

COUNCIL BUSINESS COMMITTEE

Appeals Committee 12 March 2015

Report of Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to consider two recommendations to Council in connection with Appeals Committee hearings.

This report is public.

RECOMMENDATIONS

- (1) That new procedure rules be adopted for inclusion at Part 4, Section 10 of the Constitution, in connection with the Appeals Committee hearings to consider formal objections to Tree Preservation Orders, the procedure rules being a formalised version of the guidance developed by Democratic Services attached as Appendix A to the report.**
- (2) That Council be recommended to include at Part 3, Section 7 of the Constitution under “Composition of the Appeals Committee”:**

“Members of Planning and Highways Regulatory Committee should not sit on the Appeals Committee to decide formal objections to Tree Preservation Orders if they have previously considered a related planning application.”

1.0 Introduction

- 1.1 The Appeals Committee has authority to determine an appeal against any decision made by or on behalf of the Council which does not fall within the Terms of Reference of another Committee.
- 1.2 The majority of appeals considered by the Appeals Committee are in connection with objections to Tree Preservation Orders.
- 1.3 Local Planning Authorities have the power to make Tree Preservation Orders under Sections 198, 199 and 201 of the Town and Country Planning Act 1990 in order to protect trees which are important in the local communities.
- 1.4 The statutory process for making a Tree Preservation Order includes notifying the affected landowners and allowing 28 days for persons to object in writing to the making of the Order.

1.5 Most objections are resolved through negotiation by officers. Some, however, are not and these are referred to the Appeals Committee to decide whether or not the Tree Preservation Order should be confirmed and, if confirmed, whether this should be with or without modification.

2.0 Proposal Details

2.1 In order to ensure that Appeals Committee meetings are efficient, transparent and accountable to local people, Democratic Services have developed guidance for the public, which is attached as Appendix A.

2.2 Members are asked to approve that new procedure rules be adopted for the Appeals Committee for inclusion at Part 4, Section 10 of the Constitution based upon the guidance developed by Democratic Services. The Rules will encompass the paragraphs in the guidance under the headings, "Giving Notice", "The Meeting" and "Procedure at the Meeting". Adopting such procedure rules will ensure that the Appeals Committee meetings have structure and are as inclusive and transparent as possible.

2.3 Members are also asked to recommend that Council approves for inclusion at Part 3, Section 7 of the Constitution that members of Planning and Highways Regulatory Committee should not sit on the Appeals Committee if they have previously considered a related planning application. This will remove the risk of predetermination and bias.

3.0 Details of Consultation

3.1 The Appeals Committee guidance, attached as Appendix A, was drawn up in consultation with Regeneration and Planning Services.

4.0 Conclusion

5.1 Members are asked to approve the recommendations contained in the report.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

These are set out within the report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared on behalf of the Monitoring Officer, who is the officer responsible for the Constitution.

BACKGROUND PAPERS

None

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