

# **Bath and North East Somerset Council**

## **PARISHES LIAISON MEETING**

### **Minutes of the Meeting held**

Wednesday, 19th October, 2011, 6.30 pm

Councillors: Peter Edwards (Chair), Rob Appleyard (Bath & North East Somerset Council) (Vice-Chair), Tim Ball (Bath & North East Somerset Council), Paul Crossley, David Dixon (Bath & North East Somerset Council), Gerry Curran (Bath & North East Somerset Council) and Francine Haeberling (Bath & North East Somerset Council), Geoff Ward (Bath & North East Somerset Council), Tim Warren (Bath & North East Somerset Council).

Representatives of: Batheaston, Bathford, Camerton, Chew Magna, Chew Stoke, Claverton, Clutton, Combe Hay, Compton Dando, Corston, Dunkerton, Englishcombe, Freshford, Keynsham, Marksbury, Newton St Loe, Peasedown St John, Priston, Publow with Pensford, Radstock, Saltford, South Stoke, Stanton Drew, Timsbury, Wellow, Westfield, Whitchurch, Ubley

Also in attendance: Tony Crouch, (President of the Avon Local Councils Association), John Everitt (Chief Executive), Glen Chipp (Strategic Director for Service Delivery), David Trigwell (Divisional Director for Planning and Transport), Vernon Hitchman (Council Solicitor), Ann Cullis (Head of Arts Development), Kate Orchard (Cultural Olympiad Quest Project Manager), Martin Pellow (Quest Project Officer), Meghan Rossiter (Senior Planning Officer), Mark Reynolds (Senior Planning Officer)

#### **16 WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Peter Edwards, welcomed everyone to the meeting.

#### **17 EMERGENCY EVACUATION PROCEDURE**

The Clerk drew attention to the emergency evacuation procedure.

#### **18 APOLOGIES FOR ABSENCE**

Apologies had been received from representatives of Farmborough and Paulton Parish Councils.

Apologies had also been received from Councillors Simon Allen, Cherry Beath, Sally Davis, Eleanor Jackson, Eric Potter, Roger Symonds and Reg Williams.

#### **19 URGENT BUSINESS AS AGREED BY THE CHAIR**

There was none.

## **20 MINUTES OF THE MEETING ON 15TH JUNE 2011**

The minutes of the last meeting were agreed and signed by the Chair as a correct record.

## **21 THE EMERGING STANDARDS REGIME**

The Monitoring Officer, Vernon Hitchman introduced this item and informed the meeting that the Localism Bill (which includes proposed changes to the Standards regime) was going through the final steps of the parliamentary process. The 3<sup>rd</sup> reading would be on 31<sup>st</sup> October 2011. The proposals state that all councils have a duty to promote and maintain high standards of conduct, but that they are given discretion about whether to adopt a Code of Conduct. In addition, under the new proposals, if a councillor has failed to comply with the required standards of behaviour, councils only have to power to reprimand or censure; they cannot suspend or disqualify a councillor as they can at present. However, with regard to members' interests, the new proposals contain more Draconian measures. Contravention would be a criminal offence, punishable by a fine of up to £5K and a court could order a councillor's suspension or disqualification for up to 5 years.

Following the national consultation process, various amendments to the proposals have been suggested by interested parties including local authorities. There is considerable support for a Code of Conduct which conforms to a universal standard and which gives councils the power to do more than reprimand councillors. There is little support for the introduction of criminal sanctions. Many local authorities and members of the House of Lords have expressed an opinion that the current system whereby the Standards Committees have voting independent members (who also act as chairs) should be continued. When these proposals were put before a meeting of full Council on 15<sup>th</sup> September, the Members were in broad agreement with the above opinions. They also wished to offer the Parish Councils the facility of using the B&NES Standards Committee to deal with complaints.

A representative from Combe Hay Parish Council asked about the current timescale for the legislation and was informed that the Bill was due to become law by the end of November 2011 and the proposals should be in force by spring 2012.

## **22 THE CULTURAL OLYMPIAD**

Ann Cullis, (Head of Arts Development), Kate Orchard (Cultural Olympiad Quest Project Manager) and Martin Pellow (Quest Project Officer) introduced this item. They explained that the Cultural Olympiad project was intended as a catalyst to celebrate communities in B&NES by holding both small and large scale activities. Parishes and towns would be encouraged to take up Quest challenges to do with e.g. the arts, sports, heritage or energy conservation.

Martin Pellow informed the meeting about the Gold Challenge which was aimed at giving opportunities to all residents to become more active and take part in Olympic sports whilst also raising money for charity. B&NES was fortunate in having facilities

to offer all of the Olympic sporting options and families, local teams and whole communities can sign up to try a new sport. The Gold Challenge had been included in the Chairman's sports awards for 2012. The officers encouraged all those interested to obtain more information from the website:

[www.goldchallenge.org/bathnes](http://www.goldchallenge.org/bathnes).

## **23      PROGRESS OF THE EXAMINATION OF THE B&NES CORE STRATEGY**

David Trigwell (Divisional Director, Planning and Transport), introduced this item and informed the meeting that the Planning Inspector had suspended the examination of the Core Strategy in order to allow full Council to respond to the questions raised, in particular the contingency to support new housing delivery. The consultation period will last till 21<sup>st</sup> October after which the Inspector will be reviewing the Council's response to his preliminary comments and questions, the changes proposed in the Core Strategy and the issues raised in comments received.

Councillor Tim Ball informed the meeting that this was a milestone in the progress of the Core Strategy and that it was felt that it could stand on its merits without contingency. As the Council were required to build 600 new homes per year, the need now was to look for potential sites. He looked to the parishes to help identify some of these.

A representative from Priston asked whether the examiner's remit was affected by the progress of the Localism Bill and was informed that it was unlikely as the Inspector was working within the framework of current legislation.

A representative from Combe Hay asked whether there was any interaction between the Core Strategy and the emerging National Policy Framework. The officer replied that the government's intentions was to reduce central advice and policy imposition, but that meant that there had to be robust local arrangements and policies. It was also important that communities set out their aspirations for the district before developers did it for them. Inspectors must make sure that the system does not stand in the way of local wishes.

## **24      THE SEARCH FOR AUTHORISED SITES FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE**

David Trigwell (Divisional Director, Planning and Transport) introduced this item and also introduced Meghan Rossiter who had been seconded to the planning department to work on this issue. The officer explained that the Council were in a vulnerable position in the absence of a policy on sites for gypsies, travellers and travelling showpeople. As the authority progresses through the timetable in the Local Development Plan, the evidence gathered to deliver sites will also help the Council to defend itself against inappropriate sites.

Councillor Tim Ball admitted that the issue had caused difficulties for the Council over many years. He pointed out that some of those living in caravans were local homeless people, not travellers, who had integrated well into the community and whose children attended local schools. He informed the meeting that he had an illegal site in his ward, but that moves were in hand to turn it into a legal site.

A representative from Clutton asked what the planning department did with illegal sites. The officer replied that some sites could be changed into legal sites if necessary and acceptable. As the local authority has not yet framed a policy on these sites, it is difficult to defend any action at appeal as B&NES has no alternative provision to offer. This is why the Council must determine where the sites are.

The representative from Clutton asked what was done about illegal pitches once the agreed number of legal pitches had been identified. The officer replied that once a policy was adopted, anyone could bring forward a proposal to amend that policy. Councillor Gerry Curran (Chair of the Development Control Committee) added that the authority did not have provision for enough sites and that the policy needed updating. If identified sites were included in the Core Strategy, then it put the Council in a stronger position. Although some of the illegal sites might become legal in the future, the Council intended to prosecute if necessary.

Councillor Geoff Ward (Bathavon North Ward) asked if the assessment had been completed, and if so, what number of sites had been advised. The officer replied that 22 pitches had been suggested, but it would be up to the inspector to decide if that number was adequate.

A representative from Radstock Town Council pointed out that many of the travelling people were destitute and that they often missed out on education and healthcare. The situation would improve if sites were regulated. The officer informed the meeting that Ashley Ayre (Director of People and Communities) was looking into this issue and seeking to ensure that the sites' criteria included access to health and education services.

The Chief Executive added that with permanent sites it would be easier to ensure that the Council fulfilled its obligations with respect to the safeguarding of adults and children.

A representative from Corston pointed out that there were a lot of travellers who lived on the boats on the canal and the river Avon. The officer said that river sites were not covered by current planning policy, but it was hoped to remedy this in the future. Councillor Ball added that the issue was also being considered by national government.

## **25 NEIGHBOURHOOD PLANNING**

David Trigwell (Divisional Director, Planning and Transport) introduced this item about the Neighbourhood Planning Protocol which sets out how the community, stakeholders and interested parties can be active in planning their neighbourhood. The protocol runs alongside other planning policies and details of the timetable for adoption are in the paper published with the agenda.

A representative from Batheaston informed the meeting that he had attended the focus group sessions on the protocol which had been very useful. He pointed out that more needed to be done to engage with urban areas, but that parish councils were well represented.

The officer agreed that dealing with the non-parished areas of the district did raise problems. The department were in touch with established groups such as residents' associations, but there were difficulties with boundary issues.

A representative of Keynsham Town Council stated that the consultation period for the protocol was at a very inconvenient time over Christmas and New Year. The officer replied that they were aware of the tight timescale and had added extra feedback time over the Christmas period.

Peter Duppa-Miller ( Secretary, B&NES Local Councils Association) asked for clarification as to the impact of the draft Neighbourhood Planning Regulations on the Neighbourhood Planning Protocol. He understood that in parished areas it was the parish councils who lead. However, the Campaign for the Protection of Rural England was encouraging communities to form Neighbourhood Forums, which appeared to be almost in competition with parishes. The officer replied that he was aware of that development, but that he felt the parish councils should have primacy. He hoped that national government would provide clarity on this issue.

## **26 PLANNING ENFORCEMENT**

Mark Reynolds (Senior Planning Officer) introduced this item and gave a presentation on the enforcement process. He explained what the Enforcement team can and can't deal with and said that the policy was based on consistency, proportionality and openness. Enforcement action is a discretionary power of the Council and is seen as a last resort where the department is unable to resolve a breach with the offender. The officer informed the meeting that the Council dealt with 700-800 enforcement enquiries every year, but that the vast majority are dealt with informally with no further action needed.

Councillor Tim Warren (Mendip Ward) expressed concern about the time taken to deal with enforcement actions and the lack of response from the department – it was very frustrating for parishes. The officer replied that their policy is to respond quickly with an email. However, just because the parish hasn't heard anything, it doesn't mean that nothing is happening. The department only informs interested parties when progress has been made. A representative from Saltford stated that it was B&NES practice to only correspond with the initiator of the enquiry about enforcement actions, but it would be helpful if the clerk to the parish council could also be informed. The officer replied that they were happy to keep the clerks informed if the parish council is not the initiator of the complaint.

Councillor Geoff Ward (Bathavon North Ward) said that the work of the department was appreciated, but asked why the number of enforcement actions was reducing. The officer replied that they were trying to effectively negotiate and manage the enforcement notices so that fewer actions were necessary. David Trigwell added that

there had been no change of policy during the past two years; the reduction was due to the nature of the cases.

A representative of Dunkerton Parish Council commented that their council had raised several planning matters with the department which turned out to be permitted development and asked if the parish councils could be advised of these so that they did not waste time contacting the enforcement team.

David Trigwell (Divisional Director, Planning and Transport) replied that most planning applications were a private process so there was no requirement for parish councils to be kept informed. The department did encourage developers to inform their neighbours and the parish councils, but they had no power to force them to do so.

A representative of South Stoke Parish Council expressed concern about the tendency towards delay in the planning process, which meant that investigations which lasted more than 4 years were closed as they had run out of time. The officer replied that he was well aware of the 4-year rule, but that if an enforcement notice is served, it effectively 'stops the clock', especially where a development is getting close to its time limit. The Localism Bill is proposing to plug this gap with improved powers.

A representative of Clutton Parish Council asked whether all the enforcement notices issued in 2010-2011 had been resolved. He pointed out that less than 5% of cases were subject to enforcement notices, so that meant that 95% were resolved amicably and further asked how many of the complainants were satisfied with that outcome. To the first question, the officer replied that it varied – some would have been subject to enforcement and some remain unclosed. In response to the second question, the officer said that he could not give that information as one would need to ask the individuals involved.

Councillor Gerry Curran commented that it would be interesting to look at the age profile of cases and that he would ask the planning department to produce some figures on that issue. He pointed out that bringing a case to the stage of prosecution could be seen as a failure.

A representative of Newton St Loe Parish Council asked how rapidly the department could issue a temporary stop notice. The officer replied that they were only used when there had been a serious breach e.g. a highway safety issue. They could be drafted and served within a matter of days. If the breach related to a tree that was subject to a Tree Preservation Order being cut down without permission, then the offender could be subject to a fine of up to £20K. Frequently, the department only became involved after the breach had been committed.

A representative from Combe Hay Parish Council commented that it seemed that some investigations were closed because it was not expedient to go further. The officer replied that sometimes the department only took enforcement action when it was expedient to do so – they did not want to favour those people who didn't apply for consent.

Councillor Gerry Curran commented that the development management process depended on the legislative framework. It needed to be based on the principle of 'harm done', so if the department went down the enforcement route and were unsuccessful, it could be seen as a waste of public money and affect the Council's reputation.

A representative from South Stoke Parish Council asked how many cases had been closed because they had run out of time. Councillor Curran said that he would forward that information to parishes, but that performance had improved significantly over recent times.

**27 DATES OF FUTURE MEETINGS**

The Chair informed the meeting that the next Parishes Liaison meeting would be on February 22<sup>nd</sup> 2012.

The meeting ended at 8.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**