

Councillor Engagement in the Local Plan Process

Report of the Planning Portfolio Holder

Recommended:

1. That the review of Councillor engagement in the Local Plan process be noted.
2. That Planning Policy Group meetings, as outlined in section 6.5 to 6.9 of the report, be introduced.

SUMMARY:

To consider the outcome of the review of the councillor engagement in the Local Plan process and the creation of the Planning Policy Group member meetings.

1 Introduction

- 1.1 Councillors play a valuable role in the formulation and review of the planning policy framework for the Borough. Their experience can, albeit on an informal basis, help inform possible future reviews of policy in combination with other material factors e.g. case law, national guidance etc.
- 1.2 In formulating the adopted and current draft local plan, different approaches have been used to engage with Councillors. The purpose of this report is to consider how that could be best achieved going forwards.

2 Background

- 2.1 The Council has evolved its approach to engage with Councillors through different Council functions and supporting them in their role in the community. As a mechanism for greater Councillor involvement in the planning policy process, an informal Planning Advisory Panel (PAP) was established to support the creation of the Local Plans 2006 and 2016. A variation of the PAP existed prior to the 2006 local plan process.
- 2.2 PAP was not a decision-making body but provided an opportunity for Councillors to raise any issues they may have, be briefed on a range of planning policy matters and guidance including the review of evidence which underpins and informs new policies, the implications for Government guidance and case law on the Borough's strategic planning function.
- 2.3 The function and role of councillors in the planning policy process was considered as part of the Overview and Scrutiny committee (OSCOM) Review into Member involvement in the preparation of planning policy. This review reported to Cabinet on 1 June 2016 and its recommendations were approved.

These recommendations considered membership; participation and awareness of items. In September 2016 OSCOM undertook a review of the planning process which included the structure and function of PAP. This review was reported to Cabinet on 2 November 2016 and whilst the recommendations were not all endorsed there was a common theme of promoting greater engagement with all Councillors.

- 2.4 In September 2019 Cabinet reviewed the arrangements and membership of the PAP. It was confirmed that the core membership of PAP would comprise 16 Councillors. The membership would be politically proportionate with each party nominating their chosen representatives. As a result of both reviews the PAP meetings were open to all Councillors to receive agendas, attend and participate. This reduced the perception of a 'two tier' panel of core members and others as in effect, it gave all Councillors an equal position in any discussion. This made it a more inclusive format, remembering that PAP is a non-decision-making body.
- 2.5 At that time, given the phase of local plan preparation, PAP only met infrequently. When it was necessary to provide updates rather than use the more formal setting of PAP all Councillor briefings were used to help advise all Councillors.
- 2.6 In November 2020, Cabinet resolved that the PAP model be replaced with all Councillor briefing sessions. This was on the basis of providing an approach where all Councillors could be involved in the preparation of planning policy documents and briefed on strategic planning issues and remove the principle of having a core membership which had the potential to cause confusion of the respective roles between the core group of Councillors and others that attended. It was also aimed at encouraging an even greater range of Councillors to be engaged in the strategic planning process.
- 2.7 In drafting the Regulation 18 local plan, a series of all Councillor briefing sessions were held detailing the draft site allocations and policy wording. These were undertaken in line with the Cabinet approved approach. Follow up sessions were held with those members unable to attend. Anecdotally these sessions appeared to result in a greater attendance of councillors than previous panels at a similar local plan stage.
- 2.8 Following the completion of the drafting of the Regulation 18 part 2 local plan a review of Councillor engagement in the process was requested (see section 4 below). This report proposes recommendations in response to that review.

3 Corporate Objectives and Priorities

- 3.1 Improving the way in which the Council develops its planning policies will help, either directly or indirectly, deliver the corporate objectives.

4 Consultations/Communications

- 4.1 At 11 January 2024 Council meeting, when the draft (Regulation 18) Local Plan was considered and approved for public consultation, several Councillors highlighted their concerns regarding what they considered to be a lack of engagement in the drafting of the local plan and their ability to comment and therefore shape the emerging document. Ensuring that all Councillors are engaged on the strategic planning process for the Borough is key. Following consideration of the issues raised the role of members and their ability to feed into the plan making process was reviewed. The recommendation proposed aims to improve ongoing involvement with all Councillors as the new Local Plan progresses towards adoption.

5 Options

- 5.1 The options are:
- 5.1.1 Option 1 to continue with the current approach;
 - 5.1.2 Option 2 to reintroduce the PAP; or
 - 5.1.3 Option 3 to establish a new process of Councillor engagement as recommended.

6 Option Appraisal

- 6.1 In reviewing the process, it is important to note that there remains value in having an established and structured form, albeit it in a non-decision-making capacity, in which Councillors can be involved in the preparation of planning policy documents and briefed on other related issues e.g. national guidance. A review of the approaches of other Hampshire authorities has shown a mixed picture relating to the types of meetings/briefings held, the formality of the arrangements, and number of councillors included and/or attending. Whilst there is variety in how members are engaged in developing new planning policy, all Councils recognise the value in the process but also the difficulty in finding an approach that supports and engages with all councillors.
- 6.2 The current approach of briefing sessions provided an opportunity for all Councillors to understand the background to the local plan and justification for the proposed approach. As outlined above these sessions were well attended and were generally well received. However, it was recognised that it was a challenge to find the correct balance of how that material was presented and whether it gave sufficient opportunity for all members to review, scrutinise and comment on the draft document.
- 6.3 The review has identified that there are sound elements of the current approach that can be continued but improvements can also be made to the notification and forward planning of meetings. As a result, it is not proposed to retain the current approach (option 1).

- 6.4 To revert back to the previous PAP model has the potential to recreate the issues that were previously identified by the OSCOM reviews summarised in section 2. As such option 2 is not recommended.
- 6.5 The arrangements of the recommended option (option 3) would need to strike the right balance of reaching and providing the opportunity for briefing all Councillors whilst enabling the Council to produce the policy framework it needs to provide for the Borough in a timely and efficient way. To help achieve this it is recommended that all Councillors are invited to attend regular scheduled monthly meetings. All councillors would receive agendas. A work programme would also be published to give all Councillors sufficient notice of forthcoming items which they would want to contribute to. Whilst this is similar to the current approach the difference is the form in which the material is presented, discussed and reviewed.
- 6.6 The Portfolio Holder, as chair, will help ensure that the meetings provide opportunity for both briefing, reviewing and considering planning policy matters in a non-decision-making capacity. The attendance of the Portfolio Holder, the chairs and vice chairs of the two area planning committees will bring their valuable experience of the planning process to the future meetings proposed by this option. The benefit of the recommended option is therefore that all Councillors can have an involvement in reviewing the planning policy framework for the Borough whilst also utilising the knowledge of those members that have particular experience in this area.
- 6.7 As paragraph 6.1 highlights, there are different approaches to how the Councillors could be engaged in reviewing the Council's planning policy framework. The Council could introduce an alternative approach regarding a formal membership and/or structure. However, by doing so this would not provide the correct type of involvement and opportunity for reviewing policy and as such it is not recommended.
- 6.8 Subject to the recommendation (option 3) being approved it is intended to introduce these meetings as soon as possible. This would allow for briefings on the drafting of the next stage of the local plan to progress in line with meeting the overall local plan timetable as set out in the adopted Local Development Scheme (2023).
- 6.9 The meetings will remain informal and have no decision-making powers. It is proposed that these new meetings be titled 'Planning Policy Group'.

7 Risk Management

- 7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes / issues covered do not represent significant risks.

8 Resource Implications

- 8.1 The proposed recommendation can be met from within existing budget.

9 Legal Implications

- 9.1 There are no legal implications of the proposed change in practice provided that councillor involvement acts in a purely advisory capacity and is not a decision making body as recommended (Option 3). The agenda and any supplementary documents would be confidential.

10 Equality Issues

- 10.1 An EQIA screening had been completed in accordance with the Council's EQIA methodology and no potential for unlawful discrimination or negative impact has been identified, therefore a full EQIA has not been carried out.

11 Other Issues

- 11.1 Community Safety – none
- 11.2 Environmental Health Issues – none
- 11.3 Sustainability and Addressing a Changing Climate - none
- 11.4 Property Issues – none
- 11.5 Wards/Communities Affected - none

12 Conclusion

- 12.1 Councillors have an important role to play in the process of preparing, approving and implementing the Council's planning policies. After a review of the current approach following the development of the Council's draft (Regulation 18) Local Plan it is proposed to introduce a structured series of all Councillor 'Planning Policy Group' meetings to provide enhanced opportunities for their engagement and involvement in new planning policy and the production of the next stages of the local plan.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> November 2020 Cabinet Report and Minute			
<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:	None	File Ref:	N/A
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