

## **OSCOM Plans and Planning Process Panel**

Report of Cllr Adams King, Chairman of the Planning Process Panel

### **Recommended:**

**That OSCOM considers the recommendations of the Plans and Planning Process Panel contained in paragraphs 2 to 3.**

#### **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. Additionally, the Panel is seeking OSCOM's approval to seek its work on the Area Planning Committee's for a further six months. This would enable the Panel, subject to Cabinet endorsement, to commission the Planning Advisory Service to undertake a review of the various options for how the Area Planning Committees might operate in future. Further, it would provide an opportunity to engage the various stakeholders on their experiences of the Area Planning Committees.

### **1 Background**

- 1.1 OSCOM established a Task and Finish panel to review TVBC's Plans and Planning Process in September 2015. Originally established to examine the role of the Plans Panel and the Area Planning Committees it merged in December 2015 with the Task and Finish Panel established to review the Planning Control Committee Process. The Panel comprised of 8 members (but has had a core membership of 5) and has engaged with an additional 10 members during its meetings. The panel has met on 12 occasions (twice each as separate panels and 8 times jointly). These meetings have included a question and answer session with the Planning Advisory Service, a 'Select Committee' style afternoon where the Panel questioned the Chairs of the Northern and Southern Area Planning Committees, the Chair of the Planning Control Committee, Portfolio holders for Planning Policy and Planning and Building and the Head of Planning.
- 1.2 The Panel has surveyed neighbouring and similar authorities, asking a number of questions about the function of their Strategic Planning and Local Planning Committees and attendant processes. The spreadsheet detailing the questions asked, the Councils approached and the responses received is at Appendix A of this report.
- 1.3 Officers have been informed of the Panel's discussions and their recommendations as they have progressed.

- 1.4 The Panel has made a series of recommendations which are contained in paragraphs 2 to 3 below. Each recommendation is supported by the Panel's rationale for making the proposal.

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

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

- 2.1 It is recommended that the Plans Panel which is currently responsible for advising on the development of the Plans Panel should become a formal committee of the Council. The reason for this is to ensure that it meets standards of transparency, openness and democratic scrutiny. In all but one of the neighbouring and similar authorities surveyed committees undertaking the same or similar functions were formally established.
- 2.2 It is suggested that the membership of the Plans Panel should therefore comprise members distributed between groups using the usual formula reflecting the structure of the Council. A spread of expertise and geographical representation would be expected. This would ensure appropriate representation across the borough.
- 2.3 Owing to the confidential nature of much of what may be discussed, the Plans Panel's business should be conducted "below the line" and therefore meetings will not be open to press and public. Meetings will, however, be open to any member who wished to attend and observe. Most neighbouring and similar authorities operated their equivalent committees in this way. By doing so commercial confidentiality is maintained, particularly of issues that could be potentially highly controversial. While at the same time a greater degree of democratic scrutiny and openness to all members is established.
- 2.4 Meetings should feature on the corporate calendar and agendas and minutes (marked CONFIDENTIAL) should be circulated to all members.

### ***Governance***

- 2.5 The Plans Panel should report to OSCOM according to an agreed schedule but at least annually.

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

- 3.1 We would recommend improvements to the operation of the Area Planning Committees as follows:
- '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.
  - 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.

- 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).
- The reason for these recommendations being that they encapsulate best practice, bringing the Borough's Scheme of Delegation more into line with those elsewhere as identified by the survey of neighbouring and similar authorities.
- The Task and Finish Panel also spent some time discussing the current scheme of delegation with the Head of Planning. He commented that the Scheme of Delegation required applications with a member or officer involvement, where there had been no objection or comment from the public or consultees, to be brought before area committees, expending time and resources
- 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.
- The reason for this is the Panel's view that such a change would create would improve a sense of professionalism and better governance, particularly in situations where members of the public may well be present.

### ***Governance***

- 3.2 The Peer Review of Planning Committees offered by the Planning Advisory Service should go ahead.

### ***Further Actions***

- 3.3 The Panel requests confirmation from OSCOM that the Task and Finish Group should continue its work on Area Planning Committees for a further six months. This would include:
- Assessment of the Planning Advisory Service Peer Review.
  - Completion of review of the Scheme of Delegation to the Planning Control Committee, its Procedures and Membership.
  - Further Survey of Members once PAS Peer Review is complete and results known.

## **4 Corporate Objectives and Priorities**

- 4.1 The Planning process contributes to the success of all of the Council's corporate priorities.

## 5 Consultations/Communications

- 5.1 In addition to input from panel members input has been sought from other members and officers through a formal scrutiny hearing. Information from a number of other authorities about the way in which they involve members in the development of their Local Plan, is attached as an Annex to this report.

## 6 Options

- 6.1 To endorse, modify or reject the Panel’s recommendations as identified in this report.

## 7 Risk Management

- 7.1 At this stage the Council’s Risk management process has not as yet been applied. A full risk assessment will be completed if all / any of the proposals are recommended to Cabinet.

## 8 Resource Implications

- 8.1 None at this stage

## 9 Legal Implications

- 9.1 Where applicable, these are covered in the officers’ covering report.

## 10 Conclusions

- 10.1 OSCOM is asked to consider the recommendations of the Planning Process Panel.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	One		
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