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Subject to approval at the next Planning Review Working Party meeting

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PLANNING REVIEW WORKING PARTY

8 December 2020 at 6.00 pm

Present: Councillors Bennett, Chapman, Mrs Cooper, Coster, Lury, Roberts, Stanley and Ms Thurston

[Note: Councillor Chapman was absent from the meeting during consideration of the items set out in the following Minute – Minute 5 [Part] following consideration of recommendation 61]

Apologies: None

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

The Working Party

RESOLVED

That Councillor Stanley be appointed Chairman of the Planning Review Working Party.

The Working Party

RESOLVED

That Councillor Mrs Cooper be appointed Vice-Chairman of the Planning Review Working Party.

2. DECLARATIONS OF INTEREST

The following Councillors all declared Personal Interests as set out below:

- Councillor Bennett as Chairman of the Development Control Committee.
- Councillor Mrs Cooper as a Parish Councillor
- Councillor Lury as Cabinet Member for Planning

3. START TIMES

The Working Party

RESOLVED

That is start times for meeting be 6.00 pm.

Planning Review Working Party - 8.12.20

4. TERMS OF REFERENCE

The Working Party received a report from the Chief Executive asking it to approve an amendment to its Terms of Reference as approved by Cabinet on 16 November 2020.

The Terms of Reference as agreed by Cabinet are set out below:

“To consider the findings and examine the recommendations from the Planning Review (when presented) so that the Council can agree which recommendations it wants to accept and establish a monitoring process to ensure that recommendations are followed through. The Working Party will report to Cabinet, who will report to Full Council”.

The change was to confirm that the Working Party would only consider the recommendations within the Planning Review that related to Members, not Officers. This was because it was recognised that the recommendations for Officers were staffing matters which were confidential and would be dealt with by the Chief Executive, in liaison with the Director of Place and Human Resources. The Constitution already provided authority to do this.

Following some brief discussion,

The Working Party

RECOMMEND TO CABINET THAT

The Terms of Reference for the Working Party be:

To consider the findings and examine the recommendations from the Planning Review (when presented) **to only include those that relate to Members, not Officers** so that the Council can agree which recommendations it wants to accept and establish a monitoring process to ensure that recommendations are followed through. The Working Party will report to Cabinet, who will report to Full Council”.

5. PLANNING REVIEW RECOMMENDATIONS

The Working Party received a report from the Chief Executive which attached a list of recommendations that formed part of the Planning Review report undertaken by Sean Hannaby Planning Solutions Ltd.

The Working Party was asked to focus on the Recommendations and to decide which of these were to be pursued further and which should not.

The list of recommendations presented to the Working Party as Appendix A has been attached to these Minutes and updated to reflect the views of the Working Party

so that Cabinet, on 14 December 2020, can consider how it wishes to take forward the recommendations.

Following discussion,

The Working Party

RECOMMEND TO CABINET

That the list of recommendations from the Planning Review Report, as attached as Appendix A to these minutes, be considered with Cabinet confirming how it wishes to take these recommendations forward.

6. DATE OF NEXT MEETING

The Working Party agreed that a further meeting be scheduled for early February 2021 to discuss measures that would ensure greater consideration of residents' needs and concerns in respect of planning matters (to include communication with the public).

(The meeting concluded at 19:08pm)

Recommendations for Cabinet – 14 December 2020

Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
42	The Cabinet Portfolio Holder for Planning should provide political oversight for the monitoring of the Improvement Plan & Training Plan		YES
43	<p>The Cabinet Portfolio Holder for Planning should provide political oversight for Business Plan development and monitoring to ensure it follows a path to its successful delivery and include an element of challenge and scrutiny. These should include targets relating to:</p> <ul style="list-style-type: none"> a. Speed and quality of application validation b. Applications determined within the statutory timescale c. Average number of days to determine applications d. Percentage of applications using Extensions of Times (EoTs) e. Percentage of appeals won f. Customer satisfaction levels supported by an annual survey <p>It was acknowledged that the Cabinet Member for Planning would have oversight of the whole of the Planning Review including Recommendations for Officers</p>		YES – to include additional words in bold
44	The Cabinet Portfolio Member should maintain a strategic focus and concentrate on the delivery of the strategic sites, to secure a 5 year housing land supply and be engaged in leading the Local Plan review and Improvement Plan		YES

Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
45	<p>A good quality Planning Service needs knowledgeable and experienced Chairs and Committee Members to create appropriate trust confidence and respect between Members of Committee and Officers. In order to achieve this all Members need to be well trained for their respective roles. This will improve the quality of debate and decision making which will increase confidence in their decisions by customers, stakeholders and local communities. Appropriate mentoring and/or training should be provided as set out in the training plan for Committee Members relating to:</p> <ul style="list-style-type: none"> a. chairing meetings b. probity c. predetermination d. Member and Officer roles e. respectful debate f. effective decision making g. material considerations h. specified technical matters (including highway safety and flooding) i. local plan content, ownership and delivery 		YES
46	<p>Being appropriately trained should continue to be a requirement of being a Member of DC Committee. Therefore new Committee Members should receive initial training before they sit on the Committee and annual training should be mandatory for all Members, which should include an assessment of whether the training has been effective [as determined by the Chairman of the Development Control Committee and Group Head of Planning]</p>		YES – please see additional wording outlined in bold
47	<p>The Chair of DC Committee should continue to challenge/censure Committee Members who are rude to fellow members, officers or speakers and ask</p>		YES

	them to apologise there and then. Repeated unacceptable behaviour should not be tolerated and should be brought to the attention of the relevant Group Leader with a recommendation that the member is replaced on the Committee.		
Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
48	Review and amend the following Committee Procedures to improve probity and the quality of decision making: <ul style="list-style-type: none"> a. Member call-ins b. Committee Site Visits c. Officer/Member behaviour and relationships d. Public Speaking at Committee 		YES
49	There should be a revised code of conduct and Committee procedure protocol that clearly sets out the rules of engagement, expectations of behaviour and process to help the Chair of DC Committee control Members more effectively and ensure that debates are focussed.		YES
50	The decision making procedure should be reviewed as a matter of urgency to revise the decision making sequence so that: <ul style="list-style-type: none"> a. Any counter proposals to defer or determine an application against the officer's recommendation are considered first before the officer's recommendation is voted upon. b. Any move to defer an application should identify what additional information members want and why they are unable to make a decision without it. c. Any move to refuse an application should set out the reasons for refusal in summary before the vote— stating in simple English why the development is unacceptable. 		YES

51	A detailed analysis of the effectiveness of appeals decision making should be reported every quarter and should be properly considered by Committee to improve the quality of decision making and appeal defence		YES – see additional wording outlined in bold
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Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
52	<p>Review and amend the Scheme of Delegation to increase Officer delegation and ensure that DC Committee are only dealing with the most strategic, significant and sensitive applications :</p> <ol style="list-style-type: none"> 1. Amend the 'call in' procedure to require the planning reason to be agreed by the Director of Place, in consultation with the Chair. 2. Exclude applications that are either technical in nature or have reduced timescales. 3. Remove the automatic referral to Committee if there is a Parish Council objection. 4. Introduce size thresholds to allow delegation of smaller Council applications. 5. Remove the requirement for applications to go to Committee if it creates a new access via the A27, A29, A284, A259 & A280. 6. Amend the requirement for Member/Officer applications so that policy compliant minor applications can be delegated (not planning staff or Members). 7. Allow the Group Head of Planning to refer significant or contentious applications to Committee. 		YES – but that points 3, 4 and 5 are deleted – as shown using strikethrough
53	Review and revise the pre-application guidance to confirm that the Planning Service has a responsibility to negotiate with developers regarding potential applications, and to consider the inclusion of Ward Members and/or Town and Parish Councils to improve local		YES

	inclusivity and transparency. If Members are to be included, an 'unacceptable behaviour' clause should be added into a pre-application enquiries protocol to exclude Members from pre-application meetings where they have behaved inappropriately in previous meetings.		
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Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
54	Review the use of substitutes at Committee to ensure they are properly trained and to avoid 'tactical' substitutions where a Member has a particular interest in an application		YES
55	(a) Review the size, seating arrangements and name of the Committee so that the Chair of DC Committee has planning and legal advice to hand. (b) Consider reducing Membership to 10 or less and change its name to Development Management		YES/NO – it be noted that this recommendation be split into two parts (a) and (b) as shown. Part (b) not supported to be determined at FC in January 21 and in view of recommendations from the Constitution WP [30 November 2020]
56	The Cabinet Portfolio Member should seek the support of all political Group Leaders to the principle of not printing applications, agendas etc; on environmental and cost reasons and they should be asked to support officers if individual Members request a printed document where an electronic version is available.		NO – to be deleted
57	Review the involvement of Town and Parish Councils with the Strategic Site Advisory Groups to improve local inclusivity and transparency (the review should be with the Town and Parish Councils)		YES – to include additional words in bold

58	Embrace the opportunity to lead and deliver at strategic level rather than with the sub region		YES – to include additional words in bold
59	Use the opportunity of the new local plan to engage in discussions with LEP around the future aims and challenges for the authority		YES

Recommendations for Members and Officers

Number	Recommendation	Priority (RAG Rated)	Working Party Recommend to Cabinet to take forward? Yes/No
60	Hold joint Member/Officer training sessions to improve Member/Officer relations and to develop a common understanding of each other's roles and responsibilities. This should include a regular update from the Planning Department		YES – to include additional words in bold
61	Hold joint Member/Officer workshops to review Member/Officer relationships with an external facilitator		YES

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