



To: Executive Councillor for Climate Change and Growth  
Report by: Simon Payne, Director of Environment & Planning  
Relevant scrutiny committee: Environment Scrutiny 11/01/2011  
Wards affected: All

## **Design and Conservation Panel Terms of Reference Not a Key Decision**

### **1. Executive summary**

1.1 The Council's Advisory Conservation and Design Panel was originally set up in 1973. Its name, Terms of Reference, and membership were reviewed in 2006. This report recommends changes to its Terms of Reference, which have been reviewed at the conclusion of the Panel Chair's term. It also responds to suggestions made by members of the Agents' Forum.

### **2. Recommendations**

2.1 The Executive Councillor is recommended to approve the proposed changes to the Design and Conservation Panel's Terms of Reference, as set out in Appendix 2.

### **3. Background**

3.1 The Design and Conservation Panel has been in its present form since November 2006. It was first set up in 1973 as a "Historic Buildings Advisory Panel"; by 1990 it had been re-named the "Listed Buildings Panel", and subsequently it became the Conservation and Design Panel. The 2006 review revised the way in which the Panel advises Planning Committee, and its membership.

3.2 The Panel's membership comprises representatives of the bodies listed in the approved Terms of Reference, plus co-opted members. The Chair receives an honorarium, but other Panel members give their time. This is a major commitment as since 2006 the Panel meets monthly.

- 3.3 Officers have reviewed the operation of the Panel in conjunction with the now-retired Chair and the incoming Chair. This review has sought to update the Terms of Reference where necessary, to clarify the matters being brought to the Panel, and to improve management of the agendas to meet ever-increasing demands on the Panel's time.
- 3.4 Particular issues have been experienced in relation to: a) balancing the demand for pre-application presentations with the need for the panel to consider current applications in time for the Council to meet its decision deadlines; b) schemes which are submitted repeatedly with insufficient improvement; and c) schemes which are presented with no or inadequate advance information to enable Panel members to visit the site and assess potential issues prior to the presentation.
- 3.5 Members of the Agents' Forum have also suggested possible changes to the way in which the Panel considers presentations made to it. They have struggled to understand the thought processes behind verdicts and have requested the deliberation be an open discussion, in accordance with the guidance from CABE. The present format involves a presentation of up to twenty minutes, up to twenty minutes' questions from Panel members to the presenters then the presenters leave and the Panel discuss the scheme and come to a view *in camera*.
- 3.6 These issues and suggestions were considered by the Panel at its meeting on 24 November 2010 (see Appendix 3). The Panel agreed the suggested amendments to the Terms of Reference, with Scheduled Monuments added to the list of designated heritage assets (see Appendix 2).
- 3.7 Panel members discussed the suggestions made by members of the Agents' Forum. They noted that, notwithstanding the CABE guidance, the experience of both officers and some Panel members was that CABE does hold discussions *in camera*. The Panel felt strongly that the presence of agents throughout its deliberations would change the dynamic considerably and potentially inhibit discussion. The collective view of the Panel was that current arrangements were entirely appropriate.

#### **4. Assessment**

- 4.1 The officers' and Chairs' suggested changes to the Terms of Reference are supported by the Panel.
- 4.2 The changes suggested by the Agents' Forum are strongly resisted by the Panel. The Panel's agreed view is expressed in the Panel's final

minute, not comments made by individual Panel members in the discussion leading up to that minute. Panel members would be inhibited by the presence of agents during the discussion, so reducing the extent of scrutiny and hence the value to the Planning Committee of the Panel's deliberations.

- 4.3 The discussion highlighted apparent differences between CABE's guidance and its operation in practice. However the key comparison with CABE is where its Panel members are paid, the City Council's Panel members give their time (with only a very modest recognition of the Chair's services). To amend procedures as the agents suggest would not only inhibit Panel members from commenting, it would also deter them from giving their time.
- 4.4 For the above reasons, the agents' suggested changes are not supported.

## **5. Implications**

### **Staff**

- 5.1 The staffing implications are set out in the report.

### **Finance**

- 5.2 The financial implications are set out in the report.

### **Environmental**

- 5.3 The environmental implications are set out in the report.

### **Community Safety**

- 5.4 There are no direct community safety implications.

### **Equalities and Diversity**

- 5.5 There are no direct physical equality and diversity implications. Involvement of local people in the work should follow the guidance set out in the Statement of Community Involvement.

## **6. Background papers**

Reports to Environment Scrutiny Committee:

21 March 2006, agenda A item 12

7 November 2006, agenda B item 2

CABE guidance on Design Panels

<http://www.cabe.org.uk/publications/design-review-principles-and-practice>

## **7. Appendices**

1. Panel Approved Terms of Reference 2006
2. Suggested amended Terms of Reference (track-changed)
3. extract from Design and Conservation Panel minutes, 24 November 2010

#### 8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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