



**Cabinet**

**Tuesday, 8 June 2021**

**Planning Committee Proposals Pilot**

## **Report of the Director – Development and Economic Growth**

### **Cabinet Portfolio Holder for Business and Growth, Councillor A Edyvean**

#### **1. Purpose of report**

- 1.1. In 2017, a Planning Peer Challenge Review resulted in a number of recommended changes being made to the process and operation of Planning Committee meetings, as approved by Cabinet in June 2017. The changes have been largely successful, improving the transparency of the planning and development process.
- 1.2. As four years have now passed, the demands being placed upon the local authority planning process continue to intensify, and with a new Planning Committee Chairman, it is timely for a further targeted review. It is also an opportune time to consider improvements that could relieve the current pressures being experienced in terms of the Committee being able to properly consider all the scheduled agenda items.
- 1.3. Planning Committee has an important, and indeed fundamental, role in the determination of strategic planning decisions for the Borough and as such it is vital that the Committee should primarily focus on determining applications of major importance or significance to the area, indeed this is an outstanding key recommendation made by the Planning Advisory Group and Local Government Association in the 2017 Peer Review.
- 1.4. With this in mind, it's important to ensure that the workflow of planning applications scheduled to be determined by Committee are within this focus and part of this review is about how Councillors and officers are supported in order to achieve this.
- 1.5. Additionally, it is vitally important to recognise that the Development Management function has statutory targets to meet in determining applications and the Council has a reputation to maintain in making timely, valid decisions.
- 1.6. The proposals set out below are with a view to meeting these objectives and to enable Planning Committee to be as efficient as it can be, making the best use of the Councillors' and officers' finite time resources.

- 1.7. These proposals have been considered by the Chairman, Vice-Chairman and ex-Chairman of the Planning Committee and by the Planning Committee members.

## **2. Recommendation**

It is RECOMMENDED that:

- a) the proposals set out are piloted for six months from August 2021;
- b) the pilot proposals are included in the Council's Constitution (where necessary) and presented at Full Council on 1 July 2021; and
- c) a further report is brought to Cabinet after six months to consider the findings of the pilot period, with recommendations for Planning Committee changes going forward.

## **3. Reasons for Recommendation**

- 3.1. Planning Committee is a fundamental part of the democratic transparency of Development Management decision making. It is played out in public and has significant reputational impact.
- 3.2. Planning officers have a continuously demanding workload and these proposals will ensure workflow is maintained and statutory deadlines are met. Failure to do either of these creates a backlog of applications and opens the Council up to challenge for non-determination and appeals which are costly.
- 3.3. Committee Members and planning officers have a finite resource and it's imperative that they effectively directed.
- 3.4. To ensure the Planning Committee is efficient and effective with a focus on strategic planning decisions that impact the Borough.
- 3.5. The proposals also aim to build strong working relationships between Councillors and planning officers, allowing for early conversations to take place and for information to be exchanged in order to develop a better understanding of each other's perspective and the decision making framework.
- 3.6. The proposals fall into two types; general housekeeping to improve processes and workflow, and constitutional changes to the way Planning Committee functions. These changes are set out below.

## **4. Supporting Information**

- 4.1. The proposed pilot improvements fall into two categories of general housekeeping to improve the efficiency of the Committee meetings and using the limited time available in the most effective way, these proposals include improving and streamlining case officer presentations, providing enhanced information to Committee Members ahead of the meeting and thereby

encouraging them to raise points of clarification with planning officers by having an early conversation.

4.2. These process changes have been shared with Committee Members and further discussions will take place with them in order to address any concerns.

4.3. The second category relates to more substantial, constitutional changes being made to the operation of the Planning Committee; it is these pilot proposals that are presented to Cabinet for consideration:

4.3.1 Moving the meeting time to 2.30pm - 6pm (with the potential for a half hour extension in order to conclude business) - there are several reasons for recommending this, which include:

- Determination of planning applications is complex and requires full concentration, meetings running late into the night do not provide officers and Councillors with the best opportunity to make the optimum decisions.
- Allows for the best use of officer time - an earlier meeting will allow the individual case officer to present their report to the Committee, allowing for personal and professional development of officers and for them to develop a closer working relationship and understanding of Councillors' expectations.
- It provides for enhanced resilience in the team by sharing the undertaking of Committee duties.
- The involvement of more members of the Planning team will allow the Service Manager for Planning to refocus on the more strategic aspects of Development Management and particularly taking a proactive role in respect of Planning Enforcement.

4.3.2 Objections from Ward Councillors should be based on material planning considerations and policy conflicts in order to trigger an application being placed on a Committee agenda for determination, rather than by officers by delegation.

4.3.3 Ward Councillors will need to comment on an application within the statutory consultee timeframe of 21 days (where all information has been received), and this would trigger the application being referred to Planning Committee. Further comments can be made on new information. Currently comments are considered up until the point of determination, an objection at this stage can significantly delay the application being determined in the statutory timeline and open up the Council to appeal against non-determination.

4.3.4 Move to use an electronic voting system.

- 4.4. The above pilot proposals seek to ensure the strategic focus of Planning Committee, that all business on the agenda is concluded, the transparency and integrity of the Committee is upheld, Councillors are empowered, and to uphold the Council's reputation in taking timely, valid decisions.
- 4.5. The proposals have support from the new and ex-Chairman of Planning Committee, along with the Vice Chairman.
- 4.6. Comments received from some Planning Committee members relate to the process (non-constitutional) proposals, and officers will work with Councillors to address these comments.
- 4.7. Further comments relate to changing the meeting start time and concerns are related to:
  - Unfair impact on working Councillors, particularly affecting some political parties more than others.
  - Eroding the diversity of the Committee Members over time, to retired Councillors.
  - Challenging for members of the public and Ward Councillors to attend a meeting during the day.
  - Disadvantage younger, working people being able to attend Committee.

## **5. Alternative options considered and reasons for rejection**

- 5.1. The alternative is for Planning Committee to remain as it is. Whilst it is functioning tolerably, it does not address all of the recommendations made during the Peer Review, such as having a focus on strategic decision making.
- 5.2. By not implementing the proposed improvements, the Council's reputation is likely to suffer further by being unable to conclude all business on the agenda of each Committee. This has meant that, on occasions, applicants/objectors have attended with an expectation that they will be speaking on an item but have been unable to. Furthermore, delays incurred by not completing the business on the agenda leaves the Council open to appeal against non-determination and undermines the reputation of the Council as a streamlined and efficient authority able to make timely, valid decisions.
- 5.3. Keeping the Committee at its existing time of 6.30pm to 10pm (with an option to extend to 10.30pm) does not address the challenges this presents to the planning officers to participate. Nor does it address the opportunity to build a closer working relationship between Committee Members and planning officers who share the same objective to proactively manage positive and appropriate growth and economic prosperity in the Borough.
- 5.4. Research has been undertaken in relation to the start time of Planning Committees in other local councils in Nottinghamshire and neighbouring

counties. There appears to be an even split of start times at 10am, 1-2pm and 6pm. Looking at the political and demographic make-up of these committees demonstrates this is across all the political parties and the committees appear to be diverse, with a mixed age range in attendance.

- 5.5. Virtual meetings have aided transparency and accessibility to Planning Committee and it is understood that the Government is further reviewing this. It appears there is support to enable the return of virtual and hybrid meetings at some point in the future. This would enable the public and Ward Councillors greater accessibility to attend meetings earlier in the day.
- 5.6. Concerns raised have been carefully considered and at this time it is considered that the benefits that will be realised by bringing the meeting time forward should be trialled. However, the challenges this could present are acknowledged and as such, the 12 month pilot period initially suggested has been reduced to six months. This will provide an opportunity for the Director – Development and Economic Growth and the Service Manager for Planning to work closely with the Committee Members and review the impact of the changes proposed.

## **6. Risks and Uncertainties**

- 6.1. The risk in doing nothing is ineffective workflow of planning applications being determined in a timely way. This will damage the Council's reputation and credibility. Non-determination also runs the risk of potentially costly appeal proceedings.
- 6.2. The risk of moving the Committee meeting to earlier in the day is the availability of Committee Members being able to attend.

## **7. Implications**

### **7.1. Financial Implications**

When applications are not taken within statutory timescales, it leaves the Council open to appeal against non-determination. The Council incurs costs in defending these actions.

### **7.2. Legal Implications**

The proposed pilot changes will be reflected in the Council's Constitution and will be presented to Full Council. The Council has a duty to balance its resources, these proposals support this.

### **7.3. Equalities Implications**

Planning Committee is a public meeting, which can be attended in person or viewed on the Council's YouTube channel.

#### 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no crime and disorder implications arising from this report.

#### 8. Link to Corporate Priorities

Quality of Life	Open, fair and transparent decision making through Planning Committee public meetings
Efficient Services	The proposed improvements lead to a more efficient and effective use of officer and Councillor time
Sustainable Growth	Strategic Planning decisions are key in determining the growth and development of the Borough
The Environment	Strategic Planning decisions have a direct impact on the environment and sustainability of the growth of the Borough

#### 9. Recommendation

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- c) a further report is brought to Cabinet after six months to consider the findings of the pilot period, with recommendations for Planning Committee changes going forward.

<b>For more information contact:</b>	Leanne Ashmore Director – Development and Economic Growth 0115 914 8578 <a href="mailto:lashmore@rushcliffe.gov.uk">lashmore@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Reports to Cabinet: 17 April 2017 Planning Peer Challenge 13 June 2017 Planning Peer Challenge – initial actions requiring constitutional amendments
<b>List of appendices:</b>	None