

# Area Planning Committee Review

Report of the Head of Planning and Building

## Recommended:

**That Council be advised that the Committee endorses the retention of the current committee structure comprising the Northern Area Planning Committee and Southern Area Planning Committee.**

### SUMMARY:

- To review the change in committee structure approved at Council on 10 April 2019 and to decide whether to retain the current arrangement or implement an alternative option for Committee decision making
- Council agreed that the existing Development Management Committee Structure be abolished and replaced with two smaller Northern and Southern Area Committees comprising thirteen members each. Planning Control Committee should not be replaced.
- The alternative option considered is to re-introduce the previously disbanded Planning Committee arrangements which comprises two Area Committees (North and South) and a Planning Control Committee.

## 1 Introduction

- 1.1 At its meeting on 10 April 2019, Council resolved that the existing Development Management Committee Structure be abolished and replaced with a new Committee structure. This amendment to the committee structure reflected one of the options for change recommended in the Planning Advisory Service's (PAS) Peer Review of the operation of the Planning Committees which was completed on 22<sup>nd</sup> November 2018.
- 1.2 As part of the introduction of the new system, it was originally agreed that its performance would be reviewed ahead of Annual Council 2020.
- 1.3 However, due to advice issued by Natural England shortly after adopting the new Committee structure concerning the impact of Nitrate pollution on nationally protected sites in and around the Solent, and the consequences for planning decision-making across the borough particularly in relation to proposals for many forms of residential development, the number and type of applications being considered by the Committees was significantly affected, and not reflective of typical Committee business. As a result it was considered that realistic conclusions about the effectiveness of the new Committee structure could not have been drawn at the time. It was therefore subsequently agreed at Council on 26<sup>th</sup> February 2020 that the review be delayed until such time as, in the opinion of the Head of Planning and Building and the Planning Portfolio holder, normal business had resumed and a monitoring period of 12 months had been achieved. It is considered that this point has now been reached so it is possible to meaningfully review the operation of the Committee structure.

## 2 Background

2.1 In October 2018 the Planning Advisory Service (PAS) carried out a Peer Review of the operation of Planning Committees at Test Valley Borough Council, culminating in their report of 22nd November 2018 – copy at Annex 1.

2.2 The PAS report identified a number of issues regarding the operation of the three committee structure and concluded that it was not an effective or efficient approach to discharging the Council's planning decision making function. It identified options for changing the structure, all of which included the abolition of the Northern Area and Southern Area Planning Committees and the Planning Control Committee (PCC) as they had existed. It was recommended that the Council adopt alternative arrangements, and one option suggested involved the formation of a Northern Area Planning Committee (NAPC) covering the area to the North of the Mid-Test Ward, and the Southern Area Planning Committee (SAPC) covering the area to the South of and including the Mid-Test Ward. Each Committee would comprise thirteen members. An alternative option in the report was to have a single committee covering the whole borough but it was acknowledged that, if this step was viewed as too radical, two areas committees would be appropriate at least on an interim basis. The Council decided not to pursue the single committee option.

2.3 The new Development Management Committees came in to effect from 9 May 2019.

2.4 The number of Committee meetings that have taken place, are:

	<u>May – Dec 2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b>SAPC</b>	8	13	14	15
<b>NAPC</b>	7	5	11	12

## 3 Corporate Objectives and Priorities

3.1 Facilitating an effective and efficient Development Management Committee system 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 A meeting was held with the Planning Portfolio Holder and the Head of Planning and Building to consider the way forward with the review of the revised Committee structure. It was agreed that the views of officers and members involved in the decision making process would be sought to inform the decision that would then be recommended to Council.

- 4.2 A meeting with Planning Officers has taken place to gain an understanding of their experiences of the current structure and to seek their opinions as to how effectively the current system is working.
- 4.3 Members were also invited to contribute their views about the structure in two questionnaires circulated in the summer of 2022.
- 4.4 The first questionnaire was sent to the 26 members who comprise the NAPC and SAPC (copy at Annex 2). The second questionnaire was sent to all 43 Councillors (copy at Annex 3).

#### Questionnaire 1

18 Councillors (comprising 69% of Committee members) engaged with the questionnaire. In summary, there was a wide range of views expressed, some of which were contradictory in relation to how well the committee structure operates in its revised form with a number favouring a return to the former arrangements or at least having more members on committee. However, overall a significant majority were supportive of the present arrangements (c70% considered it was working well) and size of membership (c70%). Furthermore, 75% thought that the Ward Advocacy role is effective and assists in the quality of decision making. A number of comments were made regarding further improvements which could be made to the committee process and these can be considered by officers to see which can be taken forward.

#### Questionnaire 2

23 Councillors (comprising 53% of all Councillors) engaged with the questionnaire. As with survey 1 there were a very broad range of comments made and Members clearly held different views regarding how well the current system operates. However, a substantial majority (c91%) thought the arrangements were working with the smaller committees. 64% of non-committee members considered the role of ward advocacy role worked well. A number of comments and suggestions were submitted regarding the operation of the committees and how they could be changed/improved.

- 4.5 The Full report of comments and results arising from both questionnaires are appended to this report.

## **5 Options**

### 5.1 Option A

That the recommendation set out in this report be approved and the current arrangements of having a Northern Area Planning Committee and Southern Area Committee comprising 13 members each remain in place.

### 5.2 Option B

Revert back to the previous arrangements.

### 5.3 Option C

Adopt some other arrangements for discharge of the function.

## 6 Option Appraisal

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

The advantages of the structure adopted by the Council in April 2019, based upon the PAS report, were as set out below.

- (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 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 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 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 be a decision maker on planning applications 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 has identified as ineffective.

### 6.5 **Option C- Adopt some other arrangement.**

### 6.6 Advantages – none apparent

- 6.7 Disadvantages – Recommended Option A has been arrived at following analysis of the current system which was entered into following an independent and evidence based review (PAS). No alternative or more effective proposition presents itself so Option C is not recommended.
- 6.8 Review of the current committee structure and recommendation
- 6.9 It is the experience of planning officers, and conclusions that can be drawn from the members survey responses received, that overall the revised committee arrangements are working effectively and efficiently and are conducive to sound planning decision making. The advantages of the present system identified by the PAS report, as summarised above, are largely being realised whilst acknowledging that some members would still favour different arrangements. It is considered that having two area committees of 13 members each strikes an appropriate balance between committees that are of a sufficient size to provide democratic representation for their areas, with non-committee members being able to participate in the process via their role as Ward Advocates, whilst being manageable and able to make robust and well informed decisions. This is therefore beneficial to all parties that take part in the committee decision-making process including developers, agents, parish councils and the public.
- 6.10 The alternative would be to revert back to the former three committee system. However, it is considered that the issues identified by the PAS review would very likely surface again, if the Council reverts to this arrangement, which would not therefore be consistent with maximising the efficient and effective operation of the committee decision-making process. It has been shown over the last two years or so that having a streamlined committee arrangement can work well and so retaining the system in its current form is considered to be the best option and delivers benefits when compared to the previous more complex structure as set out above.
- 6.11 The questionnaires identified a number of suggestions that could, reasonably, help to further develop the efficiency, effectiveness and professionalism of the Area Committees and ensure appropriate support by Officers is provided. For example, additional training (both in-house and external); greater awareness of the 'Ward advocate' role; a commitment to regularly review decisions/case studies; greater dialogue between Councillors and Officers in advance of Committee meetings; the importance of site visits, viewing panels and Officer photographs to the decision making process. Officers can consider this useful feedback and decide how best to take these points forward.
- 6.12 For these reasons, adopting the proposals of this report set out in Option A is therefore 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 and reasons for recommendation**

11.1 In 2018 an independent Peer Review identified significant obstacles to efficient decision making in the Council's Planning Committee structure. In response to the issues identified the Council adopted a revised Committee structure, based upon one of the report's recommendations, for simplifying and streamlining the decision making arrangements with a commitment for the performance of the new Committee structure to be reviewed prior to Annual Council 2020 (this period of time was then extended because of the impact of nitrate pollution on planning decision making).

11.2 It is considered that many of the benefits of the revised structure, as set out in the PAS review and highlighted above have been delivered and planning decision making has been enhanced as a result.

11.3 This report therefore recommends permanent adoption of the current planning committee structure put in place following the PAS review, as agreed by Council originally on 10<sup>th</sup> April 2019.

### 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 – Annex 1

Full results of two Member questionnaires (Summer 2022) – Annexes 2 and 3

### 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:	3	File Ref:	N/A
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Report to:	Overview and Scrutiny Committee	Date:	23 January 2023