented at ward committee meetings • Info at committee meetings and in notification letters should be up to date • Better public consultation on major environmental schemes
	Newhall North Neighbour-hood Forum	25/11/02	Not indicated	<ul style="list-style-type: none"> • Make applications available in local libraries/community centres • Planning Officer’s advice not always accurate and consistent • People/organisations in proximity should always be notified of outcomes, either way • Commercial applications ought to be presented at ward committee meetings • Info at committee meetings and in notification letters should be up to date • Better public consultation on major environmental schemes
	Birmingham South West Group	25/11/02	Yes	<ul style="list-style-type: none"> • Make applications available in local libraries/community centres • Planning Officer’s advice not always accurate and consistent • People/organisations in proximity should always be notified of outcomes, either way • Commercial applications ought to be presented at ward committee meetings • Info at committee meetings and in notification letters should be up to date • Better public consultation on major environmental schemes



Respondent – Councillor	Respondent – non- Councillor	Date acknowledgment sent	Willingness to appear before committee	Summary of comments
	Bournville Village Trust	26/11/02	Not indicated	<ul style="list-style-type: none"> • Making plans and decisions available electronically and e-channels for communicating with planning dept • Notifying applicants of objections ahead of committee meetings • Time given for making objections is rather short (consulting residents takes time) • Occasionally receive incorrectly addressed planning applications
	Hazelwood Residents Association (Acocks Green)	26/11/02	Not indicated	<ul style="list-style-type: none"> • Dates for applications put before committee should be advertised better/more widely • Would like more input before applications are considered • Planning applications no longer available at neighbourhood Forum
	Ward End Residents Association	26/11/02	Yes	<ul style="list-style-type: none"> • Current system meets their needs
	Hamstead Hall Neighbour-hood Forum		Not indicated	<ul style="list-style-type: none"> • Notification letters should include small scale plan, indicating position of proposals • Planning Officers could offer speedier service
	Edgbaston Residents Association	27/11/02	Not indicated	
	BPT Residential Management Services Harborne	27/11/02	Yes	
	The Harborne Society	27/11/02	Yes	
	Jayne Bagget Balsall Heath	03/12/02	Not indicated	<ul style="list-style-type: none"> • Public not always adequately kept up to date with changes to Planning Applications • Notification of sites visits received after the event has happened • The standard “Your Chance to Comment” letter is “overloaded” with data • Never notified of outcome even after commenting
	Elms Farm Residents Association (Sheldon)	03/12/02	Not indicated	
	Civic Centre Residents Association (B1)	03/15/02	Not indicated	<ul style="list-style-type: none"> • Obtaining information from Planning Office is difficult



Respondent – Councillor	Respondent – non- Councillor	Date acknowledged sent	Willingness to appear before committee	Summary of comments
	The Birmingham Civic Society	03/15/02	Yes	<ul style="list-style-type: none"> Planning applications should be available on BCC's website Insufficient info about "Rules & Regulations" such as "Forty-five Degree Rule" All comments in response to applications should be acknowledged Often no consistency in sending notification notices. People commenting on applications should be advised of outcome, whatever it is More and better provision to view applications i.e. over the internet and neighbourhood forums More detailed description of nature of application rather than current one line description Planning office is slow in responding to enquiries. Enquiries addressed after relevance of issue Alpha Tower too far to visit and local provision for inspecting applications not suitable – make these available in local libraries Consider more widely who should be consulted Advice from planning office not always consistent Too much jargon used at committee meetings and acoustics in Committee Room not good Not all planning applications available at publicised places Public participation letters should be distributed more widely than just house next door Commented last year in the Regulatory Affairs Scrutiny Committee You may want to consider a small scale participant study into the issue
	William Hetherington (Edgbaston)	03/12/02	yes	
	Sparkbrook Neighbour-hood Forum	03/12/02	Yes	
	Mere Green Neighbour-hood Forum	03/12/02	Not indicated	
Cllr Nicola Henry		03/12/02	Not indicated	
Cllr John Chapman	Birmingham Race Action Partnership	03/12/02	Not indicated	
Cllr Barbara Jackson		04/12/02	Some constituents may attend	<ul style="list-style-type: none"> Insufficient consultation, too few places to view applications, constituents not informed of all application in the area Would like to know more about the procedure, perhaps an "idiots guide" to the whole process Not enough time to consider applications and respond Too much jargon Erect Council Notice Boards in public areas and make information more accessible
	Perry Hall Community Association	04/12/02	Not indicated	



Respondent – Councillor	Respondent – non- Councillor	Date acknowledgment sent	Willingness to appear before committee	Summary of comments
	Sebra Residents Association Selly Park	04/12/02	Yes	<ul style="list-style-type: none"> • Access to neighbourhood offices by appointment - not always convenient • 21 days to respond not always convenient • Service from Planning Office not always of good quality i.e. blurred information • Poor acoustics in Council House meeting room used for planning committee meetings
	Boldmere Neighbour-hood Forum	04/12/02	Not indicated	<ul style="list-style-type: none"> • Too much jargon in planning applications and accompanying letters/notices – language too technical • The language and service of planning dept not very engaging • Consultation should be as early as possible
Cllr Margaret Wells		04/12/02	Yes	<ul style="list-style-type: none"> • Whole process too lengthy • Information not always “accurate and consistent”
	K.B. Services B’ham B18	04/12/02	Yes	<ul style="list-style-type: none"> • Advice from Planning Officers often inconsistent
	Lynne Jones MP	03/12/02	Not indicated	<ul style="list-style-type: none"> • Planning applications should be available at Central Library
	St. Agnes Residents Association		Yes	<ul style="list-style-type: none"> • all planning applications in the Residents Association area and the St Agnes Conservation Area should be sent to the Association for comment – currently only selected applications are notified, and the basis of the selection is not clear • responses from consultees should be acknowledged • insufficient action is taken against infringements of planning rules. A specific case is mentioned



Appendix 2: Witnesses Appearing Before the Committee

Khalid Mahmood, MP

Steve McCabe, MP

Cllr Renee Spector, Chair, Development Control Committee

Cllr David Roy, Development Control Committee

Cllr Deidre Alden

Cllr Barbara Jackson

former Cllr Vincent Johnson

Mark Tranter, Prime Focus

Peter Quinn, Prime Focus

Kenneth Bruce, KB Services

Sheena Terrace, West Midlands Planning Aid

Ann Yorke, The Harborne Society

Fred Goff, New Hall North Neighbourhood Forum

Mr. P Patel, Sparkbrook Neighbourhood Forum

Emrys Jones, Chief Planning Officer

Julie Cruxton, Business Support Manager



Appendix 3: Suggested Improvements Arising From Evidence and Discussions

A3.1 Advice and Guidance

- (i) Pre application advice pro-forma to aid consistency of advice given and possibly used for monitoring of subsequent applications to see if it improves quality of first submissions.
- (ii) Identify Section 106 heads of terms early to enable legal work to begin as soon as possible.
- (iii) Monthly residents' meetings for larger projects to keep informed of application progress.
- (iv) Website development – clarity of advice and easier access to policy and guidance documents – needs to be consistent in terms of level of information given in other forms of correspondence to ensure equality of service.
- (v) Questionnaire – to establish needs of ethnic minorities, including whether community organisations are receiving sufficient pre-application support).

A3.2 Plans Availability

- (vi) Make Alpha Tower less intimidating.
- (vii) Use libraries as an additional outlet to Neighbourhood Offices
- (viii) Train staff at Neighbourhood Offices and Libraries on reading plans, using a scale rule and converting from metric to imperial.
- (ix) Ensure applications arrive at Neighbourhood Offices and Libraries quickly, in line with when public participation letters are sent out and discuss with ward councillors where best to display applications within their wards.
- (x) Provide an objection/comments pro-forma at Neighbourhood Offices and Libraries so public know on what grounds they are entitled to object. (pilot different approaches in different areas?)

A3.3 Consultations

- (xi) Notify neighbours of committee dates, deferrals and site visits.