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Council

17<sup>th</sup> January 2012

**Name of Cabinet Member:**

Cabinet Member (City Development) – Councillor Bigham

**Director Approving Submission of the report:**

Martin Yardley (Director of City Services and Development)

**Ward(s) affected:**

None

**Title:**

Amendments to Development Forums/Procedure Rules

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**Is this a key decision?**

No

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**Executive Summary:**

Development Forums are held to enable the engagement of both Councillors and Members of the public in pre-application discussions with developers in a structured manner, ensuring that communities and Councillors are involved at the earliest opportunity. These meetings are normally held at 5.00 p.m. in the Council Chamber and they are chaired by the Cabinet Member (City Development) or her nominee. The developer has the opportunity to present their scheme and then respond to questions on factual matters. There is no debate with the developer on the proposals as the focus is to clarify aspects of the proposal and the Development Forum is not an arena for negotiation. Immediately following the Forum, Council officers and Members meet separately to discuss the scheme. Officers will provide a report back to the developer on issues they may wish to consider further.

As Development Forums have been in place for some time, it is felt that it would be appropriate to review the processes and procedures to assist in clarifying the roles of all stakeholders, in particular for officers and Members. The Planning Advisory Service promotes Development Forums nationally as good practice, and the Council's current arrangements are not dissimilar to how other authorities operate them.

Following this review, it is proposed that:-

Where sites are located in a specific ward within the City, the Development Forums should be held in the appropriate Ward.. These meetings would be held in an appropriate venue within the Ward and would be chaired by the chair of the Ward Forum, unless s/he is a member of the Planning Committee. In such instances, one of the other Ward Councillors would be requested to Chair the Development Forum. If an appropriate venue could not be located, the Development Forum meeting would be convened at the Council House.

Where a proposal relates to a significant and strategically important site, sites within the city centre, contentious sites, or in situations where the development would impact on more than one ward, the Development Forum would be held at the Council House and would commence at 7.00 p.m.

In addition, there is currently a meeting held immediately after the Development Forum with Council officers and Members. Whilst there will be meetings following the development forum, these will be part of the normal discussions at pre-application stage, and may involve the developer with Members and Officers.

**Recommendations:**

Council are requested to:

1. Consider the proposed changes to the Development Forum Procedures, detailed in the report along with any recommendations from the Constitution Working Group.
2. Approve the proposed changes to the Development Forum Procedures and amend the Council's Constitution accordingly.

**List of Appendices included:**

Appendix A – The proposed procedures for future Development Forums.

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

Yes – Constitution Working Group – 7<sup>th</sup> December 2011

**Will this report go to Council?**

Yes – 17<sup>th</sup> January 2012

## 1. Context (or background)

- 1.1 Development Forums are held to enable the engagement of Councillors and Members of the public in pre-application discussions with developers in a structured manner, ensuring that communities are involved at the earliest opportunity.
- 1.2 The current procedures are set out in the Council's Constitution. The Forums are normally held in the Council Chamber at 5.00 p.m. and are chaired by the Cabinet Member (City Development) or her nominee. Although the meetings are included on the Council's public notices, there is an additional responsibility for developers to advertise the meetings through an advert in a local paper, at their own expense. At the meeting, the developer has the opportunity to present the scheme and respond to questions, from both Councillors and members of the public, on factual matters. There is no debate or negotiation with the developer in respect of proposals at this stage. Following the Forum, Members in attendance meet separately with Council officers to discuss the scheme. Officers will provide feedback to the developer on issues that they may wish to consider further.
- 1.3 As these procedures have been in place for some time, it is considered appropriate to review the processes and procedures for these meetings to assist in clarifying the roles of all stakeholders, particularly for officers and Members.

## 2. Options considered and recommended proposal

- 2.1 Developers like the process and feel it is a useful mechanism for them to have a collective dialogue with residents, Members and officers. Consideration has been given to making a number of changes to the procedures for the meetings, which will improve the format and engagement of all those in the process.
- 2.2 In formulating the proposed amendments, consideration has been given to the Planning Advisory Services' promotion of Development Forum's as good practice and the data collected from other local authorities on the operation of their own Forums.
- 2.3 A number of issues have been considered, with a view to improving the Development Forum:

### 2.3.1 Time of Meeting

Meetings are currently scheduled for 5.00 p.m. Given the likelihood of residents needing to travel from the outskirts of Coventry during peak hour traffic, it is not considered the most appropriate start time. **It is therefore proposed that future meetings commence at 7.00 p.m., in order to allow time for more residents to be able to attend these meetings.**

### 2.3.2 Venue

Forums are currently held in the Council Chamber, which due to its layout, is not conducive to discussions by a large group of people. In addition, requiring residents to travel to the city centre to discuss a development next to where they live does not appear to encourage genuine engagement and consultation. **It is therefore proposed that, where a development relates to a specific ward, it will be held in that Ward.** There is likely to be an additional but small cost for the

venue, which would be settled by the developer, along with the current requirement to fund the advertisement of the meeting.

Clearly, significant and strategically important sites, contentious sites or sites within the city centre, may still be discussed at the Council House. In addition, where no suitable venue can be found in the affected ward, the Council House may still be used for meetings of the Forum. Given the difficulties with meetings in the Council Chamber mentioned above, **it is further proposed that where meetings of the Forum are held in the Council House, wherever possible, they will be held in Diamond Room 2 or other suitable venue.**

### 2.3.3 Chairing the Meeting.

The Development Forum has previously been chaired by the Cabinet Member (City Development). It has been the practice for the chair to open the meeting and welcome the developers. However this could be seen as the Cabinet Member being supportive of the scheme and there is concern about how this is perceived by residents.

**It is therefore proposed that future meetings be chaired by the chair of the Ward Forum affected by the proposal or, in the case of significant and strategically important sites, contentious sites within the city centre or where the development may impact more than one ward, the Forum will be chaired by a Cabinet Member excluding the Cabinet Member for City Development**

### 2.3.4 Meeting Between Members and Officers

Members and officers currently meet immediately after the Forum so that officers can gauge from Members their thoughts and issues in order to assist in further dialogue with the developer in relation to the scheme presented.

Following a recent Forum, the developer raised concerns about this meeting, as the forum had been very positive with no major issues. However, the feedback from the meeting afterwards with officers and Members confirmed that Members were not happy about the principle. The developer felt this should have been raised in the open forum, which it was not. **It is therefore proposed that meetings will continue to take place, but will be part of the normal pre-application discussions, and may if necessary include the developer. This would avoid the perception of separate discussions.** It is felt that it is important that dialogue still takes place between officers and Members.

### 2.3.5 Members Engagement in the Forum

It has been suggested that Members are a little unclear about what they are able to say in the Forum, particularly if they are members of the Planning Committee. To assist in clarifying their role at this stage in the pre-application process, advice notes are read out by the chair. **It is proposed that these notes be revised in order to provide further assistance and guidance** (these need to take into account rules on predetermination and bias) refer to Legal if needed.

### 2.3.6 Procedure rules for the Forum

At Appendix A, a copy of the procedure rules as amended have been included, which guide the developer and other stakeholders through the process prior to and during the meeting.

### **3. Results of consultation undertaken**

- 3.1 No formal consultation has been undertaken in relation to the proposed changes to the procedures for the Development Forum meetings. However, feedback has been received from developers, residents and Members following previous Forum meetings, which have guided the proposed changes.

### **4. Timetable for implementing this decision**

- 4.1 It is proposed that, subject to the agreement of the proposed changes by Council at their meeting on 17<sup>th</sup> January 2012 the revised procedures be implemented immediately.

### **5. Comments from Director of Finance and Legal Services**

#### **5.1 Financial implications**

There are no specific financial implications to the Council resulting from the proposed changes to the procedures for the Development Forum meetings.

Although there is the potential for additional costs to arise where meetings are held in the affected wards, it is expected that these will be minimal and will be settled by the developer.

#### **5.2 Legal implications**

It is vital that the procedures are clear and that the Council adheres to regulations and procedures so that it would not give rise to legal challenges and complaints.

### **6. Other implications**

#### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The proposed changes to the procedures for the Development Forum will provide the opportunity for residents and Members to take part in the evolving development of their local area more easily and will contribute to creating a creative, active and vibrant city and improving the environment through the resulting developments.

#### **6.2 How is risk being managed?**

There will be the need to ensure that where meetings are held in the locality, venues are appropriate and safe and do not pose a risk to attendees. If safety risks are identified at external venues, there will be the opportunity to use the facilities at the Council House for the Development Forum meeting.

Appropriate measures will be in place to ensure that the correct procedures for the Forum meetings are followed.

### 6.3 What is the impact on the organisation?

Meetings will be facilitated and attended by a number of Council officers. Although the revised time of the meeting will require those officers to work beyond the normal 'flexitime' hours, this will be addressed through the Council's usual procedures for time off in lieu.

### 6.4 Equalities / EIA

The proposed changes will make a positive change to people's opportunities for making representations at the pre-application stage of the planning process. It is considered that the changes will make the process more fair and transparent.

### 6.5 Implications for (or impact on) the environment

There are no specific implications on the environment in making changes to the procedures for the Development Forums, although impacts on the environment arising through developments will be assessed on an individual basis.

### 6.6 Implications for partner organisations?

There are no specific implications.

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This report is published on the council's website:  
[www.coventry.gov.uk/meetings](http://www.coventry.gov.uk/meetings)

## APPENDIX A

### 4.10.2 Development Forums

The purpose of Development Forums are to enable the engagement of Councillors and members of the public in pre-application discussions in a structured manner, with a view to promoting quality development and facilitating engagement with communities at the earliest opportunity.

- 4.10.2.1 Prior to submission of formal applications for major or potentially contentious proposals, Developers (which could include City Council employees in the role of Developers) are able to request to make a presentation to all Councillors of the City Council and members of the public in the form of a Development Forum. The Group Manager – Planning and Building Control or nominee, in consultation with the Cabinet Member (City Development) will determine whether a request to hold a Development Forum should be acceded to.
- 4.10.2.2 Discussions at Development Forums will not bind the City Council as Local Planning Authority and this will be made clear at the outset of each meeting. Similarly it will be made clear that the views expressed are not part of the determination process and that any statements made at a Development Forum are "without prejudice".
- 4.10.2.3 Where possible, when proposals affect a specific Ward in the City, the Development Forums will held in the Ward affected and will take place at a venue within that Ward, and will be chaired by the Chair of the Ward Forum, unless s/he is a member of the Planning Committee. In these circumstances, another of the Ward Councillors will be requested to Chair the Development Forum. Where there is an additional cost for the hire of a suitable venue, this will be settled by the developer.
- 4.10.2.4 Where a proposal relates to a significant and strategically important site, sites within the city centre, contentious sites or in situations where the development would impact on more than one ward, the Development Forum would be held at the Council House and will be chaired by a Cabinet Member but not the Cabinet Member with responsibility for urban regeneration and planning.
- 4.10.2.5 The Chair will be responsible for the smooth running of the Forum and will ensure that questions from Councillors or members of the public are relevant and not repetitive.
- 4.10.2.6 Appropriate employees of the City Council will be in attendance.
- 4.10.2.7 Development Forums will be open to members of the public and will be included on the weekly public notice of meetings. In addition, publicity will be given to meetings of the Development Forum through a press release which the developer will be expected to procure. The Group Manager – Planning and Building Control will also send out targeted letters to residents groups and other interest groups.
- 4.10.2.8 Developers will be given the opportunity to make a presentation that should



describe their proposal and explain how they believe the proposal relates to the Development Plan, how it fits in with local needs and preferences; and any other material consideration that they believe Councillors and members of the public should give weight to. Presentations should be limited to the development proposal and a question and answer session on factual matters. It is expected that such a presentation should not last longer than 30 minutes.

- 4.10.2.9 A question and answer session on factual matters will follow. Councillors and members of the public will be able to ask questions but must refrain from entering into debate directly with the Developers. Councillors must maintain an impartial listening role and avoid expressing an opinion to the Developers. Questions should focus on clarifying aspects of the proposal or express policy concerns, but must not develop into negotiations.
- 4.10.2.10 Notes will be taken at meetings of the Development Forum and a summary of the discussions will be kept on file which will be open to public inspection.
- 4.10.2.11 Following the Development Forum, further informal meetings may be arranged as part of the normal pre-application discussions.
- 4.10.2.12 Employees will advise the Developers of any issues that they may wish to consider further and will continue to work with the Developers to achieve a quality scheme.