

 <b>Executive Committee</b> <b>10<sup>th</sup> October 2012</b>		<b>Agenda Item No.</b> <b>8</b>
<b>Title</b>	Review of Planning Committee – Issues Paper	
<b>For further information about this report please contact</b>	Chris Elliott, Chief Executive	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Full Council Minute No: 98	
<b>Background Papers</b>	Not Applicable	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes, 437
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No (If No state why below)
Not at this stage.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Chris Elliott
Head of Service		Tracy Darke
CMT		Andrew Jones, Bill Hunt
Section 151 Officer		
Monitoring Officer		Andrew Jones
Finance		Mike Snow
Portfolio Holder(s)		John Hammon; George Illingworth
Consultation & Community Engagement		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
Issues have been considered and discussed with the Group Leaders and their Deputies and with the Chairman of the Planning Committee and Portfolio Holder.		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
Response from Councillors and other key participants in planning process to this issues paper will be considered and then a final set of proposals will be considered.		

## 1. **SUMMARY**

- 1.1 This report provides an update on the review of the Planning Committee that full Council agreed should be undertaken by the Chief Executive and presents an Issues Paper on which Member's views are sought. Following further consultation and other work a set of recommendations will be presented for consideration.

## 2. **RECOMMENDATIONS**

- 2.1 That Members note the progress of the review including that that a peer review will take place in January 2013.
- 2.2 That Members feed back their views on the Issues Paper attached at Appendix 1.
- 2.3 That the Issues Paper at Appendix 1 is used as the basis for consultation with other key participants of the Planning process.
- 2.4 That once the consultation is complete and the other steps are completed that a final report with recommendations is presented for consideration in March 2013.

## 3. **REASONS FOR THE RECOMMENDATIONS**

- 3.1 The Council decided to ask the Chief Executive to review the Council's Planning Committee at its meeting in March 2012.

".....the Vice Chairman of Planning Committee be awarded a Special Responsibility Allowance at £1,115 subject to a full review of the Planning Committee remit being undertaken by the Chief Executive to assess the responsibilities undertaken by all members of the Committee;"

- 3.2 In this context a "full review" means that the Committee is tested to assess if it is fit for purpose. This raises the issue of the Purpose of the Committee, especially as the Council moves towards firming up the Local Plan and the provisions of the Local Plan then turn into very significant planning applications. The review though also needs to assess Workload and, Attitudes and Behaviours. There is also a wider context to the review of the Planning Committee. It is after all only one part of the whole process that the Council has to determine planning and other associated applications. The wider aspect is already being undertaken as part of the Development Services Intervention that forms part of the Fit for the Future programme.
- 3.3 A review rarely starts with a blank canvas where nothing else is happening. It is recognised that Development Services and the Committee is already changing its approach. Changes made or being made include:
  - 1. Ensuring that, whenever possible, Committee makes a decision and does not needlessly defer or delay.
  - 2. Officer's including in their recommendations, a date when the Section 106 needs to be signed by otherwise it is a delegated refusal.
  - 3. Ensuring that decisions are made on planning grounds and officers are more 'up front' with Members about not having valid grounds.

4. Changing the format of the planning agenda to ensure that Members can focus on the important things and let officers do their job. Recommendations are now from the Head of Service - previously they weren't anyone's recommendations.
5. Including a summary of the applicant's supporting statement in the report, as requested by agents.
6. Starting discussions on increasing delegated authority for enforcement matters.
7. Reducing the length of time of planning committee – seeking to avoid at all costs running into two nights to improve the quality of decision making, customer service and reduce costs.
8. Reducing the length of time that officers spend presenting items. Members should be reading their papers before coming to the meeting and do not need officers to repeat the whole report but just draw out the key issues.
9. Running a training event set up by the Planning Advisory Service and ensuring that we learn from the guidance given.
10. Greater liaison of Planning Officers with Town and Parish Councils.
11. Widening of participation in the Planning Forum.
12. Revised speaking rights have been introduced for Major planning applications.

These changes are already having a beneficial effect on performance.

- 3.4 The review needs to foster a debate amongst members on the issues facing the Council around the workings of the Planning Committee. The review to date has been informed by discussions with Group Leaders and their Deputies; the Planning Committee Chairman and Development Services Portfolio Holder; CMT and staff within Development Services. The review does not set out to address issues on the staff side as they are being dealt with by Senior Managers in any case.
- 3.5 What is felt appropriate is to test the Council's approach via peers. This would help to bring an external viewpoint to the review. To this end a Peer Review of the Planning Service aided by the Local Government Association is also planned. It is scheduled to be held in mid January 2013. Its recommendations will be incorporated within the final report and recommendations of the Chief Executive. Appendix 2 sets out the scope and timing of the peer review.
- 3.6 In addition to the response from Councillors it is also suggested that other key participants in the Planning process be given an opportunity to comment on the workings of the Planning Committee. Other key participants include Town and Parish Council's, the County Council, other statutory consultees, CAF member organisations and a sample of agents and applicants.

#### 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** - The Review of the Planning Committee is consistent with this Authority's general strategy of seeking to continuously improve and mirrors the Corporate Peer Review that the Council participated in this summer and which is reported elsewhere on this agenda. It is unlikely of its self to change the Council's policy framework but will be important to the successful delivery of the Council's Local Plan.
- 4.2 **Fit for the Future** – Any improvements to the Planning Committee that results in better planning decisions will be consistent with the Fit for the Future

programme as it will contribute to the vision of making Warwick District a great place to live work and visit as set out in the Sustainable Community Strategy.

5. **BUDGETARY FRAMEWORK**

- 5.1 At this stage there are no implications on the Council's Budgetary Framework, though if successful it would reduce the risk to the Council of costs being awarded against at appeal.

6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The Council has already decided that the Chief Executive should conduct a Review of the Planning Committee. The next step allows Members the opportunity to reflect and respond to the Issues Paper before anything else is determined.

## Appendix 1: Review of Planning Committee – Issues Paper

### 1. Introduction

The purpose of the Issues Paper is to promote debate as to how the Council can ensure that it has a Planning Committee that remains fit for purpose in a changing external environment i.e. that it is equipped to deal with the requirements of the new National Planning Policy Framework and the significant challenges that the district will face as it moves forward into a period in which major new developments will emerge as the Council develops and deploys its new Local Plan.

This Paper sets out some data on workload and the type of applications considered over the past year. It also presents some issues that will need to be considered when determining how the Committee should work in future.

This Paper is not, and should not be taken as any comment on any individual member who is sitting on, or who has sat on the Planning Committee in the past or of any criticism as to how the Committee as a whole may have operated in the past. It is driven by the need to stimulate debate as to what we as a Council might need to consider when determining how we wish our Planning Committee to operate going forward.

### 2. Background

2.1 Data on applications determined under delegated powers between August 2011 and July 2012:

	Majors decided under delegated powers	Minors decided under delegated powers
Total	15 (43% of all major applications)	1294 (90% of all minor applications)
Granted	14 (93% of all majors)	1160 (89% of all minors)
Refused	1 (7%)	131 (10%)
Split decision	0	3 (<1%)

2.2 Data on applications referred to Committee between Aug 2011 and July 2012:

Majors	20 (12% of all Committee decisions)
Minors	148 (88% of all Committee decisions)

	Recommended for approval	Recommended for refusal	Split decision
Majors	17 (85% of all majors referred to Committee)	3 (15% of all majors)	0
Minors	130 (88% of all minors)	17 (11% of all minors)	1 (<1%)

	Decisions contrary to officer recommendation
Majors	3 (15% of all majors referred)
Minors	19 (13% of all minors referred)

2.3 Data on the number of appeals against planning decisions (major and minor), and success rate in defending them:

Between Aug 11 and July 12 there were 5 applications refused at Planning Committee that were then taken to appeal. 2 of these decisions were contrary to the officer recommendation to grant approval. No appeal decisions have been received yet.

Application reference	Officer Recommendation	Committee decision	Appeal decision
W/10/1621/LB	Refuse	Refuse	No decision yet
W/11/0259	Grant	Refuse	No decision yet
W/11/0903	Refuse	Refuse	No decision yet
W/12/0040	Grant	Refuse	No decision yet
W/12/0653	Refuse	Refuse	No decision yet

2.4 Data about enforcement work between Aug 2011 and July 2012.

The Committee considered 17 enforcement cases and in all cases the officer's recommendations were supported.

2.5 There were no stage 1 and 2 complaints involving or implicating the Planning Committee, nor any referrals to the Local Government Ombudsman in respect of planning matters over the year from August 2011 to July 2012.

2.6 Data concerning the number of items on each agenda and the length of Planning Committees over the past year August 2011 to July 2012:

<b>Date</b>	<b>No. items</b>	<b>Length</b>
16 August 2011	7	4hrs 30mins
17 August 2011	6	1 hr 10 mins
06 September 2011	7	1 hr 15mins
27 September 2011	4	1hr 35 mins
18 October 2011	14	1hr 35 mins
08 November 2011	3	4hrs 35 mins
09 November 2011	5	2hrs 39 mins
29 November 2011	11	3hrs 56 mins
20 December 2011	11	3 hrs 20 mins
17 January 2012	16	3 hrs 45 mins
07 February 2012	11	3 hrs 12 mins
28 February 2012	13	3 hrs 30 mins
20 March 2012	10	3 hrs 45 mins
21 March 2012	14	4hrs 25 mins
10 April 2012	6	2 hrs 6 mins
01 May 2012	7	4 hrs 25 mins
02 May 2012	11	3 hrs 52 mins
22 May 2012	18	3 hrs 23 mins
12 June 2012	14	2 hrs 2 mins

03 July 2012	10	3 hrs 30 mins
24 July 2012	15	2 hrs 52 mins

### 3. Issues to address

3.1 The Issues that have been identified at this stage of the review seem to fall into 3 categories: Purpose; Workload and Attitude/Behaviour:

#### Purpose

1. Is there a clear and common understanding of the purpose of the Planning Committee amongst all members and officers?
2. Has that purpose changed over time?
3. Is there a belief that the Committee has or should stand alone in a 'quasi - judicial' role or a view that it should be more integrated to the purpose of the remainder of the Council with a specific role in implementing corporate priorities?
4. What role, if any, should it have a role in overseeing the development process and ensuring the appropriate delivery of the Council's policies?
5. What role, if any, should it have in respect of the new concept of Neighbourhood Planning
6. What role, if any, should it have in developing or implementing Development or Design Briefs?
7. Should its role be limited to the determination of planning and related applications and any enforcement matters?
8. What role if any should it have in monitoring the overall service and including quality assessment of outcomes?

#### Workload

1. Is the Committee's workload, in terms of the type of applications it considers, appropriately balanced? For example the 19 minor applications determined by Committee contrary to officer recommendation equates to only 1.3% of all applications received.
2. Could, or should, the Committee's workload be re-balanced by revised use of delegation? Might clear scheduling of Major applications coming to Committee help balance workload?
3. Whether or not more delegation is envisaged are there adequate means for members to check on delegated applications, e.g. sample surveys of delegated applications?
4. Should the length of Committee meetings be addressed? For example, is quality decision making hindered if members are making a decision 10pm at night?
5. Is the format of Committee meetings delivering a good customer service to applicants and members of the public?
6. Is the format of Committee meetings making effective use of officer time and how should Committee effectively obtain and use the expertise of the officers attending, and of those of key external agencies and consultants, e.g. highways?
7. How should the meetings be chaired? For example, if officers are limiting their input to what is absolutely necessary should the Chairman only encourage or allow members to speak if they wish if they have anything new/ different to add compared with other speakers and on items needing real discussion?
8. Might more work with Town and Parish Councils to enhance their understanding prevent applications unnecessarily being taken to Committee?
9. Should the Committee focus its time of those proposals which underline its ability to make a real impact on creating good communities for residents and businesses?
10. In the context of implementing the Local Plan should the Committee be focusing on larger, contentious applications and develop experience in these and have more

understanding of the strategic implications rather than be honed in dealing with house extensions?

11. Do members of the Planning Committee or other members of the Council need further skills training in order to be equipped to deal with the larger housing/employment/retail schemes that will come forward through the Local Plan process?

### **Attitudes and Behaviours**

1. Is there a need to ensure that members of the Committee or other members understand how the Committee should operate or have a strong understanding of the principles of determining planning applications?
2. Is it understood that comments about an applicant or objector are not material issues in the context of determining planning applications?
3. Do members of the Committee trust their Officer advisers and treat them with respect?
4. Is the breadth of involvement of members on the Committee as great as it could or should be?
5. Is the Council asking too much of individual Councillors who are members of the Committee? Do more members need to be involved in planning decisions?
6. Might this mean a differing structure to the Planning Committee and, if so, what might that be?
7. Does the Council offer appropriate enough training and support for Councillors to undertake the role on Planning Committee?



## **Appendix 2 – Scope of Planning Peer Review**

### Areas to examine

#### Planning Committee

- Process and procedures
- Customer focus
- Conduct of meeting and chairing skills
- Quality of debate, particularly whether this is sufficiently broad and strategic
- A broader discussion with members and the chair of the planning committee about the purpose and conduct to help members to reflect

#### Development Management function

- Feedback and challenge on the structure and the leadership of and within the teams
- Effectiveness of links between Development Management and Economic Development/Regeneration – processes and mindsets
- A view from the team the systems and processes
- A view on the effectiveness of the new performance management processes
- An acknowledgement of your achievements in reducing backlog and reducing the time it takes to determine planning applications
- A view from the team on the cost of the service (we will take your benchmarking report as a starting point)
- A broader discussion with the development management team in the purpose and function of planning in a wider context

#### Working with partners

- Explore the issues around working with the County Council (highways)
- Explore issues around sub-regional working (Coventry-Warwickshire LEP)

#### Strategic planning

- Links between strategic planning and development management – at front-line level in particular
- Progress with the preparation of the Local Plan

### Timing

The peer challenge team will be on site from Wednesday 16<sup>th</sup> to Friday 18<sup>th</sup> January 2012. They will arrive in the afternoon of Tuesday 15<sup>th</sup> and will observe our planning committee that evening.

### Peer Team

With regards to peers, the team will include:

- An elected member with very good skills and experience of chairing a planning committee and dealing with major applications – preferably in a rural context
- An acting Head of Service
- An officer with experience in planning policy and preferably from a Council which have an adopted Local Plan
- A member from PAS
- Anne Brinkhoff as review manager

The Council will be given the opportunity to approve the peers before we contract them.

There is the need for large scale organisational buy-into this peer challenge. Our positive experience with the recent Corporate Peer challenge should help with this but it is important to announce this as a learning experience to avoid any perception that it is about 'finding fault'. As members know peer challenge is improvement oriented and constructive and peers will conduct themselves as our 'critical friends'.