

# **Report to Planning Services Scrutiny Panel**



## SCRUTINY

**Subject: Review of Operation of Planning Committees and Terms of Reference**



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### **Recommendations/Decisions Required:**

- (1) To consider a proposed revised draft Article on the operation of and arrangements for planning Committees;**
- (2) To receive the views of the Development Control Chairmen and Vice Chairmen from their meeting on 2 December 2014;**
- (3) To recommend to the Constitution and Members Services Panel on favoured proposals for onward consultation.**

### **Report:**

1. The Overview and Scrutiny Committee, at its meeting on 16 September 2014, referred a PICK request to this Panel. The request was sponsored by the Chairman of the District Development Control Committee, Councillor Brian Sandler. (Appendix 1)
2. This Panel have been asked to look at the following matters:
  - (i) The operation of the speaking arrangements and deadlines for submission of material for the Planning subcommittees as currently contained within the rules for participation on planning matters to include:
    - (a) Classes and types of speakers, duration and registration arrangements and deadlines;
    - (b) The extent of Chairman's discretion on such matters;
    - (c) Procedure for other submissions and photographic material;
  - (ii) The terms of reference of the Planning subcommittees and District Development Control Committee to include:
    - (a) Definitions of applications of major importance;
    - (b) Clarification of the mechanism for referrals from Planning Subcommittees
    - (c) The role of the Leader as currently defined in the DDCC's terms of reference.
    - (d) How the Council's own applications are dealt with.
3. The operation of arrangements for speaking at planning meetings has never been substantively reviewed since they began in 2006. It is timely that this review takes place for two reasons; firstly colleagues on the Constitution Scrutiny Panel are currently undertaking a full review of procedures into which this review fits neatly. Secondly there have recently been a number of 'complaints' about operation (mainly from applicants/objectors).
4. 'Complaints' can be summarised as falling into four categories:
  - (1) Unhappy that speaking arrangements are too strict/too loosely applied;

- (2) That Chairman's discretion is being differently applied.
- (3) That they cannot get information before members at the meeting or shortly before
- (4) That applications either do go or don't go straight to DDCC– how is that decision made?

5. Additionally, whilst dealing with trying to clarify these issues, officers have asked that members look at their current procedures for referring matters to DDCC; whether the Terms of Reference for the DDCC should include a role for the Leader in determining full Council's review of an application and how the Council's own applications are dealt with.

6. The Constitution review will see the format of sections change considerably. Rules relating to the planning committees are currently spread throughout the document. New formats will mean that information about planning committees will appear in a revised Article of the Constitution. All the information in one place. In consultation with the Assistant Director Development Management a draft has been put together for members to consider. (Appendix 2).

7. This revised Article sets out the membership of the committees, refers to the (yet to be) revised delegations section for its powers, terms of reference and participation and site visits rules. Operational rules (how meetings are run) will appear in a single council rules section elsewhere in the Constitution.

#### **Classes and types of speakers, duration and registration arrangements and deadlines**

8. In summary changes we are suggesting are:

- No change to the three minute rules – members need to consider if we allow this time to be split across more than one speaker? Or more than one Local Council has been allowed to speak?
- Additional class of speaker to be added: other authority or statutory consultee – this class would include LVRPA, Highways Authority, ECC, and Corporation of London – in practice over time we have allowed this class of speaker.
- Should deadline for speaking be 4.00 p.m. the day before the meeting? – This is generally the deadline we are using. Do we need to have other deadlines for applicants where objectors register late on?

#### **The extent of Chairman's discretion on such matters**

9. Issues that need to be discussed are:

- Under what circumstances should a chairman allow more than one speaker?
- Should this be set out in the rules?
- Should there be a 'Chairman's decision is final rule?'

#### **Procedure for other submissions and photographic material**

10. In summary changes we are suggesting are:

- Oral representations only at meetings
- No tabled documentation at meetings
- Photos, if received in time and material consideration, to be incorporated into officers presentations – they need to be sent to officer by speaking deadline.

#### **The terms of reference of the planning committees**

11. We are suggesting a much simplified Terms of Reference of these committees. The original versions are at Appendix 3 for completeness.

12. For District Development Control Committee (DDCC), it is suggested those applications which:

- Cover more one Area Plans Area
- Are a 'major' planning application (by the DCLG definition) and the Council is the land owner
- Are referred by an Area Subcommittee
- Could give rise to costs or compensation
- Are made by a Councillor or their spouse
- Are a Departure from Planning Policy or the policy framework.

Will be considered by the DDCC.

13. Area Plans Subcommittees will therefore consider all other applications which are not delegated to officers. Officers see this as a much simpler system to operate. It will also give clarity to the referral processes and how Council applications are dealt with. Area Subcommittees will also be able to look at informal proposals for development and to give guidance to planning officers at pre-application stages.

14. The current rules include the following:

'The power to determine proposals under paragraph (1) (ie all applications) above shall be subject to any ruling by the Leader of the Council after consultation with the Chief Executive that any such matter should be determined by the Council.'

Members are asked whether this should be included in the new Article. Officers have taken this element out of the proposals. If it is to be inserted does there need to be rules as to under what circumstances such a ruling would be given?

15. The Chairmen and Vice Chairmen of the planning committees met on 2 December 2014. Their views will be brought to this meeting.

16. Members are asked to consider the issues in the report and make recommendation back to the Constitution and Members Services Scrutiny Panel for incorporation into the Constitution.

#### **Reason for decision:**

17. A review of the whole of the Constitution is ongoing. The review will alter the arrangements of sections of the Constitution. A PICK form requesting that review be undertaken has been received and referred to this Panel for consideration.

#### **Options considered and rejected:**

18. The Panel could recommend no change to current rules or could bring forward alternative proposals. Changes to the Constitution are reserved to the full Council.

#### **Consultation undertaken:**

19. Wider consultation arrangements will apply to the revised Constitution by the Constitution and Members Services Scrutiny Panel at an appropriate point in the review process.

#### **Resource implications:**

Budget provision: From existing  
Personnel: From existing  
Land: Nil

Relevant statutory powers: Town and Country Planning Acts

Background papers: Revised Article, Current Constitution

Environmental/Human Rights Act/Crime and Disorder Act Implications: none

Key Decision reference: (if required) Not a key decision