

## **REVIEW OF PLANNING SERVICES COMMITTEE - PROGRESS UPDATE**

### **1 SUMMARY**

- 1.1 This report outlines the findings of a questionnaire survey sent to Local Authorities, requesting information about the operation of their Development Control Committees. A copy of the scoping form for the review is attached as Appendix 1.

### **2 BACKGROUND**

- 2.1 As part of the review of the operation of the Planning Services Committee, a questionnaire was sent to all Authorities in Essex, plus those Authorities included in the Audit Commission "Family Group". A copy of the questionnaire is attached to this report as Appendix 2.
- 2.2 In all, 26 questionnaires were sent out and 13 were returned, a response rate of 50%. It should be noted that questionnaires have been completed by a senior officer in each Authority.

### **3 ANALYSIS**

#### **3.1 Q.1 Are Planning applications determined by:**

Full Committee of Council	8
Sub-Committee	2
Other (Area, for example)	3

#### **3.2 Q.2 Does the Committee have full Executive powers?**

Two Authorities indicated their Planning Committee did not have full executive powers. In one case, applications could be referred to Full Council in specific circumstances and the other case related to an Authority with Area Committees, where an application could be referred to a "District Development" Committee.

#### **3.3 Q.3 Number of Councillors on the Committee?**

The number of Councillors varied from 11 to 49. In fact, only one Authority in the survey operated a Planning Committee where all Members of the Council were represented. Of the twelve Authorities with smaller Committees, the range was 11 to 27 (mean was 17).

#### **3.4 Q.4 How are Members chosen to serve on the Committee?**

- Nominated by Political Groups on basis of proportionality.
- Group Leaders.

- Ward Councillors all sit on relevant Area Committee.
- Leader of the Council appoints.

**3.5 Q.5 What role do non-Members of the Planning Committee fulfil?**

Do they lobby? Yes (8) No (3)

Regularly attend meetings? Yes (5) No (7)

Present case for objectors/supporters? Yes (9) No (3)

(Note: Answers not applicable to the Authority with all Members on the Committee.)

**3.6 Q.6 Approximately how many items are determined at each Planning Committee?**

The range was from 5 to 35 items.

**3.7 Q.7 Is there public speaking at Planning Committee?**

Yes (7) No (6)

**Q.8 Arrangements for site visits**

All sites visited? Yes (2) No (11)

Visited at Member request? Yes (12) No (1)

**Other comments:**

- Applications can be deferred for a site visit.
- Formal site visits can be requested by any Member (whether on the Planning Committee or not).
- Chairman decides which sites are to be visited.
- Site visits are held on the afternoon of the day of the Committee.
- Officers can also suggest sites for visits.
- Members are expected to familiarise themselves with sites and so collective visits are rare.
- Site visits are requested in advance in order to avoid delays.

**3.8 Q.9 Main strengths and weaknesses of your Planning Committee?**

**Strengths:**

- Public speaking
- Accountable and inclusive (Note: comment from Authority with all Members on the Committee)
- All sites are visited

- Evening meetings
- Frequency - every 3 weeks
- Officer recommendations rarely overturned
- High levels of public involvement, even though there may be disappointment with decisions
- Members appreciate the need for decisions to be based on material planning reasons
- Good Appeal record
- Transparency on matters of policy

**Weaknesses:**

- Can be too parochial
- Area Committees can be inconsistent
- Not very dynamic
- Applications can be refused even if no valid planning objections
- Members and Parish Councils can require applications to go to the Development Control Committee
- Phone masts have caused problems in Committee
- Committee does on occasion defer in order to delay decision

**3.9 Q.10 Does the Committee operate a 'Red Card' System (that is, deferring decisions to the following meeting where the Committee is considering a decision that differs with the officer recommendation)?**

Yes (2)      No (11)

**Arrangements to defer applications:**

- Rare for applications to be deferred
- Applications can be deferred, but the recommendation is not a deciding factor
- Committee will defer a decision to consider reasons for refusal
- Members required to fully explain their reasons for refusal
- Decision deferred when Members want to approve and officers have recommended refusal
- No deferrals - applications always determined on the night.

**3.10 Q.11 If there is a 'Red Card' System, how does this impact on credibility and decisiveness?**

- Deferral impacts on speed of decision
- Decisions on reasons for refusal deferred - enables officers to advise Members on the implications of the decision
- A 'Red Card' System is not sensible, since decisions should be taken at the time.

**3.11 Q.12 Is there an arrangement to require Members to attend an Appeal Hearing, supported by officers, where an officer recommendation is overturned?**

Yes (3) No (10)

**Comments:**

- It is usually the Member proposing the motion who attends
- Members are encouraged to attend Informal Hearings to speak
- A Member will attend because the officer recommendation can be exploited at the Hearing
- Requiring a Member to attend has a positive influence reducing the likelihood of refusal without material planning reasons
- Members require support and guidance
- A Consultant will normally be brought in where an officer recommendation has been overturned.

**3.12 Q.13 Do Members of the Planning Committee have to attend training sessions?**

Yes (11) No (2)

**Is Training compulsory?**

Yes (6) No (7)

**3.13 Q.14 What arrangements/systems are used to present reports/plans?**

- Hard copy and visual display
- Agenda has location maps
- Electronic show of plans and photos
- Copies of plans sent to all Members
- Use overhead projector to show plans
- All agendas and papers are available on the website.

**3.14 Q.15 Venue and seating arrangements?**

- Large Committee Room - microphones and digital projector
- Council Chamber (10)
- Members and officers sit around a square table.

**3.15 Q.16 Have you recently reviewed the operation of the Planning Committee?**

Unfortunately, none of the Authorities who responded have recently reviewed the operation of their Planning Committees.

**3.16 Q.17 Possible visit**

The majority of Authorities responding would be happy to receive a visit from Rochford.

**3.17 Q.18 A request for Committee Reports**

Several Authorities provided copies of reports.

**3.18 Q.19 What advantages or disadvantages do you think your Authority's Committee structure has over Rochford's Full Council generally and for Members in particular?**

**Advantages:**

- Members tend to be more focused
- A single Committee (not all Members) with executive powers is best
- Good delegation arrangements are essential
- Public speaking is good
- Small Committee allows a better quality of debate
- Small Committee is easier for the public to understand
- Smaller Committee is easier for Members to contribute
- Easier to arrange training and develop Members' knowledge
- Back bencher lobby role
- Members can develop a degree of specialism
- Debate is shorter and more focused
- Members not on the Committee can influence decision making and can speak openly about public opinion
- Consistency of attendance

**Disadvantages:**

- In rare situations, applications are referred to Full Council; debates can be unwieldy
- Area Committees can be too parochial
- Area Committees mean too many meetings - difficult for Members and officers to deal with
- Occasionally, complaints from part of the Borough about under representation
- Planning Committees tend to be very traditional and not very customer friendly, regardless of size
- Public speaking can lead to Members going with popular decisions
- Larger Committees can be more confusing
- Members in larger Committees often speak without adding to the debate

One Authority operates a "Full Council" Committee as per Rochford and commented as follows:

- Authority has been criticised by ODPM
- Does not propose to change
- No evidence that Committees are unduly lengthy
- Delegations will be raised from the current level - 68%
- Inclusive
- No requirement for call-in arrangements
- No evidence provided to support ODPM criticism
- Arrangements work, so why change?

#### **4 PERFORMANCE OF AUTHORITIES SURVEYED**

4.1 Whilst the information returned in the Survey offers a fascinating insight into the different perspectives in a range of Authorities, it is useful to equate this to actual performance. Is there any evidence to suggest that one operating methodology results in a better level of performance in determining applications? See Appendix 3.

#### **4.2 Decisions in 8 weeks - year end 31st March 2005.**

The tables provide details of all Authorities surveyed. Those Authorities who responded to the Survey are asterisked:

Basildon	81
Braintree*	72
Brentwood*	87
Castle Point*	81
Chelmsford*	85
Colchester*	80
Epping Forest	72
Harlow	82
Maldon	69
Rochford	71
Tendring	36
Uttlesford	71
Southend*	77
Thurrock	82
Bromsgrove*	86
Congleton*	59
East Northants*	76
Eastleigh	77
Fareham	93
Hinckley & Bosworth	74
Lichfield	77
Mid Beds*	78
Rushcliffe*	83
South Staffs*	52

Stroud*	77
West Oxfordshire*	83

**Decisions in 8 weeks - January to March 2005**

Basildon	85
Braintree*	66
Brentwood*	86
Castle Point*	94
Chelmsford*	86
Colchester*	80
Epping Forest	66
Harlow	82
Maldon	66
Rochford	85
Tendring	86
Uttlesford	79
Southend*	69
Thurrock	82
Bromsgrove*	80
Congleton*	76
East Northants*	84
Eastleigh	83
Fareham	92
Hinckley & Bosworth	68
Lichfield	77
Mid Beds*	79
Rushcliffe*	87
South Staffs*	64
Stroud*	82
West Oxfordshire*	79

**Percentage of Decisions Delegated to Officers**

Basildon	95
Braintree*	85
Brentwood*	89
Castle Point*	96
Chelmsford*	89
Colchester*	84
Epping Forest	82
Harlow	84
Maldon	76
Rochford	90
Tendring	94
Uttlesford	94
Southend*	84
Thurrock	93
Bromsgrove*	86

Congleton*	94
East Northants*	87
Eastleigh	94
Fareham	79
Hinckley & Bosworth	82
Lichfield	94
Mid Beds*	91
Rushcliffe*	94
South Staffs*	83
Stroud*	90
West Oxfordshire*	73

### **Comments on Tables**

4.3 Only one other Authority of those responding to the Survey operates an all Member Planning Committee - South Staffordshire Council. Interestingly, whilst the level of delegations in this Authority is close to the norm for most Authorities, the decision making performance is near the bottom of the surveyed Authorities. That Authority takes the view that the Planning Committee is working effectively.

4.4 The range of performance for those Authorities who responded to the Survey is as follows:

#### **Year end 31st March 2005 - performance in 8 weeks**

Range 52% - 87%

Mean 76%

Median 78%

#### **January to March 2005**

Range 64% - 94%

Mean 79%

Median 81%

4.5 It has not been possible at this stage to prepare a detailed breakdown of appeal performance, including an assessment of the result of appeals where an officer recommendation has been overturned. Nevertheless, the latest appeal figures are included in appendix 4 to this report. A percentage of more than 70% appeals dismissed is considered to be a good performance.



**5 DISCUSSION**

- 5.1 The majority of Authorities surveyed use a Development Control Committee with the numbers of Members typically being in the range 10-20. Most of the Committees have full executive powers. Three Authorities operate using Area Planning Committees. However, there is a serious question mark over the cost effectiveness of such arrangements, which tend to be resource intensive.
- 5.2 It is interesting to note the different roles taken by Members not on a Planning Committee. The figures indicate a strong role in lobbying and presenting cases for objectors or supporters, a role not possible in an Authority where all Members sit on the Committee.
- 5.3 There is an even balance between the number of Authorities offering public speaking and those who do not. Those Authorities offering public speaking, it seems, consider this to be reasonably positive, although with a suggestion that, in some instances, Members may have been unduly influenced by such presentations. In recent Best Value Reviews, the Audit Commission has commented that public speaking is an accepted procedure at most Councils and regarded as national good practice by the Local Government Association (LGA), the Royal Town Planning Institute (RTPI) and Planning Officers Society.
- 5.4 Turning to site visits, it would seem the arrangements in most Authorities are not greatly different from those operated in Rochford. All sites are not formally visited and, interestingly, the responses to questions 10 and 11 suggest that only a couple of Authorities operate arrangements as in Rochford, to ensure requests for site visits are made in advance of the Committee, to avoid the possibility of deferment.
- 5.5 Question 12 provided an interesting perspective on the arrangements for Appeal Hearings, where an officer recommendation had been reversed by the Committee. Three Authorities have an arrangement which requires Members to present the Authority's case, supported by officers. It also seems that independent consultants are also used on occasion. In both instances, the aim is to avoid an officer being challenged over the initial recommendation. This has not generally proved to be a problem in Rochford, but in one recent case, the appellant declined to cross examine on the basis that the officer's evidence did not reflect the recommendation to the Committee.
- 5.6 Most Authorities have training programmes in place for the Planning Committee and it would appear that for about half of the Authorities, training is compulsory. The training programme for Members is now well developed in Rochford, though not all Members attend the sessions on planning matters. The Audit Commission argues that regular, mandatory training for all Members is essential and recommended by the LGA and RTPI; this boosts Members' skills and gives them greater knowledge of legislation, policy and

material considerations in order to deliver appropriate decisions and inform policy making.

## **6 CONCLUSIONS/WAY FORWARD**

- 6.1 Taking account of the results of the survey and the initial scoping report, it is suggested that Members need to examine the following issues:
- Whether the Rochford Planning Services Committee should remain as an all Member Committee or be reduced in size? Most Authorities have Planning Committees comprising 10-20 Members, with the Committee being vested with full executive powers. The performance of the Committee is a key element of the assessment.
  - If the Committee was to be reduced in size, what would the role of non-Members be?
  - Whether there is a significant difference in the costs of operating an all Member Committee versus a smaller Committee?
  - Are the arrangements for organising site visits adequate? The procedure currently operated seems to have been generally successful and avoided the need for deferment.
  - Deferment is a rare occurrence, but are procedures adequate to avoid unnecessary delays in determining applications?
  - Should a compulsory element of training be introduced before Members can sit on the Planning Committee?
  - Operationally, are there improvements that could be made to the Planning Committee?
- 6.2 Members will need to consider the arrangements for visits to two or three of the Authorities who returned questionnaires.

## **7 RISK IMPLICATIONS**

- 7.1 The review of the operation of the Planning Services Committee is particularly in response to the comments made by the CPA Inspectors. The timetables require the review to be complete and any new proposals operational from May 2006.

## **8 RESOURCE IMPLICATIONS**

- 8.1 None at this stage, other than a small cost for the Committee visits, which can be met from budget.

**9 RECOMMENDATION**

- 9.1 It is proposed that the Committee considers the results of the Planning Committee Questionnaire, agrees the issues to investigate and the detailed timetable for the completion of the review.

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**Background Papers:**

Results of the Planning Questionnaire Survey - July 2005

Planning Services Committee Review - Scoping Paper.

ODPM - Development Control Statistics.

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