



PLANNING COMMITTEE

9 February 2023

REPORT TITLE:	ADV/21/02183 Car park SW of CHERRY TREE SHOPPING CENTRE, 6-8 CHERRY SQUARE, LISCARD, CH44 5XU Approval in error of retrospective advert consent for 6 no. non-illuminated pole mounted and 2 no. non-illuminated wall mounted fascia signs.
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

This report updates Planning Committee about the circumstances that led to the approval of advertisement consent for ADV/21/02183 under delegated authority before Planning Committee could consider the application. The report sets out the procedural changes that have been implemented with a view to preventing similar occurrences in the future.

This matter affects Liscard Ward within the Borough.

RECOMMENDATIONS

Planning Committee is recommended to note the contents of the report and endorse the changes to internal Council procedure that have been implemented as outlined in Paragraph 3.6 of this report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 To advise Planning Committee of the control measures which have been put in place to prevent similar errors occurring in the future.

2.0 OTHER OPTIONS CONSIDERED

2.1 No other options have been considered.

3.0 BACKGROUND INFORMATION

3.1 An application for the retention of adverts within the car park south west of the Cherry Tree shopping centre was received on 15/11/21. An accompanying

planning application (APP/21/02188) for the erection of 2 no. pole mounted ANPR and 1 no. wall/pole mounted ANPR cameras to the Car Parks. Replacement of existing 4 no. Pay and Display Machines, was also received. Following the statutory publicity period, the advert application attracted 16 individual objections and a qualifying petition of objection in addition to objections from Councillor D Kenny. Within the current scheme of delegation this meant that the application should be determined by Planning Committee if a recommendation to approve the application was proposed.

- 3.2 The advert application, together with the accompanying planning application, were presented to Planning Committee on 9th June 2022. The committee resolved to defer the applications to allow more time for the case officer to liaise with the applicant and Council's Economic Development team in relation to the impact of the scheme on the vitality of Liscard Town Centre. Both applications were subsequently scheduled to be re presented at October 13th 2022 Planning Committee.
- 3.3 Following the Planning Committee of 9 June 2022, the Council began working with a new software system for the processing and determination of planning applications. Existing applications were transferred to this system. The method for dealing with and signing off planning and other applications was subject to a completely new process.
- 3.4 During the initial use of the new software, all officer reports, including those to be determined under delegated powers and through the committee process, were logged within the same list for signing off and issuing a decision. The advert application and the planning application for the cameras were on the list of completed reports ready for review. The reports are reviewed on a rota by senior staff and on the day that this list was reviewed a new member staff was responsible for sign off. As a result of this set of circumstances the decision on the advert application was issued by the new member of staff in error.
- 3.5 Once it was realised that the decision had been issued in error an internal investigation was undertaken. This concluded that the advert consent was not properly granted in terms of procedure, having regards to the Council's Constitution and Scheme of Delegation for Determining Planning Applications.
- 3.6 Following this investigation a review of the determination procedure for committee applications was carried out. The following changes have been made to procedure:
 - (a) Officers do not complete the assessment of the application by ticking the "assessment complete" box in the report. This means that committee items no longer appear in the general list of applications to be to be signed off.
 - (b) Officers email the Team Leaders to advise that committee reports are ready to be assessed. The status and file location of the application is then changed to

“committee” to differentiate this from delegated applications.

- (c) Officers update the central spreadsheet of committee applications so that it is clear which applications should be determined at Planning Committee. This is reviewed weekly by the Team Leaders and Development Management Manager.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The relevant officer with the delegated power had decided not to exercise delegated power to determine the advertisement consent, and the responsibility for making the decision lay with the Committee, hence this matter was reported to the meeting of this Committee on 9 June 2022. An authorised officer (such as the planning officer here) had no authority to exercise those delegated powers on behalf of the Director of Regeneration and Place
- 5.2 The decision to issue the consent (in error) could only be set aside on application for judicial review. In consultation with the Chair and Spokespersons of this Committee and the Leader of the Council a decision was taken by the Head of Legal Services to not challenge the grant of planning consent. This was on the basis that this would not prejudice the determination of any appeal against the refusal of the related planning permission. The decision was also made on the basis that the issues considered as part of an advertisement consent are more limited (they essentially relate to amenity or public safety) than wider planning considerations which are relevant to the determination of a planning consent.
- 5.3 The advert consent is for 6 pole mounted signs and 2 wall mounted signs. There are a further 25 signs in the car park that do not require consent. The Council as Local Planning Authority can only control the structure of the advert and not the content of what is displayed on the sign.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 Section 3.6 of this report outlines the mitigation now in place to mitigate the risks identified.

8.0 ENGAGEMENT/CONSULTATION

8.1 Paragraph 5.2 of this report sets out the consultation process that was carried out in respect of the decision not to seek to have the advertisement consent set aside by the courts.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The aim of planning enforcement is to secure the lawful use of land that is the subject of suspected breaches of planning control.

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Council Meeting	Date
Planning Committee	9 June 2022 and 13 October 2022