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Meeting	Decision Session - Executive Member for Economy and Strategic Planning
Date	1 September 2020
Present	Councillor Waller (Executive Member)

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### 1. **Declarations of Interest**

At this point in the meeting, the Executive Member confirmed he had no personal interests that were not included on the Register of Interests, nor any prejudicial or disclosable pecuniary interest, to declare in the business of the agenda.

### 2. **Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

### 3. **The Business and Planning Act 2020 – Consequences and Implementation**

The Executive Member received a report which considered the consequences and implementation of the Business and Planning Act 2020. The first part of the report set out the two planning consultations that had recently been released by the Government, 'Planning for Future' (White paper) and the 'Changes to the Current Planning System', along with the questions that formed part of the consultation. The second part outlined the recent changes to Planning and Licensing legislation and the associated impacts/implications.

The proposed changes had been brought to this meeting for consideration as they would have a significant impact on all councillors in their representative role, and amend/delete many of the features that the public have come to expect in terms of being able to comment and challenge planning applications.

The planning consultation deadlines were: 29 October 2020 for the Planning for the Future consultation and 1 October for the Changes to the current planning system. The Executive Member encouraged all Council Members and the public to view

the relevant information within the published Agenda for this meeting and to contribute to these consultations.

Regarding Part 2 of the report 'Recent and Proposed Changes To Planning and Licensing'

Some of the most significant changes had included:

- It was now quicker and cheaper to get a pavement licence. Previously £600, now £100. With 14 days to process the request or automatic approval.
- Licensing permission to serve alcohol (off license provision) and to provide a take away service.
- Greater provision to respond to anti-social behaviour, provided that it could be evidenced that these problems had arisen as a direct result of off license provision.

The Executive Member mentioned there had been some problems in that new applications were given rights that existing applicants did not have. The Assistant Director responsible for Planning and Public Protection provided assurances that this concern had been addressed.

In response to a question from the Executive Member, the Trading Standards Manager outlined the measures taken to ensure that these provisions would not adversely impact upon neighbours and neighbouring businesses. Initially there had been a higher Police presence and a staggered approach to pubs re-opening. Chairs and tables were set up with appropriate spacing requirements in designated areas. Rangers and Enforcement Officers walked the area each day to monitor these adjustments.

The Executive Member expressed his appreciation that the Council were supporting businesses safely and keeping order and requested monitoring of this with a report to this Decision Session given that Licenses would be automatically approved regardless of whether or not they were processed within 14 days. It was reported that these changes in terms of granting these Licences within 14 days, would be in place until September 2021.

Regarding the second part of this report, a summary of legislation on Planning and Licensing, the Assistant Director responsible for Planning and Public Protection mentioned it had been striking that the press had taken issue with planning

notices placed on lamp posts, as it was unlikely that locations would have nearby noticeboards and that to remove this option would be a concern. He confirmed that notification in the local area would continue, this information would also be available online and in a local paper. The ability the council has now been granted to publicise this on their website, was a welcome addition.

The Executive Member raised the need to monitor unintended consequences in relation to changes of building use categories and concern that businesses could change to something else overnight.

Pavement and café licenses had been dealt with. There is a review underway regarding temporary traffic orders which involves consultation with all ward members and businesses. Matters arising from that consultation would need to be included with the outcomes of this meetings' decision.

The Assistant Director responsible for Planning and Public Protection made reference to page 11 of the officer report which mentioned having the flexibility to use more than one planning application procedure from 22 July and explained that there was no evidence of what that may mean for applications as yet.

Member decisions could be overturned by appeal. Now this would/could from the government. It would be necessary to ensure that there is a relevant section on the councillors website to clarify how this is operating.

There were provisions regarding changes in working practice in relation to building sites to ensure minimum contact between staff, with staff working with the same work group bubbles and ensuring that break times are staggered. There had been pressure on the government to relax work start times which would extend work times commencing between 6am – 9pm which could potentially become problematic for neighbouring amenities. The Assistant Director responsible for Planning and Public Protection responded that they would be asking builders what work activity would be undertaken in those extended hours and would be selective as to what consent is granted to ensure power tools are not used during those times particularly as a decision is given within 14 days which would leave neighbours a shorter window to raise concerns. The Executive Member requested this would need to be highlighted in the relevant

planning applications on the weekly notification planning list to ensure that ward members were aware of this. He highlighted the importance of being able to distinguish these applications from other applications. It was agreed that an email would be sent to all ward members in the next few days to inform them of this change with an example of how these applications would be highlighted on the planning notification list.

Extension and permissions which would have expired in lockdown if extensions had been permitted, this applies to planning applications. This would need to be recorded on the planning portal and if this has been evoked an explanation as to why. This is at the request of the government.

Regarding assessing loss of light, none of these requests had been received. This does not fall under permitted development. The Executive Member requested a watching brief on this concern with a paper to be received at a future Decision Session.

There was proposed changes to the use of building class, which is subject to judicial review. The Executive Member spoke of the need for this Authority to respond to the consultation and to ensure that the public were aware of these changes.

Page 15 of the officer report raised the risk due to fee income to the Planning Department. These changes would result in a reduction in income as permissions granted without planning permission were expanding creating a resources gap. An example would be in the pre-application work which involves a lot of time, however the department would not be receiving the fee previously charged. This would be a concern shared by all Local Authorities and would need further consideration in a future Decision Session which may result in working with other Authorities to lobby this.

Regarding loss of cultural venues in relation to planning permission granted. A motion to council had been received on this matter. Further advice would need to be sought from the council's legal colleagues. It may be that more guidance is released in due course. The Executive Member requested that a watching brief on this matter be kept.

A significant list of questions was listed in the annexes to this report. The purpose of today's meeting had been to raise these concerns in the public domain.

At page 28 of the officer report there was a concern that government were defining beauty. Heritage assets and significant assets were easier to categorise.

The Executive Member noted potential impact on the S106 process to ensure there is compensatory community benefit on larger applications. If that were to be lost, it would represent a significant sum of money.

In order for this Authority to give a considered response to these consultations would require working with the council's financial team and wondered how a fixed tariff system would adequately deal with this. This would be considered with the finance team and district valuers. The detail is not there currently, in terms of how it would work.

The Executive Member noted the hard work of so many officers to implement these changes so quickly.

Resolved:

1. That The Executive Member refer part one of the report along with the Council's draft response to the Customer and Corporate Services Scrutiny Management Committee (CSMC) for consideration and recommendations and that all Council Members be encouraged to respond to this consultation so that all Members' contributions are represented.
2. That the Assistant Director for Planning and Public Protection having regard to the views and recommendations of CSMC and all Council Members, be delegated responsibility to submit the Council's response to the consultations referred to in part 1 of this report in consultation with the Executive Member for Finance and Performance and Executive Member for Economy and Strategic Planning. Particularly where section 106, finance and housing concerns overlap.
3. That the Executive Member noted part two of the report and confirmed that the Council is required to give significant weight to the ministerial statement in terms of Construction Hours and has limited alternatives to the

process that has been taken and that updates are provided to Members on the Planning Portal.

4. That any issues relating to changes in licensing regulations be included in the general review of the emergency Traffic Orders that were introduced in the City Centre. The Executive Member noted the hard work of so many officers to implement the changes so quickly.

Reasons:

To ensure that all Members are consulted and have an opportunity to make recommendations at an early stage which would then be considered and incorporated into the Council's response to the consultations referred to in part 1 of this report and to ensure that significant weight be given to the ministerial statement in terms of Construction Hours understanding that there are limited alternatives to the process that has been taken.

Cllr A Waller (Executive Member)

[The meeting started at 10.30am and finished at 11.25am].