Review of the Planning Committee

Report of Councillor A Lax
Cabinet Member for Legal & Regulatory

Date:	18 September 2019
Contact Officer:	Claire Billings
Tel Number:	01543 308171
Email:	Claire.billings@lichfielddc.gov.uk
Key Decision?	**NO**
Local Ward Members	All Ward Members

Lichfield district council
www.lichfielddc.gov.uk

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

1. Executive Summary

1.1 The purpose of this report is to provide a 12-month review of the performance and operation of the revised the Planning Committee, which was effective from June 2018, as requested by EGED Overview & Scrutiny Committee in January 2018 and by Planning Committee 12 February 2018.

1.2 The changes to Planning Committee that were agreed and have been effective since June 2018 include:

- 15 Members, rather than the previous 22 Members sitting on the Committee;

- Using the Committee Room, rather than the Council Chamber when lower public attendance anticipated.

- 3 additional Members were to be trained to allow them to act as permanent replacements as circumstances arise.

1.3 Following a review of the operation of the revised Planning Committee over the last 14 months, as well as updated research on the operation of planning committees across Staffordshire, it is considered that the number of Members on Planning Committee should remain at 15, and that further consideration be given to both the accommodation/room used and the training needs of the committee Members.

2. Recommendations

2.1 That the Economic Growth, Environment and Development (Overview and Scrutiny) Committee notes the contents of the report, that:

- The size of Planning Committee should remain at 15 Members;

- The layout and use of the Committee Room be given further consideration- to maximise the capacity of the public gallery area, where possible, so it may continue to be used on occasion, whilst continuing with use of the Council Chamber for the majority of Committees, particularly when larger public galleries are anticipated. And also that, consideration be given to the potential to enhance the presentation equipment available within the Council Chamber going forward.

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 (then 22 Members), as this was 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   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.

3.3   In 2012 an O&S Member Task Group recommended that a further reduction in size would enhance, rather than detract from these characteristic 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   Then, in response to the recommendations of the Development Management Service Review, a Member/Officer Task Group met in December 2017 to consider best practice advice on the size of the Committee. This culminated in a report to the EGED Overview & Scrutiny Committee in January 2018, who recommend that Planning Committee support the reduction of the Committee from 22 Members to 15 and also that, 3 additional Members be trained to act as permanent replacements as circumstances arise and, that the meetings be hosted in the Committee room when public attendance was not expected to be large. This recommendation was subsequently supported by Planning Committee and since June 2018 the revised Planning Committee has been in operation.

3.5   This report includes a review of the operation and performance of the revised Planning Committee over the last 14-months from June 2018 to end of July 2019 inclusive.

14-month review of performance and operation:

3.6   Comparative analysis- In 2017 a comparative analysis of the size of neighbouring Staffordshire Councils Planning Committees was carried out- see **Table 1 of Appendix 1**.   At such time the average size of the neighbouring Planning Committees (excluding South Staffordshire) was 15 Members (equating to 35% of Full Council).

3.7   A further comparative review of neighbouring Planning Committees has been undertaken recently (July 2019). **Table 2 of Appendix 1**, notes that there have been some changes to the composition of neighbouring authority Planning Committees, most notably South Staffordshire Council, which has from May this year reduced its Committee from 48 Members to 22 Members. Therefore, the current average number of Members on Planning Committee equates to 14 including South Staffordshire. This shows that Lichfield is operating just above the Staffordshire-wide average number of Members for its Planning Committee.

3.8   It is also to be noted that although there is nothing in the England planning legislation that limits the size of a Planning Committee, in Wales, an amendment to the 1990 Planning Act (Section 319ZB) states that the number of Members on a planning committee should have no fewer than 11 and no more than 21 Members. Furthermore, the Licensing Act 2003 (Section 6) states that any licencing committees cannot have more than 15 Members (and not less than 10). The current size of committee therefore lies within such parameters which suggests it is of an appropriate size.

3.9   Performance/quality of decisions- 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. As noted from a recent briefing paper (June 2019) on Development Management Performance provided to this Committee, the Council's record on 'non-major' decisions is well above average (0.65% compared to less than 10% target). Also, for major application decisions, whilst this was poor in Nov 2015; with 4 major appeals out of 41 decisions lost (9.74%), (*all four of these decisions were made by the Planning Committee contrary to officer recommendation*), this figure has now significantly improved, due to the new accounting period which removes the 4 previous decisions made and that there have been no further major applications refused that have had an appeal decision since. The current government

designation figure is set at no more than 10%, whilst the Council's current performance with regard to majors is at 2.22%. Although, it is to be noted that the Council does have 1 major appeal awaiting am decision from the Planning Inspectorate (Huddlesford Holiday Lodges) which was refused contrary to officer recommendation, with the hearing held early August.

3.10   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.

3.11   In financial terms, 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.

3.12   Planning Committee operation. As shown in **Appendix 2**, from June 2018 to the end of July 2019, there were 17 Planning Committee meetings scheduled, 13 of which took place; as 4 Committees were cancelled due to insufficient business. In terms of attendance by Members at the meetings, none of the meetings had full attendance; the most at any one meeting being 13 and the least attendance 9 Members. The average rate of attendance per meeting over the 13 meetings therefore was 75%. The Committee meeting with only 9 Members in attendance was a special extra scheduled Planning Committee that was convened for a particular planning application. Therefore, this meeting was not set in the calendar of meetings far in advance. When the attendance at this meeting is excluded, the average attendance rate was 76%.

3.13   The reduced membership of the Committee has allowed the use the Committee Room. This was welcomed due to the enhanced visual presentation facilities and the potential for better seating arrangements for Members and officers, to facilitate ease of discussion of agenda items. As noted in **Appendix 2**, of the 13 meetings undertaken, 6 Planning Committees have been held in the Committee Room, whilst 7 meetings remained to be held in the Council Chamber, when there have been larger public galleries. There have been various pros and cons noted with the use of the Committee Room as opposed to the Chamber including, which are set out in Appendix 3.

3.14   In terms of training 3 additional Members to act as permanent replacements for the Committee- no Members were nominated and this has not occurred. However, over the last 14 months there has been no need to engage permanent replacements and committee quorum has always been met. Furthermore, it is considered the appropriate training could be provided on as/when necessary basis, should a replacement Member need to be identified at any time.

3.15   The Committee's views are sought on the issues set out above, although it is considered based upon comparable analysis and best practice, that the number of Members on the Councils Planning Committee does appear to be appropriate and effective. It is therefore recommended that the number of members on the committee should remain at 15 Members and that enhanced training be identified and provided to such Members and any substitute members going forward seeking to ensure quality decision-making.

| Alternative Options | 1. Increase the size of the Planning Committee back to 22 Members/as previous number of Members. This was discounted as it would result in an above average number of Members compared to neighbouring Authorities and would remove the opportunity to improve or sustain the quality of decision making.
2. Reduce the size of the Planning Committee below 15 Councillors. This was discounted previously, as it was considered that 15 Councillors would represent the best option for appropriate decision making and resilience for the committee. It is considered that this remains the most appropriate option based on an updated assessment, taking account of neighbouring Staffordshire Planning Authority committees. |

Consultation	1. A cross-party task group was consulted in Dec 2017 comprising the then Leader, Deputy Leader, Chairman and Vice- Chairman of both Planning Committee and Overview and Scrutiny and the Leader of the opposition group in advance of the consideration and agreement to reduce the Committee to 15 Members. No recent formal consultation undertaken.
Financial Implications	1. Quality 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	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
- Report of the Economic Growth, Environment and Development (Overview and Scrutiny) Committee
- Briefing Paper Report of Economic Growth, Environment and Development (Overview and Scrutiny) Committee- Development Management Performance- 20 June 2019
- South Staffordshire Council Full Council Report- Amendments to the Constitution- 26 March 2019

APPENDIX 1

TABLE 1: Size of Planning Committee – Nearest Neighbours (Dec 2017)

Staffordshire

Cannock	12 (41) 29%
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,   34%

TABLE 2: Size of Planning Committee – Nearest Neighbours (July 2019)

Staffordshire

Cannock	12 (41) 29%
East Staffs	14 (39) 36%
Lichfield*	**15 (47) 32%**
Newcastle	14 (60) 23%
South Staffs	22 (49) 45%
Stafford	11 (40) 28%
Staffs Moorlands/High Peak	15 (56) 27%
Stoke-on-Trent	13 (44) 30%
Tamworth	13 (30) 43%

Average: 14 members,   33%

Notes:

( ) - Full Council in brackets
% - Committee as a percentage of Full Council

APPENDIX 2

Planning Committee Meetings inc Location and Attendance Information

Date of Meeting	Venue	No. of attendees	No. of apologies	No. Absent
04.06.18	Council Chamber	13 attendees	2 apologies	
02.07.18	Council Chamber	12 attendees	3 apologies	
30.07.18	Council Chamber	10 attendees	5 apologies	
03.09.18	Committee Room	12 attendees	2 apologies	1 absent
01.10.18	N/A	CANCELLED		
29.10.18	Council Chamber	11 attendees	3 apologies	
26.11.18	N/A	CANCELLED		
17.12.18	Council Chamber	10 attendees	4 apologies	
14.01.19	Committee Room	10 attendees	4 apologies	
11.02.19	Committee Room	10 attendees	3 apologies	1 absent
04.03.19 Special	Committee Room	9 attendees	5 apologies	
11.03.19	N/A	CANCELLED		
08.04.19	N/A	CANCELLED		
29.04.19	Council Chamber	12 attendees	2 apologies	
03.06.19	Committee Room	12 attendees	1 apology	1 absent
01.07.19	Council Chamber	13 attendees	2 apologies	
29.07.19	Committee Room	12 attendees	2 apologies	1 absent

APPENDIX 3

Noted Pros & Cons of the use of the Committee Room as the venue for Planning Committee

PROS
- Enhanced visual/IT presentation, as the screen is centrally positioned within the room and clearly visible to all members of the planning committee and public gallery.
- Members and officers are more closely located which has helped to facilitate debate or discussion at times.
- More relaxed/less formal committee layout for speakers- therefore less daunting.

CONS

- There is limited room for the public and on occasion there have been an inadequate number of chairs and space for the public attendees, as at times difficult to anticipate the likely level of public attendance. Note there are only 15 chairs available and if there are 2 speakers for each item and the applicant as well as their agents attends, then this limits seating for others.
- Not as accessible for those with a disability or limited mobility.
- Not as clear where room is located for the public- no direct route to the room and therefore extra signage and officer support needed to assist/escort.
- Speakers are not co-located near to committee clerk which leads to difficulties at times.
- More relaxed approach can lead to less focused debate.
- No microphones in committee room and so it can be difficult at times for people to hear.
- Can/has resulted in members of the public sitting very close to Members within the room, which can feel intimidating.
- Furniture difficult to move and public gallery area needs to be set out before each meeting creating more work for officers.
- Difficult for those in the public gallery to know who is an officer and who is a Member when all sitting around the same table.