

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PARISH COUNCILS' FORUM

TUESDAY, 21ST JUNE 2011

AT 7.00 P.M.

PRESENT: Councillor C. B. Taylor (Chairman)

Representative(s)	Parish
Mr. J. R. Cypher (Chairman)	Alvechurch
Mr. A. J. Davies (Chairman)	Barnt Green
Mr. R. A. Westbury (Executive Officer)	
Mrs. S. M. Westhand	
Mrs. K. Green (Chairman)	Belbroughton
Mr. C. R. Scurrall	
Mrs. K. May (Chairman)	Bournheath
Mr. K. L. Drew	
Mr. S. Hall	
Mr. G. F. Witcomb (Chairman)	Catshill and North Marlbrook
Mr. F. R. Cook	
Mr. N. M. J. Sugden (Chairman)	Clent
Mrs. R. Mullett (Clerk)	
Mr. K. Duncan	Cofton Hackett
Mr. R. A. Westbury	
Mr. A. Rea (Chairman)	Dodford with Grafton
Mr. J. A. Brown	Hagley
Mr. G. V. Cole	
Mrs. R. Mullett (Clerk)	Hunnington
Mr. T. Flynn	Lickey and Blackwell
Mrs. J. E. King	
Mr. I. A. Hodgetts (Chairman)	Romsley
Mrs. R. Mullett (Clerk)	
Mrs. D. M. Brown	Stoke
Mrs. M. E. Walker	
Mrs. H. S. Davies (Clerk)	Tutnall and Cobley
Mrs. H. Cleaver (Chairman)	Wythall
Miss P. Harrison (Executive Officer)	
Mrs. S. J. Baxter	
Mrs. S. J. Baxter	County Association of Local Councils

Officers: Mrs. R. Bamford, Mrs. S. Sellers, Mrs. S. Mould and Mr. A. C. Stephens

1/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from:-

- Mrs. C. Limm (Clerk) - Belbroughton Parish Council
- Mrs. G. Lungley (Clerk) - Bournheath Parish Council, and Catshill and North Marlbrook Parish Council
- Mr. J. Ellis (Chairman) and Mr. P. D. Callaway (Stoke Parish Council)
- Mrs. J. Maturi - County Association of Local Councils

2/11 **MINUTES OF THE MEETING OF THE PARISH COUNCILS' FORUM HELD ON 21ST MARCH 2011**

The minutes of the meeting of the Parish Councils' Forum held on 21st March 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

3/11 **ELECTORAL SERVICES: ELECTION RESULTS AND CASUAL VACANCIES / CO-OPTIONS**

Mrs. S. Mould, Electoral Services Manager, referred to the report items enclosed with the Agenda for the meeting which gave details relating to:

- (a) the parish council elections held in May 2011, the results and turnout;
- (b) casual vacancies and the correct procedures for co-option of parish councillors; and
- (c) improvements made to the District Council's website and the provision of specific parish council information.

She stated that, in terms of the administration and procedures which had to be followed, the district and parish council elections, and the 'Alternative Vote' referendum, had been very successful. She added that the overall turnout at the election was 5% higher than at the previous elections held in 2007.

Mrs. Mould went on to request that the Parish Clerks / Executive Officers in those parishes where elections were uncontested inform her at the earliest possible opportunity of any co-opted Parish Councillors who may be appointed in the future, together with any resignations / retirements from office. She stated that this would enable the District Council to keep up-to-date with the composition of the Parish Councils.

She also stated that work would soon begin on administering the recharges to the parishes, as soon as all of the invoices had been received from the other parties involved; for example, hire of polling station rooms, printing costs and paperwork, etc.

Mrs. Mould then answered a number of questions on the likely costs involved, stating that it would be difficult to estimate an individual parish councils likely recharge cost for a contested parish election.

4/11 **COMMUNITY CONSULTATION CONFERENCE AND BROMSGROVE "NO BARRIERS" - DISABLED ACCESS AWARDS 2011: UPDATE**

In the absence of Ms. F. Scott, Policy and Performance Officer (Equalities), a paper was circulated to Members of the Forum giving details on the Community Consultation Conference and the Bromsgrove "No Barriers" Disabled Access Awards 2011 events taking place on Saturday, 25th June 2011.

5/11 **PROBLEMS WITH PUBLIC ACCESS TO THE PLANNING SYSTEM**

Mr. J. Cypher spoke on behalf of Parish Clerks / Executive Officers and raised a number of concerns over problems which had been encountered with their use of the Public Access Planning Application Administration System. Mr. Cypher stated that there were four main areas of concern with the system, namely:

- (a) Increased time-load; that is, obtaining / downloading relevant information from the Public Access system, and collating the paperwork in a format which can be presented to meetings of the Parish Council or the Parish Council's Planning Committee. Mr. Cypher stated that the Parish Clerks / Executive Officers work on a part-time basis but the length of time taken in obtaining information relating to planning applications means that, because of Public Access, they are increasingly having to work longer hours.
- (b) Non-notification of planning applications - where notification of a planning application received by the District Council fails to reach the relevant Parish Clerk / Executive Officer. Mr. Cypher quoted one example whereby an application for a development of 18 new dwellings had not been considered by the relevant Parish Council Planning Committee because the notification had not reached the Parish Clerk / Executive Officer.

A query was also raised in connection with the "Weekly List" which was supposedly meant to notify Parish Clerks / Executive Officers of all planning applications validated during a particular week, even if the Public Access system was unavailable. It was felt that there were failings in the production of the "Weekly List" as well, with the combined result that these notification issues were compounding each other.

- (c) Non-appearance of Parish Council comments - where parish council's do consider applications and make comments via the Public Access system, these comments do not seem to appear on the website. As a result, this prompts questions from adjacent occupiers, interested parties, villagers, objectors and supporters as to whether the parish council had discussed the application, had the comments been communicated back to the District Council, and does the District Council know what was said? Overall, the comments facility does not seem to be operating satisfactorily.

- (d) Mechanism of submitting comments on the Public Access system - the District Council has encouraged Parish Clerks / Executive Officers to use the Public Access system to record their respective parish council's deliberations and comments on planning applications which they have considered. However, it has been noticed that, having entered the parish council's comments into the relevant field on the Public Access system, and upon hitting the 'Submit' button, two successive error messages appear on screen before the system responds with a "Thank you for your comments" message. Obviously, the two error messages raise the question "Have the comments actually got through; should I email the comments through separately?"

In summary, Mr. Cypher stated that the Parish Clerks / Executive Officers are finding the system unnecessarily time consuming and, whilst Public Access is not deliberately working against the Parish Clerks / Executive Officers, it is not being co-operative in the way in which it interfaces with the job the Parish Clerks / Executive Officers have to do, often with insufficient or limited hours available to them to complete the task. In short, he commented that the Public Access system is a system requiring investigation.

Mr. C. R. Scurrall echoed the points raised by Mr. Cypher and added that, in some cases, the reproduction of images on plans and drawings could be difficult to discern because it was so faint that the detail was lost and became illegible.

In response, Mrs. R. Bamford - the Head of Planning and Regeneration Services - thanked the Forum for the clear comments as to the issues relating to the Public Access system and, with the exception of one or two of the detailed problems, she conceded that she was aware of the inherent problems with the software. However, she stated that, unfortunately, there was no "quick fix" to remedy all of the 'bugs' in the Public Access system, but that she, and the officers within the Development Control Section, would investigate ways of working around the problems to make things easier for the Parish Clerks / Executive Officers.

As a general approach, Mrs. Bamford suggested that a meeting be arranged with herself, an officer from the ICT Department and Mr. Cypher (as spokesperson for the Parish Clerks / Executive Officers) to look into what can be done and investigate ways of working together. She added that, whilst she had every sympathy with the problems being experienced by the Parish Clerks, Executive Officers and Parish Councillors, due to the current financial situation, it was going to be difficult to sort out all of the issues raised very quickly; however, she was aware of the current limitations of the Public Access system.

Mrs. Bamford stated that, in relation to the points raised by the Parish Councils, she had obtained a written response in advance of the meeting from an officer within the Planning Registration Team - Mr. Paul Murphy (01527 881201; p.murphy@bromsgrove.gov.uk) - who would be willing to help work around the problems encountered in the use of the Public Access System. Mrs. Bamford responded to the points raised by the parish councils, details of

which are attached at Appendix A. In addition, where plans / drawings relating to planning applications were of poor quality via the Public Access system, or where downloading a plan / drawing was taking an inordinate amount of time, she stated that the information could be emailed to Parish Clerks / Executive Officers upon request to the relevant planning case officer.

It was reported that each Parish Council should receive a formal notification of every planning application submitted within their respective parish area, but it appeared that this was not necessarily the case for all applications. Mrs. Bamford stated that she would look into this but, in the meantime, the Weekly List could be used by way of a back up facility.

In respect of the non-appearance of comments on Planning Applications, it was acknowledged that there were a number of known faults which were being investigated but, from the discussion, some Members of the Forum stated that the 'Comments' field within the Public Access system, used by Parish Clerks / Executive Officers when forwarding the opinions of their respective parish councils of the various planning applications they consider, was rather limited in terms of the amount of space to state objections or support for an application, together with the reasons for taking that particular view. In addition, there was no indication that some comments were being truncated which, combined with the fact that the comments were not visible online, meant that Members felt the Public Access system was currently not fit for purpose.

Mrs. Bamford stated that the current issues and problems with the Public Access system would be looked into in the short-term on a piecemeal basis but added that this would all be part of a wider ranging review of the system, set to start towards the end of the year as part of the business transformation proposals, which would also heavily involve the District Council's ICT Department. She also welcomed the suggestion of a representative from the parish councils becoming involved in the work to remedy the problems with the Public Access system.

Incidentally, the Chairman referred to an Overview and Scrutiny Task Group due to be set up in the near future to look into the planning process and the Task Group will, no doubt, be inviting Parish Clerks / Executive Officers to participate in the scrutiny exercise as witnesses to the investigations.

6/11 **WHAT NEXT WITH THE CORE STRATEGY?**

The Chairman informed the Forum that Mr. M. Dunphy, Strategic Planning Manager, was to give a presentation to the District Council on the Core Strategy, essentially aimed at the new District Councillors following the election in May. He asked if this would be of interest to the Parish Councils and whether they would wish for a similar event to be arranged and the ensuing consensus around the table was very favourable. It was agreed that arrangements be made in order for Mr. Dunphy to give a presentation to the Forum on the Core Strategy, ideally to the next meeting.

In response to the statement on the Agenda for the meeting in respect of discussions between the District Council and the individual parish councils on any comments made on the draft Core Strategy document, Councillor Taylor asked the Forum if the Parish Council's would be able to form a small Steering Group to consider representations made. He considered that consulting with each Parish Council separately would lead to a fragmented approach which may ultimately lead to the views of the smaller parish councils being stifled by the larger ones, especially in terms of where parish councils shared common ground / similar interests.

Mrs. S. Baxter, in attendance at the meeting both as a member of Wythall Parish Council and as the Chairman of the Area Committee for the County Association of Local Councils [CALC], stated that the Core Strategy was already due to be discussed at the next CALC meeting, inasmuch as seeking areas where the Parish Councils have a consensus, and where they can work together given the different sizes, coverage and issues involved. She considered that it may be possible for a small Steering Group be established to work on the common areas. It was noted, however, that the Core Strategy does not impact upon all parishes to the same degree and some of the larger Parish Councils may have their own views in respect of larger development sites within their respective areas, which may require a certain element of neighbourhood planning to take the Core Strategy forward.

The Chairman, however, reminded Members that the most important consideration was to ensure that a Core Strategy is put in place in order to act as a defence against developers / uncoordinated development. Furthermore, he added that the Localism Bill will not act as a defence against development, but will determine how development is to be handled within an area; the premise is development, not protection or against development.

Mrs. R. Bamford then addressed the Forum to inform Members of the current position of the Core Strategy process. She reported that, since the end of the consultation in April 2011, the 3,000+ responses received were currently being processed with a view to presenting a report to Cabinet, and then Council, in early 2012. Following this, a new version of the Core Strategy would be produced, based on the decisions of Cabinet and Council as to which policies should be amended (in accordance with any officer recommendation or not) and which ones left as they are. Mrs. Bamford stated that the 'new' version of the Core Strategy would then be subject to public consultation and a similar procedure would be followed, and she added that the whole process would, as expected, take a considerable amount of time.

Finally, Mrs. Bamford commented that if any Parish Council wished to discuss the views of the Council on their submissions then, as long as any requests could be incorporated into the timescales involved, any further comments may be accommodated upon request.

Mrs. Bamford then responded to several additional comments and questions from Members of the Forum.

7/11 **TRAVELLERS**

Mrs. S. Sellers - Senior Solicitor - addressed the Forum in connection with this item on the Agenda, submitted on behalf of all Parish Councils within the District by CALC. She stated that issues concerning travellers could broadly be divided into two categories:-

1. Travellers who arrive on private land for a temporary period of time before moving on again; and
2. Travellers who move onto a private area of land at the start of, for example, a Bank Holiday weekend, and then start construction of the infrastructure for a 'permanent' site, outside of normal office hours.

Mrs. Sellers stated that in the case of 1. above she would ask her colleagues in the Legal Services Team to collate some information and basic guidelines, including a list of local solicitors who specialise in dealing with 'short-stay' travellers on private land, in order that the Parish Councils know what to do in case areas of their land are occupied in this way. She added that, unfortunately, the District Councils Legal Services Team was not large enough to offer a service involving the making of Court Applications, etc., so each Parish Council would have to take it's own independent advice.

In the case of 2. above, Mrs. Sellers stated that, should such activity commence during office hours, the Customer Service Centre should be informed as soon as possible in order that action can be taken as soon as possible.

However, Mrs. Bamford added that, where such activity commences outside office hours, the Council's 'After Hours Emergency Service' should be telephoned (available via a recorded message from the Customer Service Centre - 01527 871565) in order to inform the 'on-duty' member of the Corporate Management Team who would then respond accordingly, if it was found to be appropriate Council activity to be followed up.

In response to a question raised by the Forum, it was pointed out that both Bromsgrove and Redditch needed more travellers' sites to which temporary / transient travellers could be moved, but no land for potential sites had been identified. Furthermore, a question was raised in respect of the approach West Mercia Constabulary may take now that a new Chief Constable had been appointed. The Chairman responded by stating that the Local Strategic Partnership could be asked to raise the issue, as well as making an approach to the Chairman of the West Mercia Police Authority. This was noted.

8/11 **DATE OF NEXT MEETING**

It was reported that the date of the next meeting of the Forum, originally scheduled at the January 2011 meeting to take place on Wednesday, 21st September 2011, clashed with a meeting of the District Council's Standards Committee. Therefore, it was suggested that the Forum meeting be put back a week.

RESOLVED that the next meeting of the Forum be re-arranged for Wednesday, 28th September 2011, commencing at 6.30 p.m.

The meeting closed at 8.35 p.m.

Chairman

Issue Summary

"Problems with public access to the planning system.

Issues raised included failure to notify Parishes of applications and the difficulty of identifying applications within the parish; the difficulty of reading some of the plans online. Please could performance statistics also be provided for the length of time taken to process applications within the District."

(1) Failure to notify

We are aware that two applications were omitted from notification to Catshill and North Marlbrook Parish Council as being within their area and also did not appear on the first production of a 'weekly list'.

The reasons are:-

Changes to Development Control process

Recent changes to the process of recording planning applications released a mandatory link to the underlying address gazetteer that ensured Parish and Ward details necessitated no manual intervention.

The Parish / Ward details are provided by the underlying addressing system, created as part of Council's 'Spatial Project' in 2008 to automate labour-intensive operations across all Council functions (looking at paper maps held in various offices to identify the Parish or Ward for a site).

However, the recent change made to speed up the processing of applications for 'new sites'; that is, 'Land at', result in no Parish or Ward details for a minority of applications where a site is not property specific. These had previously been subject to internal delays whilst the gazetteer records were created by the Council's Street Naming / Numbering team, thus delaying registration / validation of applications.

The result of this is that no individual notification letter templates contained the Parish details and therefore none were issued for the two applications in this instance. It should also be noted that it can be legitimate for some sites not to have a Parish and therefore not considered an unusual situation.

The failsafe of the 'Weekly List'

To safeguard the notification process, a weekly list of all valid planning applications requiring Parish Council consultation is issued.

APPENDIX A

This lists all relevant applications irrespective of the presence of Parish details and is designed to trap the possibility of individual notification failure as well as widen publicity of the applications.

However, the production of this list trails actual receipt of applications by a period of seven days to allow for the completion of any validation by Development Control case officers.

Unfortunately, the two applications in question fell outside of the seven day period due to a back-to-back Bank Holiday situation (reducing 10 working days into 4) and slower than usual validation on one case.

The Solution Implemented

Having been made aware of the notification failures, the following steps have been taken:

1. The Development Control Operations Manager will be reminding all case officers regarding the importance of timely validation and the consequences of failure to notify Parish Councils.
2. The process of producing the weekly list has been changed to be as flexible, but timely, as possible and as late as necessary (to encompass any trailing validation) without relying on a specific time period.

This means no undue delays in publicising applications which is a situation that could give rise to residents making enquiries to the Parish who would be unaware of details.

The Development Control Operations Manager is monitoring the validation process in conjunction with the Business and Administration Supervisor to ensure 'Validation' remains as timely as possible within resource.

(2) Difficulty in identifying applications within the Parish

It is uncertain what is exactly meant by this statement. However, as explained above there is a process in place, in addition to our 'Public Access' system, to draw both residents and Parish councils attention to applications.

Bromsgrove District Council's primary means of identifying the Parish associated with an application is the underlying Gazetteer Management System (GMS) for any property within our district.

For those applications where development has not taken place; that is, Land at, Playing field, etc., that have not been linked to a property (and therefore includes no Parish details) or who's underlying GMS record does not contain Parish details, it

APPENDIX A

requires a formal process of adoption. The adoption process is the responsibility of the Street Naming / Numbering team and subject to ratification by the Local Land and Property Gazetteer (LLPG) and National Land and Property Gazetteer (NLPG), Royal Mail and Emergency Services.

The timescales for this process are therefore not within the control of the Local Planning Authority and the weekly list forms the only way to publicise the applications with reliance on local knowledge.

Health Warning

If the issue relates to the existence of certain types of application then there are instances where, as a matter of procedure, Parish Councils are not invited to comment.

These are mainly Article 21 (approval of conditions applications), extensions of time and Certificate of Lawfulness applications (future use). We have tried to educate the Parish Clerks / Executive Officers to be mindful of the type of application if they discover records in Public Access that have not been included on weekly lists or individual notifications.

(3) Difficulty of reading some of the plans online

The method of viewing plans online is Public Access.

This is a combination of two back-office systems, Caps 'Uniform' containing the textual data regarding planning applications and Anite 'Iclipse' Electronic Document Management system (EDMS) which contains images of the scanned documents associated with an application.

It is 'Iclipse' that primarily dictates the sizes of scanned images, speed of access, etc., etc.

Unfortunately given the current economic climate it is unlikely that Bromsgrove can justify replacement of the document imaging system, nor that this would resolve some issues presented by the Parish / members of public ICT configuration, including Broadband supplier.

It was highlighted at the commencement of electronic consultation that Parishes could apply for a lottery grant to assist with ICT and details were distributed by the Development Control Operations Manager. However, the Local Planning Authority cannot guarantee the success of a 'pitch' for lottery support which needs to be shown to be in the interest of general public assistance and not just for planning applications.

APPENDIX A

During periods of difficulty we have been prepared to send documents as .PDF (Adobe Acrobat) files to Parish Clerks / Executive Officers via e-mail to assist with preparation for meetings. Whilst we are embarked upon examination of our processes, including consultation, this is one of a number of methods that will be examined whilst bearing in mind resource implications.

It should also be borne into consideration that appointments can be made to view paper files at our offices by emailing planninghistories@bromsgrove.gov.uk. Where this is a working file, the case officer will be asked to make the file available at the earliest opportunity.

If a Parish has questions relating to the size and scale of development these can also be directed to the case officer for assistance.

(4) **Please could performance statistics also be provided for the length of time taken to process applications within the District.**

We currently provide application performance information internally and in quarterly returns for the Department of Communities and Local Government (DCLG). There is no reason why the information cannot be shared with Parish Councils in an existing format which does not require additional resource.