

Appendix 6

Minute 153

Planning Committee 20 April 2016

The Committee had before it a report of the Head of Planning and Regeneration requesting that Members review Planning Committee Procedures in light of issues that have arisen and following visits to other Local Planning Authorities undertaken in 2012/13.

The Chairman introduced the report, reminding Members that it has been instigated at the request of Members of the Planning Committee in 2013.

Cllr Mrs J Roach raised some matters that had come to her attention when she was Chair of the Scrutiny Committee. She informed the Committee that issues regarding planning and enforcement had been raised at Scrutiny over a period of time but had not been looked at individually as the Committee had been informed that the review being undertaken would encompass these areas. The report subsequently took a long time and would now appear to have addressed most issues that were reported. However following consultation, which involved town and parish councils, other issues were raised that had not been addressed. She also considered that Ward Members on Planning Committee had an advantage in being able to vote on applications in their ward. Single Member wards were disadvantaged when extra meetings were called as they could not always be available to attend. Councillor Roach suggested that Special Meetings were held on the morning of a scheduled meeting to avoid this problem. She also raised the matter of the lack of dimensions on plans, stating that it was not easy to see from plans the dimensions of what was being put forward. She raised the matter of validity of information given to support business plans, referring to a previous application where she had not believed the business plan to be accurate. At committee, photographs were used to support applications which were not available on line and therefore the public did not get to see them.

The Head of Planning and Regeneration responded that there had been a wide range of issues raised but the scope of the report was set by the Planning Committee. She said that pertinent issues had been raised by Cllr Roach but that those concerns fell outside of the remit of this report.

The Chairman thanked Cllr Mrs Roach for her comments.

The Head of Planning and Regeneration outlined the contents of the report, reminding Members that the review of the operational procedures in connection with Planning Committee was requested by Members of that Committee. Members of Committee had defined the scope of that review. A report was considered at the meeting of 19th June 2013. A review was undertaken by a member working group in 2012/13 in conjunction with an officer. This included visits to a range of other councils to compare and contrast planning committee procedures with the aim of identifying best practice. The report identified a series of issues for consideration within the review of Planning Committee procedures. These were endorsed by Planning Committee:

- Information publicising committee procedures.
- Layout of venue.
- Participants.
- Agenda format and order.
- Report format and contents.
- Officer presentations – content, visuals, format and length.
- Speaking – order, number, time.
- Voting.

- Site visit arrangements.

Planning Committee subsequently also asked that 'implications' reports written when Members indicated that they are minded to determine an application differently from the officer recommendation were also included in the scope of this report on procedures.

On 19th June 2013 Planning Committee resolved that a public consultation exercise be undertaken and that a further report incorporating the results of the consultation be brought before the Committee for consideration. A public consultation exercise took place over a five week period between 17th September and 22nd October 2013. In addition to Parish and Town Councils, Elected Members and agents on the Agent's Forum contact list were written to and given the opportunity to participate. Members of the public were also asked for their views.

Consultation responses were received from the following:

- 14 Parish and Town Councils
- 2 Agents
- 3 Members of the public (2 of which were from then current or previous Parish Councillors)
- 1 District Councillor
- Members of MDDC Scrutiny Committee

There were few responses from agents or the public.

The Officer added that with regard to recommendation 4 the Planning Advisory Service previously had offered a Peer Review service, but a check would be needed to see if this was still available if Members wished to go ahead with this. She further explained that the ordering of list items on the agenda was determined by the computer system that added items in application number order. She acknowledged that agendas were often long and that additional meetings could be added to deal with this but that a balance was required. She explained that targets were in place which meant items needed to go on agendas to meet specified time scales. Options to reduce the length of meetings could include reviewing the length of officer presentations and the length of speaking allowed. She also outlined the challenges faced by officers when putting together implications reports, in that officers had a duty to give professional advice as to whether the reasons for refusal could be upheld at appeal but did not wish to undermine the Committee or the case at appeal.

Discussion took place regarding:

There was no opportunity at Planning Committee to raise any other business;

The need to produce a clear guide to planning system in order that the public could be made aware of procedures and areas that were not material planning considerations

The ordering of speakers and whether or not Members should be able to question supporters and objectors;

It was **AGREED** that the applicant should speak after the objector in order that they could correct any information given.

It was **AGREED** that Ward Members be limited to 5 minutes each.

It was **AGREED** that the Committee could ask questions of the applicant and objectors through the Chair, following their 3 minutes;

The Head of Communities and Governance informed the Committee that an additional Solicitor was being appointed and would be available to attend meetings should the need arise;

Speaking to implications reports and the fact that objectors and supporters had already had opportunity to speak at previous meetings;

It was **AGREED** to maintain the current procedure that public speaking not take place with regard to implication reports;

Site visits and the difficulties in maintaining procedures;

It was **AGREED** that clear written procedures should be in place for site visits;

It was **AGREED** that implication reports were required when Members had gone against officer recommendation for approval but were not necessary when Members had gone against officer recommendation for refusal as conditions were normally delegated to the Head of Planning and Regeneration;

Annual Review of Decisions – The Constitution stated that Members should take part in an annual review of decisions when they would be taken around the district to review application decision making, in order to review the quality of planning in the District. However few Members had been available to attend two years ago and last year there had been no review. Cllr D J Knowles suggested that he could visit sites and video record the development for the Committee to review. It was **AGREED** that a trial be undertaken;

It was **RESOLVED** that Members **NOTE** the consultation responses and recommendations of the Working Group.

(Proposed by the Chairman)

It was **RECOMMENDED** to the Standards Committee that:

- i) That a clear guide to Planning Committee procedures be produced to inform the public and other participants together with a parallel guide on the planning system to address any misinformation and misconceptions.
- ii) That Legal advice for the Council as decision maker was available to assist Planning Committee with legal input as required on a case by case basis and a legal officer be 'on call' to assist in person during the meetings if requested.
- iii) That who speaks, when, the number of speakers, length of speaking and order remain as existing, with the exception of the limitation of Ward Members to 5 minutes each and alteration to the order of speaking so that the supporter speaks after the objector;
- v) That the questioning of speakers for reasons of clarification be allowed through the Chairman and apply to the applicant and objector only;
- vi) That clear written procedures be put in place regarding voting, that the item description, address and proposition be announced, Members clearly indicate their vote, that the vote was counted out loud and the outcome of the vote be announced.
- vii) That full committee and Planning Working Group site visits continue as existing, but that clearer written procedures for both be put in place.

viii) That the protocol for making decisions that are not in accordance with officer recommendation be amended to apply to situations only when Members wish to refuse permission against officer advice.

ix) That a video review of planning decisions be trialled and that an annual review of planning decisions be undertaken via Planning Committee site visit and that the Constitution be amended to remove reference to referral of the findings of the review to Scrutiny Committee.

(Proposed by the Chairman)

It was further **RESOLVED**:

3. That it be recommended to Standards Committee that the Local Government Association's 'Probity in Planning for Councillors and Officers' 2013 be adopted as best practice.

(Proposed by the Chairman)

4. That final recommendations 2, 4, 5, 7 and 8 relating to venue layout, attendance and advice, agenda format and order, report format and contents and officer presentations be agreed.

4a That final recommendation 6 be amended to read that Planning Case Officer names be included in officer reports (enforcement reports to be excluded) and that where multiple consultation responses are available the most recent and non-superseded are reported.

5. That subject to this service continuing to be offered, the Planning Advisory Service be requested to work with the Council in undertaking a peer review of Planning Committee and a further report be presented to Planning Committee following the receipt of recommendations from the Peer Review. The report to approve an action plan incorporating Planning Committee procedure issues.

(Proposed by the Chairman)

Cllr Mrs J Roach had asked that other issues that had not been considered be incorporated into the report. Discussion took place regarding this.

It was **RESOLVED** that no further detail was required at this stage.

(Proposed By Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Note: - * Report previously circulated and attached to Minutes.