

PLANNING COMMITTEE

DATE OF MEETING: 14 OCTOBER 2020

TITLE OF REPORT: PLANNING WORKING PARTY & PEER REVIEW
CONSIDERATIONS

Report of: Head of PLACE SERVICES

Cabinet member: COUNCILLOR GRAHAM COCKARILL

1 PURPOSE OF REPORT

- 1.1 To update Planning Committee following the Planning Committee Working Party's review of those recommendations from the Planning Peer Review that specifically relate to the Planning Committee.
- 1.2 That the Planning Committee agree to accept the recommendations of the Planning Committee Working Party as detailed below.

2 OFFICER RECOMMENDATION

- 2.1 That the Planning Committee agree to move request for a motion on each planning application after the debate.
- 2.2 That the Planning Committee agrees to retain the ability to ask questions of the public speakers.
- 2.3 That the Planning Committee continues to use the Major Sites Sub-Committee provided that in the case of applications referred to it by the Planning Committee, clear terms of reference, including whether the decision is to be taken by the Sub-Committee, are given.

3 BACKGROUND

- 3.1 Development Management (DM) is one of the Council's principle front-line services provided by the Council in its role as the Local Planning Authority. The functions provided by the service cover a variety of matters including pre-application discussions and advice, the determination of planning applications, dealing with planning appeals, planning enforcement and dealing with a range of heritage matters.
- 3.2 DM is one of the most public facing services that the Council provides often dealing with highly emotive and complex issues that affect a variety of local residents and businesses.
- 3.3 As has been reported previously, the Council performs satisfactorily when measured against national performance indicators. With any service that deals with substantial workloads, it is good practice to have an independent external review of the Service which can critically assess the DM function and make recommendations for improvement.

- 3.4** The Council engaged the Planning Officers' Society Enterprises (POS) to assist the Council in carrying out a Peer Review which took place in November 2019. The Peer Review team met with a number of Councillors, Officers and stakeholders including some representatives from the Parish and Town Councils in order to obtain feedback. In addition to the five days on site, documents and statistics were provided to assist the review.
- 3.5** The review identifies a number of areas which, in the opinion of the Review Team, should be the focus for Authority, recommendations are included for consideration. A draft Action Plan has been prepared that picks up the recommendations made in the Peer Review. Some of those recommendations involve matters that directly relate to the Planning Committee; these elements have been discussed with the Planning Committee Working Party with further recommendations and actions being presented below.

4 CONSIDERATIONS

- 4.1** Whilst there are a number of recommendations that the Council will need to consider in order to turn the DM function from a 'Good to Great' Service, there were several actions that directly affected the Planning Committee. These are detailed below (the numbering corresponds with the numbering of each recommendation as set out in the Peer Review Report):

No.	Recommendation summary
10	Report performance quarterly to Planning Committee and Overview and Scrutiny Committee
24	Review process of ward members being able to request site visits, and review timing of site visits to try to improve attendance by Members
25	Cease the practice at Committee of the Chairman proposing the motion to accept the officer recommendation prior to the debate
26	Introduce a simpler Committee report format with a more consistent and structured approach
27	Allow officers to present their own cases at Committee
28	Reconsider whether it is appropriate for Committee members to ask questions to speakers
29	Review the continued need for an Enforcement Sub-Committee
30	Review the continued need for a Major Sites Sub-Committee
31	Review the content of Member training and consider updates for parish/town councils

- 4.4** The Planning Committee Working Party has met twice to discuss the above recommendations and to consider recommendations from Officers around how to take these actions forwards; there are a number of outcomes that the Planning Committee now needs to consider whether to adopt moving forwards.

4.5 Report Performance Quarterly to Planning Committee (Recommendation No. 10)
The Planning Committee Working Party agreed that Quarterly reports were useful and informative for the Committee as a whole. It was agreed that Officers prepare Quarterly reports covering the following:

- a) DM performance (including number of planning applications received and whether they are determined in time);
- b) Planning Enforcement Update; and
- c) Appeal performance (including key messages from important appeal decisions and Officer/Committee performance, this would also include performance on Committee Overtuns)

There is no formal decision that the Planning Committee needs to take in respect of this action.

4.6 Committee Site Visits (Recommendation No. 24)
The Peer Review team noted that Councillor attendance at the site visit that they observed was poor. At that visit there were only three Councillors and it was noted that the Ward Councillor who requested the site visit was absent. Site visits are an important part of the decision making process. Reasons for site visits should be clearly explained so that all those attending understand the purpose of the visit. A number of options were tentatively explored at the Working Party Meetings and a survey of other Local Authorities across Hampshire has also taken place however it is difficult to find a clear consensus over when it is best to hold Committee Site visits. It was therefore recommended that Officers will carry out some further work and put some options forwards to the Planning Committee with a view to trialling a different day/time.

4.7 Cease the practice at Committee of the Chairman proposing the motion to accept the officer recommendation **prior** to the debate (Recommendation No. 25)

The Review Team observed a Planning Committee and noted in their report that the custom and practice to propose the motion to accept the Officer's recommendation before the debate was an "*anomaly to the decision making process*".

The Council's legal team also share the Peer Review Teams' concerns that by the motion being moved by the Chairman and Vice Chairman prior to hearing the debate it appears that there has been pre-determination of the application. It can also become difficult should the mover of the motion wish to amend the motion to accommodate additional conditions or they simply change their minds having heard the debate.

Discussion on the planning application by members of the Committee does not have to wait for a motion to be proposed. It can be commenced by the Chairman repeating the officer recommendation to start the debate

Officers have surveyed other Authorities within Hampshire and found only one Authority following the same procedure. In all other Authorities the motion to be voted on is moved after the Committee Members have debated the merits of the planning application.

The Planning Working Party therefore recommends to the Planning Committee that the Motion is moved after the debate and immediately prior to the vote.

4.8 Introduce a simpler Committee report format with a more consistent and structured approach (Recommendation No. 26)

Clear and concise reports are important to allow the Planning Committee have a clear and balanced view of the development proposals. The Peer Review suggested that reports could be simplified and more consistent in format. The Working Party also suggested that there could be better use of diagrams and photos within the reports.

It was agreed that Officers would review the report structure and make appropriate changes taking on board the comments made. This is not a matter that the Planning Committee is required to take a decision on.

4.9 Allow officers to present their own cases at Committee (Recommendation No. 27)

It was agreed that Officers should present their own items at Committee subject to receiving appropriate training to ensure that presentations are succinct and highlight the key planning issues. This is not a matter that the Planning Committee is required to take a decision on.

4.10 Reconsider whether it is appropriate for Committee members to ask questions to speakers (Recommendation No. 28)

The Peer Review Team noted that in most Authorities Questions from the Members of the Committee would be answered by the Case Officer. In Hart however, Members can be directed towards the speakers and the Review Team were concerned that this can present the appearance of partiality/familiarity with the speakers even where this is not the case. It could also give rise to the speakers having additional time in which to make their points. It was also felt that it gives the impression that Members seek information and guidance from speakers rather than relying on the professional expertise of their officers.

The Planning Working Committee debated this point and considered that the opportunity to ask questions of the speakers was useful in the decision making process. However it was agreed that any questions should seeking clarification on something that they had raised and not to be used as an opportunity to extend the 3 minute speaking slot. It was also noted that there may be a perception of bias if objectors were asked questions but not the applicant or vice versa.

The Planning Working Party recommended that this practice continues but that Members are reminded of the rules.

4.11 Review the continued need for an Enforcement Sub-Committee (Recommendation No. 29)

It wasn't clear to the Review Team what the role of the Enforcement Sub-Committee was especially as it has met very infrequently over recent years. A

separate review of the Enforcement function is currently underway therefore any decision on the need for a specific Sub-Committee should be taken once that review has concluded.

4.12 Review the continued need for a Major Sites Sub-Committee (Recommendation No. 30)

The Review Team questioned the need for a Major Sites Sub-Committee given the low number of applications currently being decided by the Planning Committee. They also noted that the applications dealt with by the Sub-Committee were normally dealt with by the Planning Committee in other Councils.

Following debate, the Planning Working Party considered that the Sub-Committee did add value to the decision making process and that it was able to scrutinise applications in greater detail that was normally possible at the main Committee. The Working Committee did agree that clear terms of reference need to be set out for the Sub-Committee when the Planning Committee referred applications to it for consideration. This should include reference to who makes the final decision e.g. is the Sub-Committee required to report back with a recommendation to the Planning Committee or is it delegated powers to take the decision?

It was noted that there were already clear terms of reference for set out in the Constitution for those applications that were referred directly to the Sub-Committee. For ease of reference these are:

- 1) *Reserved matters (which would otherwise be required to be determined by Committee) for large sites (whole site is over 100 dwellings or 10,000 sq m commercial floor space);*
- 2) *To determine planning applications (which would have otherwise been required to be determined by Committee) for 100+ dwellings or 10,000 sq m commercial floorspace) and outline planning permission has already been granted for an equivalent or larger scheme (i.e. subsequent or revised applications including S73 applications)*

Plus agreement to vary the terms of a planning obligation and determine any application that the Planning Committee refers to it (in accordance with the terms of reference given when the deferral was made)

The Planning Working Party recommends to the Planning Committee that it retains the Major Sites Sub-Committee. However any application referred to it from Committee must have clear terms of reference including whether or not the Sub-Committee is delegated power to make the decision.

4.13 Review the content of Member training and consider updates for parish/town councils (Recommendation No. 31)

Officers agreed to further consider a program of training for Members and to offer training opportunities to the Town and Parish Councils. Officers also suggested exploring setting up a Parish/Town Council Forum. This is not a matter that the Planning Committee is required to take a decision on

5 FINANCIAL AND RESOURCE IMPLICATIONS

There are no anticipated financial implications although workloads will continue to be monitored.

Contact Details: Emma Whittaker / x 4115 / emma.whittaker@hart.gov.uk

APPENDICES

Appendix 1 – Review of the Development Management Service

BACKGROUND PAPERS:

Planning Committee Peer Review Report (31 December 2019)