

 Executive Committee 17th April 2013		Agenda Item No. 5
Title	Review of Planning Committee – Outcomes of consultation	
For further information about this report please contact	Chris Elliott, Chief Executive	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Full Council Minute No: 98	
Background Papers	Review of Planning Committee Issues Paper Planning Peer Review Report	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	08.04.13	Chris Elliott
Head of Service	08.04.13	Tracy Darke
CMT	08.04.13	Andrew Jones, Bill Hunt
Section 151 Officer	08.04.13	
Monitoring Officer	08.04.13	Andrew Jones
Finance	08.04.13	Mike Snow
Portfolio Holder(s)	08.04.13	Michael Doody/John Hammon
Consultation & Community Engagement		
Consultation taken place with all members of the Council.		
Issues have been considered and discussed with the Group Leaders and their Deputies and with the Chairman of the Planning Committee and Portfolio Holder. Peer Review carried out by the Planning Advisory Service (external body)		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
N/A		

1. **SUMMARY**

- 1.1 This report provides the outcome on the review of Planning Committee that Full Council agreed should be undertaken by the Chief Executive and presents the findings of the consultation exercise following the circulation of an Issues Paper on which Member's views are sought and the Planning Peer Review carried out by the Planning Advisory Service. A set of recommendations are now presented for consideration.

2. **RECOMMENDATIONS**

- 2.1 That Executive notes and accepts the recommendations of the external Planning Peer Review, as set out at Appendix A.
- 2.2 That Executive approves the Action Plan to address the areas for consideration from that review, as set out at Appendix B.
- 2.3 That Executive notes the comments received from Members in response to the Issues Paper previously circulated by the Chief Executive, as set out at Appendix C.
- 2.4 That Executive agrees to the development of a formal, mandatory, programme of training for all members of the Planning Committee and notes that non-attendance of training will result in a Member being barred from sitting on that Committee.
- 2.5 That Executives agrees that a review of the Action Plan is presented to a future meeting and that an annual monitoring report is provided on the future operation of the planning service.
- 2.6 That Executive recommends to Full Council that the Planning Committee cycle of meetings is changed to a four weekly cycle from May 2014 at the latest and that officers investigate the feasibility of an earlier implementation date.
- 2.7 That Executive recommends to the Planning Committee that it agrees that Tree Sub-Committee is disbanded from April 2013 and that any future tree items are dealt with by the Planning Committee as a normal agenda item.
- 2.8 That Executive agrees a Special Responsibility Allowance of £1,115 per annum for the Vice Chairman of Planning Committee and consider whether this ought to be backdated to the beginning of the 2012/13 financial year.
- 2.9 That Executive recommends to Council that the remit of Planning Committee , as set out in section CS2 iii of the constitution, and the scheme of delegation at DS48 v and vi and DS 70 vii be amended so that Enforcement Notices and Listed Building Enforcement Notices be authorised by the Head of Development Services following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by planning committee.
- 2.10 That the Executive notes the decision of the Chief Executive using his powers under G 4 of the Council's constitution, in consultation with Group Leaders and the Executive to extend the secondment agreement for the employment of the Head of Development Services until the end of March 2014 but with a formal

review to take place to decide on the way forward for the period post March 2014.

3. REASONS FOR THE RECOMMENDATIONS

- 3.1 An external Peer Review of the planning service was undertaken in January 2013 by the Local Government Association, aided by the Planning Advisory Service. This external assessment considered all elements of the Council's planning service, including the separate roles undertaken by officers and members and the interfaces between them. It therefore forms an important element of the review of the Planning Committee approved by Full Council in March 2012.
- 3.2 The external review concluded that there is no evidence to support a fundamental change to the structure or operation of the Planning Committee but identified a number of areas it highlighted the Council should consider. The recommendations in this report directly focus on those areas of consideration and propose an Action Plan to address them, with a further proposal that its implementation and effectiveness is monitored through subsequent reports including an annual monitoring report for the planning service.
- 3.3 A limited number of responses were received to the Issues Paper circulated to all members with a request for their views. The list of responses set out at Appendix C came from only 6 members and 2 of the responses received were virtually identical. The responses were somewhat contradictory; some of the comments received broadly align with the views of the Peer Review but others indicate that the respondent feels there was no need for the review agreed by Full Council to have taken place at all. In this context it is worth noting the conclusion of the external Peer Review team that the 'trust' between the current Planning Committee, officers and Executive was an issue worthy of further exploration.
- 3.4 All the responses received have been treated confidentially. Many of the helpful points raised will form part of the Action Plan. However, due to the low level of responses received, it is considered that this source of evidence is inadequate to significantly influence the review of the committee. In light of this, and due to the in-depth level of consultation with all stakeholders that the Peer Review team undertook, the Planning Peer Review report is the main source of evidence for the proposed changes.
- 3.5 One of the issues highlighted in the Peer Review report was the need to ensure that members of the Planning Committee have an effective understanding of both planning legislation and the 'bigger picture' of wider strategic evidence that needs to be taken into account when determining planning applications. Whilst concluding that the current Committee was effective it noted that its members have relatively little experience of dealing with the major applications that are likely to be a feature of the coming years as the new Local Plan is adopted and that it is timely to consider whether the Committee has the 'expertise, skill and competence' to meet the likely future challenges.
- 3.6 To assist the Committee in meeting those challenges it is therefore proposed that a formal training programme is established and that this is made mandatory, with the probability of any individual member being barred from participation in this Committee if they do not complete the training programme.

Mandatory training is a significant departure for this Council but is recommended given the importance of the planning process and the scale and type of application that the Planning Committee will be asked to determine in the coming Local Plan period.

- 3.7 It is proposed that the Planning Committee's cycle of meetings is moved to a four weekly cycle from May 2014. Implementation prior to this date may prove problematic as the meeting dates for 2013/14 have already been published and it is thought that some town and parish councils may have already set their meeting dates to align with the current published three week cycle. Officers will, however, investigate the feasibility of adoption of the new cycle during the current financial year.
- 3.8 The proposed change to the cycle will reduce the intensive time resource (both officer and member) required by this Committee, and also save on the associated costs, without impacting on the quality of decision making. The current trend is for falling numbers of applications on the Committee's agenda and whilst this could change as we move into the new Local Plan period it is considered that a 4 weekly meeting will be sufficient to cope with future likely demand, particularly given that it is also proposed to retain the current arrangement of scheduling a 'reserve' meeting on the following evening. In future, it is proposed that the reserve night is used to determine any significant major applications, allowing Committee to devote the necessary time to consider such applications free from the potential constraint of a busy agenda.
- 3.9 A specific recommendation is made to disband the Tree sub-committee with immediate effect. The number of items this sub-committee considers is now small and it is no longer considered necessary to maintain this arrangement as Planning Committee have the capacity to absorb the minimal additional workload. Cessation of the sub-committee will also save time and staff resource and indirectly costs. This decision is in fact though a responsibility of the Planning Committee.
- 3.10 Another recommendation relates to the issue of a special responsibility allowance for the Vice-Chairman of Planning Committee, which formed part of the mandate for the review, as agreed by Full Council:
".....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;" Following the review of planning committee, it has been decided that the allowance is supported. Members should consider if this ought to be backdated.
- 3.11 Following consultation with Planning Committee at their meeting of 9 April 2013, the Committee endorsed the revision of the delegation agreement to enable Enforcement Notices and Listed Building Enforcement Notices to be authorised by the Head of Development Services following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development Services considers it appropriate for that matter to be determined by planning committee.
- 3.12 This revised approach is considered to be significant in enabling the Enforcement Team to respond increasingly effectively to harmful breaches of planning control and to enable the effective use of resources in doing so.

- 3.13 As a consequence it will also no longer be necessary for retrospective planning applications where enforcement action is also proposed to be considered by Planning Committee and it is also therefore proposed that the delegation agreement be revised in that respect.
- 3.14 Finally, the Council's secondment from Coventry City Council of its Head of Development Services on a part time basis has expired and using his emergency powers the Chief Executive consulted Group Leaders and the Executive who supported the continuation of the agreement for another year but agreed that a formal review would take place in September to decide on the way ahead for the period after March 2014.

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. The adoption of an Action Plan to address the areas of consideration identified in the independent Planning Peer Review mirrors the approach taken to the wider Corporate Peer Review that the Council participated in last summer. 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 Wawick 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 in terms of the Planning Committee Review. The additional cost of the Vice-Chairs Special Responsibility allowance can be accommodated from the Democratic Representation budget.
- 5.2 If the recommendations are accepted and are successful in strengthening the Council's planning making activity they would reduce the risk to the Council of costs being awarded against at appeal.
- 5.3 The Planning Advisory Service has offered to provide training free of charge to the Council to address the findings and areas for consideration from the report of the Planning Peer Review team.

6 **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 Full Council has already agreed that the Chief Executive should conduct a Review of the Planning Committee. Therefore, no alternative options were considered in respect of whether the review should proceed, despite some of the comments received from members in response to the Issues Paper.
- 6.2 Executive could adopt a different approach to that outlined here but given the resonance of the Peer Reviews conclusions, its highlighting of areas for consideration and the importance of the effective operation of the planning service generally and the Planning Committee specifically the proposed recommendations are considered to be proportionate and prudent.

7. **BACKGROUND**

- 7.1 Full Council decided to ask the Chief Executive to review the Council's Planning Committee at its meeting in March 2012.
- 7.2 In this context a "full review" referred to in 3.10 meant testing the operation of the Committee to assess if it is fit for purpose. This clearly raises the issue of the purpose of the Committee, particularly as the Council moves towards adoption of a new Local Plan and consequently receives significant planning applications of a scale and impact that it has not seen for over a decade.
- 7.3 The review needed to assess workload, attitudes and behaviours associated with the operation of the Committee and also consider it within the wider context of the operation of the whole planning service. Planning Committee is, after all, only one part of the whole process that the Council has to determine planning and other associated applications. The wider aspect has been undertaken as part of the Development Services Intervention through the Council's Fit for the Future programme and this review does not, therefore, set out to address issues on the staff side as they are already being dealt with by the Senior Management Team.
- 7.4 A review rarely starts with a blank canvas where nothing else is happening. It is recognised that both Development Services and the Committee have already changed and are continuing to do so as part of the continuous improvement process that Fit for the Future is designed to achieve. These changes made or being made, which have already had a beneficial impact on performance, include:
1. Ensuring that, whenever possible, Committee makes a decision and does not needlessly defer or delay.
 2. Officers to include 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. A training event was set up by the Planning Advisory Service to ensure 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.

13.Re-organisation of the committee room layout. Now all members are in one row and there is more room for the public to be in the same area as members and officers, so they do not feel detached from the meeting.

- 7.5 Officers, in consultation with senior members, agreed that it would be appropriate was to test the Council's approach through the views of relevant peers in order to bring an external viewpoint to the review. To this end a Peer Review of the Planning Service aided by the Local Government Association has been carried out and its recommendations are incorporated within this final report. This review was free and was undertake by a very experienced team of both officer and member peers.
- 7.6 In addition to the response from Councillors other key participants in the Planning process were 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.
- 7.7 As noted in section 3, the Issues Paper generated a number of differing views regarding the operations of the planning committee process. These responses effectively reinforce the need for the review, highlighting the current absence of consensus on a common understanding of the aims and purpose for the committee amongst officers, Planning Committee members and all other members of the Council. The Councils overarching strategy and vision should be understood by all those integral in delivering it, in particular Planning Committee.

8.0 EXTERNAL PLANNING PEER REVIEW

- 8.1 The external planning peer review took place in January 2013 and referred to many positive points such as effective public speaking, clear visual displays to aid members and the public, and members having a clear understanding of the public facing nature of the Committee, in particular reputational and financial risk, which is essential to such a high profile committee. Members were comfortable with officers, who they felt were knowledgeable and forthcoming with information.
- 8.2 One of the key issues relates to the Council and its Planning Committee is improving its relationship and developing trust. Planning Committee feel that Executive and CMT interfere, and the Executive feel that planning committee do not understand the wider considerations and strategies that guide the development of the district. While the committee is independent, it also acts on behalf of the community as a whole and needs to consider wider strategic evidence in decision making.
- 8.3 As Committee has had a relatively low level of major planning applications over the last few years, there are some skill gaps that need addressing so that they have the right expertise, skill and confidence in determining significant applications. For example, the absence of a five year housing land supply and the likelihood of major applications requires more regular briefings to members of the committee, as well as regular training so that they will be in charge of the application process as much as possible. It was felt there was also a need for officers and members to understand the constraints and difficulties each have in their roles so that there is a better appreciation of 'each other's perspective'.

- 8.4 Debates at Committee are lengthy as the peer team felt committee seem to cherish in the intellectual exercise of debate for its own sake. This is not the purpose of the committee and has time and financial implications for applicants and stakeholders. Reports by officers could be improved by including plans, and should include how the application references the Council's growing the economy strategy and emerging policies of the local plan.
- 8.5 The peer team also felt that more formality is needed at committee, i.e. use of surnames, to remind members and officers of the role they are enacting as advisors and decision makers. This will also help to remove any personal observations and emotions.
- 8.6 Training is to be provided by the Local Government Association through the Planning Advisory Service following the peer review. The training will need to be linked to the findings of the report and will involve external consultants providing workshops for officers and members and again will be free of charge.
- 8.7 As previously stated, there is a general feeling that there is not a need to fundamentally change the Planning Committee format, and whilst there are a number of practical issues that can be dealt with quite easily, and have already progressed in some instances, better formalised training for members does stand out as a significant issue to address. Some of the responses of the consultation exercise do not provide convincing evidence that the decision making process at Planning Committee is always done in line with correct planning principles.
- 8.8 Members also need to build up more confidence and trust in officers, who are there to do all they can to service Planning Committee and provide professional advice. The biggest challenge is Planning Committee linking to the Councils growth agenda, and understanding the implications of the decisions they are taking. As Government grant funding to Councils is intrinsically linked to development and growth, this needs to be better understood, as identified by the Peer Review. The Peer Review team have offered to provide free training on this in June through external consultants.
- 8.9 Finally, it is recognised that officers and members of the committee are all working to the same aims and ambitions, and want the committee experience for all its stakeholders to be a good one, whatever the outcome of the decision making process.