

Review of the Planning Committee

Report of Councillor I Pritchard

Cabinet Member for Economic Growth, Environment & Development

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Key Decision? **NO**

Local Ward Members
All Ward Members



**ECONOMIC GROWTH,
ENVIRONMENT AND
DEVELOPMENT
(OVERVIEW AND
SCRUTINY) COMMITTEE**

1. Executive Summary

- 1.1 The purpose of this report is seek Members views on the size and operation of the Planning Committee.
- 1.2 The Development Management Service was subject to an independent process review by the Planning Officers Society in December 2016. As part of that review, one of the recommendations was to look again at the size of the Planning Committee (currently 22 Members), which is significantly larger than those of other neighbouring Councils
- 1.3 A Member/Officer Task Group met on 7 December 2017 to consider the current best practice advice and comparative analysis of neighbouring Councils. The average size of the neighbouring Planning Committees (excluding South Staffordshire) was 15 Members. Current best practice advice encourages smaller committees as they tend to offer greater consistency in decision making; lower costs to run and better attendance at meetings.
- 1.4 Major Planning Appeal performance has improved since 2015, but is still well below the national average when compared to other Councils; highlighting the need for more robust decision making to reduce the risk of designation.
- 1.5 The consensus of the Task Group was to reduce the Planning Committee to 15 Members, and to move the meeting to the Committee Room on the proviso that the Council Chamber will still host when larger public galleries are anticipated. In addition, it is recommended that 3 additional Members be trained to act as permanent replacements as circumstances arise.
- 1.6 A review of the reduced Committee's performance is recommended after one year of its operation.

2. Recommendations

- 2.1 That the Economic Growth, Environment and Development (Overview and Scrutiny) Committee notes and recommends approval to the Planning Committee of:
 - the reduction in the size of the Planning Committee to 15 Members;
 - the training of 3 additional Members to act as permanent replacements as circumstances arise;
 - the hosting of Planning Committee meetings in the Committee Room on the provision that the Council Chamber will still host when larger public galleries are anticipated; and

- 2.2 That the performance and operation of the new Planning Committee be subject to review by the Economic Growth, Environment and Development (Overview and Scrutiny) Committee after one year of its operation.

3. Background

- 3.1 The Development Management Service was subject to an independent process review by the Planning Officers Society (POS) in December 2016. As part of that review, one of the recommendations was to look again at the size of the Planning Committee (currently 22 Members), which is significantly larger than those of other neighbouring Councils. Current best practice advice encourages smaller committees as they tend to offer greater consistency in decision making; lower costs to run and better attendance at meetings.
- 3.2 Members will recall that in 2008 the Planning Committee was reduced to 22 Members from 56 (Full Council). Reviews of this smaller Committee by the Overview and Scrutiny in 2009 and 2010 concluded that the reduced committee was more effective and efficient in its operation – making better quality decisions. The key findings of the reviews were:
- Quality of decision making improved with significantly fewer decisions taken contrary to officer advice; resulting in fewer appeals and a higher success rate at appeal (2008 – 2010).
 - Members/officers felt there was a better ‘quality’ of debate, focusing on key issues – far more focused.
 - Members were better trained.
 - Non-Committee Ward Members had the opportunity to represent their residents without fettering their views (pre-determination).
- 3.3 In 2012 an O&S Member Task Group recommended that a further reduction in size would enhance, rather than detract from these characteristics through reducing cost; promoting even greater focus on the key issues; improved training (of a smaller committed group of Members); leading to improved competence and expertise in planning knowledge. The Task Group recommended a reduction to 17 members and a new location in the Committee Room. Whilst this recommendation was approved by the Planning Committee (April 2012), it was not supported at Full Council.
- 3.4 In response to the recommendations of the Development Management Service Review, a Member/Officer Task Group met on 7 December 2017 to consider current best practice advice on the size of Committees, including a comparative analysis of neighbouring Councils. Attached at **Appendix 1** is the comparison with other Staffordshire Councils and recent statistics on Member attendance at Committee and planning training sessions. The average size of the neighbouring Planning Committees (excluding South Staffordshire) was 15 Members (equating to 35% of Full Council). Further analysis shows that since October 2017 there have only been 20 Members on the Planning Committee and since May 2017 an average attendance of 17 Members. Furthermore, since May 2017, Planning Committee Members have on average attended 2/3 planning training sessions.
- 3.5 The Government measures the ‘quality’ of the Council’s decision making by the number of appeals lost as a percentage of the total decisions taken. Whilst on ‘non-major’ decisions the Council’s record is well above average, on major applications its relatively recent record (Nov 2015) was poor with 4 major appeals out of 41 decisions lost (9.74%). All four allowed appeals were made by the Planning Committee contrary to officer recommendation. The Council was ranked 327th out of 337 authorities in this regard. The designation figure was then set at 20%. Whilst in the last two years this figure has improved to 4.41% (Dec 2017) with 2 major appeals lost (Watery Lane and Dark Lane), it should be noted that the designation figure has since been reduced to 10% and the Council currently has 2 major appeals awaiting determination (Arkall Farm, Tamworth and The Crown Inn, Handsacre).

Should these appeals be lost this figure would increase to 6%. The Council's current ranking on major appeal performance is still well below the national average.

- 3.6 Within this context, the 'quality' of the Committee's decision making is key to ensuring robust decisions continue to be made and successfully defended at appeal – especially regarding major planning applications. Best practice would suggest that more 'robust' decisions are taken by well-trained Members – generally in smaller sized committees.
- 3.7 In financial terms, a reduction in numbers would generate some efficiencies in terms of Member's reduced mileage claims and printing costs (non-cashable). However, the major benefit from improved decision making would be reducing the risk of designation – and the subsequent significant loss of fee income with applicant's having the right to submit applications directly to the Planning Inspectorate.
- 3.8 After significant discussion over the merits of a smaller Planning Committee, the Task Group recommended that the Committee be reduced to 15 Members. The political balance is recommended at 13 – 2 in favour of the controlling group. In addition, the Task Group supported the idea of training a small number of additional members to act as permanent replacements to ensure greater resilience in succession planning. A total of 3 replacements was recommended who would have to attend mandatory planning training. These would not be 'substitute' members for individual meetings - but permanent replacements as circumstances arise. It also recommended that the performance of the reduced Planning Committee be considered by this Committee after one year's operation.
- 3.9 In addition, it was also felt that the 'smaller' Committee should operate from the Committee Room with its enhanced visual and audio facilities. This recommendation mirrors that of the previous 2012 O&S Task Group, who supported the move to the Committee Room, with the option to re-locate back in the Council Chamber when large public galleries were anticipated.
- 3.10 Given the emphasis on the 'quality' of decision making, attendance at planning training sessions was also discussed. It was noted that attendance at planning training was already mandatory for Planning Committee members. However, it was noted that since May 2017, on average Planning Committee members had attended 2/3 sessions. The Committee's views are sought on this issue, which is central to ensuring a well-trained and more expert Planning Committee.

Alternative Options	<ol style="list-style-type: none"> 1. Retain the current size of the Planning Committee. This was discounted as it would remove the opportunity to improve the quality of decision making. 2. Reduce the size of the Planning Committee below 15 Councillors. This was discounted as it is considered that 15 Councillors would represent the best option for both improved decision making and resilience of the reduced committee.
Consultation	<ol style="list-style-type: none"> 1. A cross-party task group has been consulted comprising the Leader, Deputy Leader, Chairman and Vice- Chairman of both Planning Committee and Overview and Scrutiny and the Leader of the opposition group.
Financial Implications	<ol style="list-style-type: none"> 1. Reducing size of the Committee would generate modest savings (non-cashable) in terms of Members' mileage claims and printing costs. 2. Improved decision making will reduce the risk of designation as a poor performing authority. The financial impact of designation would be significant, with lost fee income with applicant's having the option to submit direct to the Planning Inspectorate for determination.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. Improvements in the quality of decision making will enhance the delivery of the additional homes, businesses and infrastructure required to ensure the District's ongoing sustainable economic growth.

Equality, Diversity and Human Rights Implications	None.
Crime & Safety Issues	None.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Failing to improve the quality of decision making would increase the risk of becoming a 'designated' authority – resulting in the potential reduction of application income and determination powers; impacting on the Council's reputation and financial wellbeing.	Reduce the size of the Planning Committee and ensure Members are well trained and briefed on the importance of making 'robust' decisions which can be defended at appeal.	Yellow. The appeal record on major applications is still below the national average.

Background documents:

Report of the Environment and Development (Overview and Scrutiny) Committee – Review of the Planning Committee – 7 March 2012

Report to Planning Committee – Review of the Planning Committee - 2 April 2012

Internal Briefing Paper to Planning Committee - Major Planning Application and Appeal Performance – July 2015

Planning Officer's Society – Final Report – Process Review of the Development Management Service – 23 March 2017

Report of the Economic Growth, Environment and Development (Overview and Scrutiny) Committee – Development Management Performance and Planning Appeals Update – 29 March 2017

Relevant web links:

Size of Planning Committee – Nearest Neighbours (Dec 2017)

Staffordshire

Cannock	15 (41) 37%
East Staffs	14 (39) 36%
Lichfield*	22 (47) 47%
Newcastle	16 (60) 27%
South Staffs	49 (49) 100%
Stafford	13 (40) 33%
Staffs Moorlands	14 (56) 25%
Stoke-on-Trent	13 (44) 30%
Tamworth	13 (30) 43%

Average (excluding S Staffs): 15 members, 35%

*Currently only 20 Members on the Committee (since October 2017)

**Since May 2017, Planning Committee has an average attendance of 17 Members (7 meetings)

***Since May 2017 three planning training sessions have been run. On average Planning Committee Members have attended 2/3 sessions.

Notes:

() - Full Council in brackets

% - Committee as a percentage of Full Council