

Review of Area Planning Committees

Report of the Planning and Corporate Portfolio Holders

Recommended by the Planning and Corporate Portfolio Holders:

1. **With effect from 9 May 2019 the existing Development Management Committee system of Northern Area Planning Committee, Southern Area Planning Committee and Planning Control Committee shall be abolished.**
2. **It will be replaced by two politically balanced Development Management Committees; Northern Area and Southern Area with each Committee comprising thirteen Members.**
3. **Meeting frequency will remain unchanged.**
4. **The Northern Area Committee will cover the area to the North of the new Mid-Test Ward.**
5. **The Southern Area Committee will cover the area to the South of and including the new Mid-Test Ward.**
6. **The Planning Control Committee shall not be replaced.**
7. **The Leader, Deputy Leader and Planning Portfolio Holder will not be permitted to sit on either of the new Committees.**
8. **Performance of the new Committee structure will be reviewed prior to Annual Council 2020.**

SUMMARY:

- In October 2018 the Planning Advisory Service carried out a Peer Review of the operation of Planning Committees at Test Valley Borough Council, culminating in their report of 22 November 2018.
- The Planning Advisory Service report recommends abolition of the current Northern Area, Southern Area and Planning Control Committees and recommends that the Council adopt alternative arrangements.
- This report recommends establishing two new Development Management Committees; one for each of the North and South of the Borough each comprising thirteen members and dispensing with Planning Control Committee.

1 Introduction

- 1.1 This report considers the recommendations of the Planning Advisory Service as they relate to changes in the Development Management Committee structure at Test Valley Borough Council and recommends changing the structure in accordance with the Planning Advisory Service's recommendations.

2 Background

- 2.1 The Council's Development Management Committees exercise the duties of the Council in relation to Development Management matters, including determining (save where delegated elsewhere) applications for permission. The full list of the Committees' powers and duties as set out in the Council's Constitution is attached at Annex 1.
- 2.2 The Council's current Development Management Committee structure comprises two Development Management Committees; Northern Area Planning Committee and Southern Area Planning Committee. All elected Members sit on one or other of the Committees depending on their location in the North or the South of the Borough. The dividing line is Stockbridge; with two Members sitting on both Northern and Southern Committees. Each Committee meets on a broadly three-week cycle.
- 2.3 Additionally, Planning Control Committee comprising seventeen Members is convened as required to determine matters referred to it from either of the Development Management Committees.
- 2.4 In October and November 2018 the Planning Advisory Service carried out a Peer Review of the operation of the Planning Committees at Test Valley Borough Council. The Planning Advisory Service is a Ministry of Housing, Communities and Local Government funded programme and is part of the Local Government Association. The Planning Advisory Service exists to provide support to local planning authorities to provide efficient and effective planning services, to drive improvement in those services and to respond to and deliver changes in the planning system.
- 2.5 The Council's Peer Review Team consisted of Councillor Stephen Parker of Hart District Council and Gilian Macinnes Bsc MBA MRTPI, Gilian Macinnes Associates. A copy of their report dated 22 November 2018 is attached at Annex 2 to this report. Members are directed to this detailed report and its recommendations.
- 2.6 The Planning Advisory Service Report makes a number of recommendations, ranging from relatively minor in nature to the most important and pressing recommendation that the current Planning Committee regime should be restructured.
- 2.7 The Review Team concluded that the current structure does not represent an effective or efficient approach to discharging the Council's planning decision making function.
- 2.8 Other recommendations are largely operational in nature and many are in the process of being addressed. The Head of Planning and Building Services will be consulting with the Planning Portfolio Holder and Planning Committee Chairs and Vice-Chairs in respect of implementing these recommendations.

- 2.9 The Peer team recommends the abolition of the existing Planning Committee structure and *either*:
- (a) Creation of one smaller Borough-wide Committee (no larger than the Planning Control Committee) to make decisions for the whole Borough.
 - (b) Alternatively, “if the single committee is considered too radical at this time, creation of two smaller committees to make decisions in the interests of the whole Borough.”
- 2.10 Against this background the Planning Portfolio Holder has consulted extensively with members on the future arrangements. As a result thereof he and the Corporate Portfolio Holder recommend the alternative Committee structure described above.
- 2.11 These consultations also affirmed to the Planning Portfolio Holder that Members were minded to agree with the suggestion in the Planning Advisory Service report that seeking to introduce a “one committee” structure might be too extreme a measure to seek to introduce immediately (if at all). This report does not consider that proposal further. This of course does not prevent consideration of a “one committee” structure in the future.
- 2.12 The Planning Advisory Service report recommends that Executive Members do not sit on the Planning Committee/s to avoid or minimise the risk of actual or perceived conflicts of interest. The recommendation contained in this report provides that the Leader, Deputy Leader and Planning Portfolio Holder do not sit on any revised Planning Committees, striking a balance between the current position and excluding Cabinet members as a whole from Planning Committee membership. The recommendation of this report proposes excluding the Executive Members who are most likely to have an actual or perceived conflict of interest. Any conflicts of interest which arise with regard to other Cabinet Members sitting on Development Management Committee can be dealt with in accordance with the existing arrangements contained in the Code of Conduct, Local Code and the rules on bias, pre-disposition and pre-determination.
- 2.13 The Planning Advisory Report identifies training needs for all members on planning matters including on matters of probity and decision making. Further, more detailed training is recommended for Committee Members including matters of Government Policy, technical matters and probity. Training on Chairmanship is recommended for all Committee Chairs and Vice-Chairs and training for non-Committee Members on the role of Ward advocate. Members sitting on a Planning Committee under the recommended proposal will be expected to undergo regular training provided both by external trainers and officers. However is envisaged that all training would be available to all Members whether they are members of a planning committee or not.
- 2.14 It should be noted that under the recommended change in committee structure, Councillors who were not Committee members would still fully retain their ability to call matters in to Committee. They would remain equally free to ask questions of and discuss applications with Planning Officers prior to Committee and would continue to receive planning lists as presently.

- 2.15 It is proposed that the Council's Planning Advisory Panel would continue post-implementation of any change in Committee structure.

3 Corporate Objectives and Priorities

- 3.1 Facilitating an effective and efficient Development Management decision making regime directly contributes to the corporate priorities of investing in Test Valley as a great place to:
- live, where the supply of homes meets local needs and enjoying the natural and built environment;
 - work and do business;
 - enjoy the natural and built environment; and
 - contribute to and be part of a strong community.

4 Consultations/Communications

- 4.1 In carrying out their independent review, the Planning Advisory Service Consulted with the Head of the Planning and Building Service, the Chair and Vice-Chair of both Northern and Southern Area Development Control Committees, the Planning Control Committee Chairman and Vice-Chair, Senior Planning Officer North and Planning Officer South, Development Managers North and South, Committee Managers, Legal Representative and Planning Portfolio Holder.
- 4.2 The Reviewers also attended a meeting of Southern Area Planning Committee on 6 October 2018, Planning Control Committee on 16 October 2016 and reviewed documentation in respect of Northern Area Planning Committee.
- 4.3 An "initial feedback" session was held with the Chairs and Vice-Chairs, the Portfolio Holder, Leader of the minority group and Head of Planning and Building Service on the 16 October 2019.
- 4.4 The Reviewers considered the Council's Member Code of Conduct, Local Code for Members and Officers dealing with Planning Matters, Protocol for Member and Officer Relations, Scheme of Delegations, reports, plans and agenda notes for the meetings observed and Planning information contained on the Council's website.
- 4.5 Officers have advised Members and the Review Team throughout the review process that they will administer whatever lawful committee arrangements Members wish to implement.

5 Options

5.1 Option A.

That the recommendation set out in this report be approved. The existing Development Management Structure be abolished and replaced with two smaller Northern and Southern Area Committees comprising thirteen members each. Planning Control Committee should not be replaced.

5.2 Option B.

Do nothing and continue with the current Development Control Committee arrangements as they stand.

6 **Option Appraisal**

6.1 **Option A- Adopting the recommendations of this Report.**

Advantages

- (a) This option provides the opportunity for non-Committee Ward Members to attend and speak at Planning Committee meetings as advocates for their Wards and to fully develop their role as Ward advocates.
- (b) The removal of Planning Control Committee is likely to further foster robust and well informed decision-making at Planning Committees with increased accountability.
- (c) The removal of Planning Control Committee would simplify the planning decision-making process for members of the public and Councillors; resulting in a more straightforward, transparent and accountable system where the decision of the Planning Committee is the final decision.
- (d) This option provides the opportunity for better trained, specialised Members sitting on Planning Committees. However, it is envisaged that Planning training will be available for all Members, irrespective of Committee Membership.
- (e) A reduced number of Committee Members would make site visits more effective and manageable.
- (f) The experience of Test Valley Borough Council Planning Committees by the public and customers of the Planning Service will be enhanced.
- (g) The prohibition on Committee Membership by certain Executive Members will reduce the potential for actual or perceived conflicts of interest.
- (h) The Council will be proactively adopting and implementing the recommendations of its independent professional reviewers.

6.2 Disadvantages

- (a) Not all Members will have the opportunity to take part in decision-making on Planning Matters and may consider themselves disenfranchised.
- (b) Planning Control Committee is often viewed as a safeguard so some might view its removal as a disadvantage.

6.3 **Option B – Retaining the existing Committee structure.**

Advantages

- (a) Retains the ability of all Councillors to take part in decision-making on Planning matters.
- (b) The existence of Planning Control Committee provides a safeguard against rogue decisions.

6.4 Disadvantages

- (a) The ability of Members to act as advocates for their Ward is curtailed by the Council's Code of Conduct, Local Code for Members and Officers dealing with Planning Matters and the rules on bias and predetermination.
- (b) The Council may be perceived as continuing with a decision-making system which an independent specialist review Team has identified as ineffective.

6.5 For the reasons set out above, Option A namely adopting the proposals of this report is recommended.

7 Risk Management

7.1 A risk assessment has been carried out and an evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified at this time.

8 Resource Implications

8.1 No resource implications are identified.

9 Legal Implications:

9.1 Amending or agreeing the powers and duties for Committees, deciding on their composition and making appointments to them is a function of Full Council.

10 Equality Issues

10.1 This report does not identify any issues relating to equality.

11 Conclusion

11.1 An independent Peer Review has identified significant obstacles to efficient decision making in the Council's current Development Management Structure. This report recommends an alternative structure in line with the recommendation of the Planning Advisory Service.

Background Papers (Local Government Act 1972 Section 100D)

Planning Advisory Service Peer review of the operation of the Planning Committees
Test Valley Borough Council 22 November 2018.

Confidentiality

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:

2

File Ref:

N/A

(Portfolios: Planning and Corporate) Councillor Adams-King and Councillor Flood

Officer:

Karen Dunn

Ext:

8401

Report to:

Council

Date:

10 April 2019