

## **ITEM 11      Covering Report for the OSCOM Planning Review Panel**

Responses from Officers to the Panel's Report

**This covering report is prepared by officers and should be read in conjunction with the Panel's report to inform the Committee's view in determining how it wishes to proceed.**

### **SUMMARY:**

The OSCOM Task and Finish panel engaged to review TVBC's Plans and Planning Process has examined the role of the Plans Panel, the Area Planning Committees and the Planning Control Committee. The Panel's members are making a range of recommendations for consideration by OSCOM. This report contains officer comments on those recommendations.

## **1      Background**

- 1.1      OSCOM established a Task and Finish panel to review TVBC's Plans and Planning Process in September 2015.
- 1.2      The Panel has made a series of recommendations which are contained in paragraphs 2 and 3 of the attached report. This report contains officers' comments on those recommendations where issues of principle are under consideration.

## **2      Recommendations related to the Plans Panel**

### ***Structure and Function***

- 2.1      The membership and composition of the Plans Panel is a matter for Members and as such there is no officer commentary in this regard. However, it is worth noting that at its meetings, in April and June 2016, Cabinet has already made a series of decisions about the structure and function of the Plans Panel. In summary, these are as follows:
  - Cabinet recognised that a more structured approach to member involvement in the forming of policy would be of benefit.
  - Cabinet decided that at the key stages of the preparation of the future planning policy documents there would be a series of workshops for all Members to raise and discuss the relevant planning issues under a series of themes reflecting those contained in the Corporate Plan.
  - To assist the drafting and review of planning policy documents Cabinet agreed to retain an informal planning policy panel of Members which will meet more regularly to monitor progress and receive technical reports. It was agreed that the composition of the informal panel would comprise of:

- Portfolio Holder for Community and Leisure; Economic, Environmental;
- Housing & Environmental Health; Planning & Building; and Planning Policy & Transport (as chair)
- Chairman of the Overview & Scrutiny Committee
- Chairmen and Vice Chairmen of Planning Control, Northern Area and Southern Area planning committees
- A representative proportion of the minority group

The composition was based on those Members which have an involvement with land use planning in their portfolio or are involved in the application of policy. The Chairman of Overview and Scrutiny Committee and a representative proportion of the minority group were also included. Whilst this would form the standing membership of the informal panel all other Members would have the opportunity to attend.

- To help all members to be aware of the points of discussion and what matters were arising from the themed groups and informal panel it was agreed to circulate the Plans Panel minutes, in future. In addition, to provide greater involvement, it was agreed to publish biannually a forward plan of future items for discussion. This would allow for those Members who are not on the informal panel to attend and be involved in those items where they have an interest. The forward plan would highlight if there were specific wards affected by the item. Whilst these actions would benefit Member involvement it would be necessary to have flexibility to allow for additional urgent items to be added. It would also be necessary to timetable the groups and informal panels so that they have sufficient opportunity to engage with the formulation of policy. This would be incorporated into the next version of the Council's Local Development Scheme.

2.2 Officers are concerned that any proposals to “formalise” the Plans Panel further will add a layer of bureaucracy to its administration due to the requirements of legislation governing local authority meetings. For example if the Panel becomes a formal committee of the Council Agendas will need to be published inviting members of the public and Press to attend its meetings. Additionally and as is acknowledged, the vast majority of the business of the Plans Panel is confidential so that members of the press and public will in effect be immediately asked to withdraw at the outset of the meeting.

2.3 Cabinet has already agreed that all TVBC members will receive minutes and agendas from the Panel so it is difficult to see what will be gain by making the Panel a formal committee of the Council.

### **3 Recommendations Related to the Area Planning Committee**

#### ***Operational Issues***

3.1 The Panel is recommending improvements to the operation of the Area Planning Committees as follows:

- (a) *“An alteration to the Scheme of Delegation such that where there is an officer or member interest in an application this is only brought to the Area Committee when there has been objection or comment from a consultee or third party”.*

The proposal would be seen to have some benefit in saving committees time and enable those applications to be dealt with more expeditiously. Against that, however, the change would give rise to a not insignificant public perception transparency issue in allowing such applications to be determined outside the public spot light of committee decision making.

- (b) *“An alteration to the Scheme of Delegation such that where a minor application is out of policy this is only brought to the Area Committee when there has been objection or comment from a consultee or third party.”*

Officers have no objection to this proposal in principle. Some thought, and definition, to what would constitute a “minor” application would be required, otherwise there would be the potential for claims that decisions had been taken without authority, and therefore unlawfully.

- c) *“ If a member has identified an application as one that should be called to committee upon it being initially advertised, the member should be contacted to ask if they still wish it to be heard once an officer recommendation has been agreed. (For example, where an application has been called to committee within its first 14 days of being advertised, the member may choose not to place it before the committee if the officer recommendation is for refusal).”*

Officers have no objection to this proposal. A minor alteration to the scheme of delegation would be required to give effect to this change.

- d) *“When the Area Committee votes to refuse an application, the meeting should be adjourned for 10 minutes after the vote, to enable officers to confer with members and assist in ensuring appropriate reasons for refusal are included in a new motion.”*

Officers have concerns about this proposal because it would appear that decisions are being made behind closed doors and there could be a challenge to the transparency of any subsequent decision. This type of discussion already takes place in public and works reasonably well but could be improved with proactive discussion between officers and Members. There could be other options available that might meet the aims of the Panel and I would suggest that those options are explored before any decision is reached on this issue.

#### **4. Conclusions**

- 4.1 OSCOM is asked to consider these officer views in coming to a conclusion about the recommendations of the Planning Process Panel.