Development Control Committee

Forest Heath
District Council

Title of Report:	Review of Framework for Shared Planning Services	
Report No:	**DEV/FH/15/010**	
Report to and date/s:	Development Control Committee	4 March 2015
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Purpose of report:	To review the procedures relating to decision making introduced in January 2014 as part of the shared Planning Service with particular reference to delegated and committee procedures and protocols.	
Recommendation:	It is RECOMMENDED that this report is noted and Members resolve the following matters: (1) Note that the Council's website will be updated to provide a plain English version of the Decision Making protocol and Officers will ensure that when the protocol is invoked, a clear summary of the deferral is given to the Committee for the benefit of members of the public at the meeting; (2) Agree that the Guide to Public Speaking should set out the allocation of speaking slots in one of the following ways: OPTION 1: each 3 minute slot can be shared if there is more than one person wishing to speak (as per the current joint arrangement),	

		OR
		OPTION 2: if there is more than one person wishing to speak they can refer to the first person registered for the slot to appoint a spokesperson and in the event that no agreement can be reached, the slot will be allocated on a first come first served basis (as per the previous FHDC arrangement);
	(3)	**Agree that previous relevant reports should continue to be reproduced as Working Papers when an item is considered again at Committee after a deferral;**
	(4)	**Agree that policies and conditions in Committee reports are listed by name or code unless a particular policy wording needs more detailed discussion in the report or a bespoke condition is recommended; and**
	(5)	**Agree that the Joint Task and Finish Group to consider and agree a Members Code of Conduct for Planning be convened after the elections in May 2015 including the appointment of 3 Members from each authority to sit on the Group. The Code of Conduct to then be agreed by each authority's Development Control Committee.**

Key Decision: *(Check the appropriate box and delete all those that **do not** apply.)*	*Is this a Key Decision and, if so, under which definition?* Yes, it is a Key Decision - ☐ No, it is not a Key Decision - ☒ .	
Consultation:		Discussed with Members at training event on 8 December 2014 and general feedback from throughout the preceding year.
Implications:		
*Are there any **financial** implications? If yes, please give details*		Yes ☒ No ☐ • Possibly in relation to minor changes to the procedures – some savings but some elements may cost more
*Are there any **staffing** implications? If yes, please give details*		Yes ☐ No ☒
*Are there any **ICT** implications? If yes, please give details*		Yes ☐ No ☒

*Are there any **legal and/or policy** implications? If yes, please give details*	Yes ☒ No ☐ • There is a need for any changes to comply with planning law and in the spirit of shared services to keep the same procedures for both authorities.		
*Are there any **equality** implications? If yes, please give details*	Yes ☐ No ☒		
Risk/opportunity assessment:	*(potential hazards or opportunities affecting corporate, service or project objectives)*		
Risk area	**Inherent level of risk** (before controls)	**Controls**	**Residual risk** (after controls)
Risk of agreeing differing approaches and policies for each authority which is not consistent with the Shared Services agenda and partnership ideals of the two Councils	Medium	Ongoing review and management by Officers to ensure that delivery of the planning service (including the Development Control Committees) is aligned where possible	Low
Ward(s) affected:	All		
Background papers: *(all background papers are to be published on the website and a link included)*	• Report No DEV13/084 (Development Control Committee – 4 September 2013) • Urgent Business Report (Development Control Committee – 2 October 2013)		

1. Key issues and reasons for recommendation(s)

1.1 Background

1.1.1 An essential part of the business case for the Shared Planning Service was to ensure that there is a single and consistent way of operating across the two Planning Authorities. In this respect joint Member workshops were held early in 2013, followed by the recommendations of these workshops being reported to the Development Control (DC) Committee in May and June 2013. The details of the single way of working followed the recommendations of the Member workshops and were agreed, subject to some minor changes at the (FH) Development Control Committee of 4 September 2013 and (FH) Council on 25 September 2013. The new scheme was introduced to both authorities in January 2014 following Member training in December 2013. Additional refresher Member training was given in March 2014.

1.1.2 A further joint Member training event was held on 8 December 2014 where Members took part in a workshop covering the procedures and protocols and made comments regarding what is working well and what could be improved. This report will review how the procedures have worked over the last year and make recommendations for the single way of working moving forward, a key factor being a clear, consistent and efficient set of procedures and protocols for the public, officers and Members alike.

1.2 Key elements of the Framework

1.2.1 The key elements of the single way of working framework which were considered and determined in September 2013 are as follows:

1. Notes to appear at front of Development Control Committee Schedule
2. Amended committee report format
3. Updated site visit protocol
4. Guide to having your say on planning applications
5. Amendment to the constitution to facilitate the creation of a Delegation Panel
6. Revised scheme of delegation
7. Minded to process and risk assessment reports
8. Decision Making Protocol
9. Members Planning Code of Good Practice
10. Quarterly monitoring reports
11. Protocol for Concept Statements, Masterplans and Development Briefs.

1.3 Impact of the procedures and protocols:

1.3.1 The new framework has been running for 14 months now. Below is a summary of the applications determined in 2014 compared to the previous year, before the new procedures were introduced:

1.3.2

FHDC	2013	2014
Total determined	649	714
Total determined at committee	43	49
Total referred to Delegation Panel	36	35
Total referred to committee from Delegation Panel	12	8
Number of site visits	30	23
Number of deferrals from committee for a site visit	0	0
Number of "minded-to" deferrals	6	3
Number of decisions contrary to officer recommendation	5	1
Percentage of decisions delegated to officers	93%	93%

1.3.3 As can be seen from the table above, whilst more applications were determined in 2014 the other figures are fairly constant and the proactive element of visiting sites in advance of the meeting works well as there have been no recent deferrals for a site visit.

2.   Review of procedural changes:

2.1   At the Joint Member Workshop on 8 December 2014, Members reviewed and discussed the following topics:
- Decision making ("minded-to")protocol
- Delegation Panel
- Site visits
- Public Speaking
- Committee report content and meetings
- Miscellaneous changes

2.2   Decision making ("minded-to") protocol:

The general consensus of opinion was that the decision making protocol was working well and generally, there had been a well-balanced approach to applications where the "minded-to" process was invoked. 6% of applications determined at committee in 2014 invoked the protocol. It was considered that the protocol was a useful tool for making Members aware of significant risks in relation to planning policy or reputational and financial risks at appeal. Concern was expressed that the public and Parish/Town Councils were sometimes confused when the process was invoked. Committee papers now contain details of the protocol and the Council's website will be updated to give a plain English explanation of the protocol. It is also recommended that officers ensure that the deferral for a risk assessment report is made clear in the summing up of the committee resolution when the protocol has been invoked. The fact that not all resolutions contrary to the officer recommendation invoke this protocol was seen as a more pragmatic approach to decision making than the blanket approach of the protocol which had been applied in previous years before the procedural changes.

2.3   Delegation Panel:

The Delegation Panel meets fortnightly and is attended by the Chair and Vice-Chair of the DC Committee. Ward Members are also able to attend and discuss the items they are interested in. The Delegation Panel determines the route by which the application will ultimately be decided – it does not determine the application. 23% of applications referred to Delegation Panel were referred by the Panel to DC Committee in 2014 compared to 33% in 2013. Where applications are referred from the Panel to Committee a view is also taken as to whether a Committee site visit is required before the meeting.

Non-Major applications are reported to Delegation Panel when there is a contrary view from the Parish/Town Council or where a Ward Member has requested that the application be referred to DC Committee. In the case of Major applications where there is a Parish/Town Council contrary view or a Member call-in the application is referred straight to DC Committee.

The Delegation Panel has been running for several years now and is working well. Those Members attending the workshop in December 2014 raised no in principle concerns to how it is operating. Points raised by the workshop in December centred around whether the Delegation Panel has to meet in person if there is a consensus of views from reading the Delegation Panel reports and also whether conference calls could be used when there is no Ward Member wishing to attend. At Forest Heath, where the Panel has been operating for some years now, the Panel has, on occasions, not met in person where there is a consensus of views and no Ward Members wishing to attend.

2.4   Site visits:

The procedures for Committee site visits at Forest Heath remain unchanged and the proactive approach to organising site visits in advance of the committee meeting continues to work well. No applications were deferred in 2013 or 2014 for the purposes of a site visit. At St Edmundsbury the site visits are organised using a coach but previously Forest Heath Members decided they did not need a coach, based on the number of visits and the relatively smaller size of the district. Members are encouraged to car share where possible and officers can always take Members to site if they pre-arrange a lift. Members views are sought again on whether they would wish to use a coach for site visits.

Some Members have commented that they need better directions to get to some of the sites. Officers will look into how more details can be given for the location of sites.

2.5   Public Speaking:

The Public Speaking protocol was amended in 2014 to cover both authorities with some minor differences. Some Members have raised concern that if more than one person registers to speak on one of the slots (for example, as an objector) the time allocated to speak (3 minutes) has to be divided between the people wishing to speak. In the interests of fairness and efficient administration, Members are asked to decide whether to allocate speaking slots by sharing the time slot or by first come first served. It is not considered

appropriate to have more than the 3 slots permitted in the protocol ('for'/'against'/'Parish Council') due to time management but the Chairman can vary procedures as necessary where it would assist the conduct of the meeting.

2.6   Committee report content and committee meetings:

The format of the committee reports was changed in January 2014 and there have been some minor changes made to the report format over the last 14 months in response to points raised by Members, for example, the inclusion of a layout plan as well as a site location plan within the report. Comments made at the review workshop in December 2014 were:

- Reports are too long
- Format of reports is neater but still some inconsistency
- No need to quote the detail of every policy, a list of relevant policies will suffice
- Are all working papers necessary? Members should retain their papers when an item is deferred rather than the original report being reproduced as a Working Paper when the item is referred back to Committee.
- Conditions should just refer to the standard code where applicable unless the condition is bespoke
- Shorter officer presentations needed when all the detail is in the report.

The nature of determining planning applications means that some reports will be very long, depending on the complexity of the issues and material considerations that need to be dealt with. However, officers are actively working on making the reports' length and content more proportionate to the issues that must be addressed, at the same time ensuring consistency of approach. Whilst reproducing the original report as a Working Paper when items have been deferred creates more paperwork in the agenda it does ensure that all the information is before Members and any members of the public attending the meeting in one document. Members' views are sought on whether they wish to continue with this approach. With regard to listing policies and conditions in full, it would seem sensible to only list the policy name and condition code unless a specific policy needs more detailed explanation or a bespoke condition is proposed. Members' views are sought on whether they wish to continue with this approach. In relation to officer presentations at committee, officers are, again, actively working on making presentations succinct and proportionate to the complexity of the issues presented by the individual application, whilst ensuring relevant information is made available to the Committee.

2.7   Miscellaneous comments:

Other comments made at the review workshop included:

- Condition codes need to be publicised
- More proactive contact with Ward Members on Majors and controversial applications
- More training for Members
- Application suffix information would be helpful.

The standard conditions used for planning applications need to be reviewed by officers. Once this is done the codes will be made available to all Members.

Officers are aware of the need to keep Members up to date with Major and controversial applications and the initial Case Officer Recommendation list produced for Members two weeks into the life of an application can be used as a useful reminder for Members to contact the case officer at an early stage where they wish to be kept informed of progress of individual cases. In addition, the Public Access system on the Council's website can be used to track applications of particular interest to Members. With regard to training Members of the Committee, there is a full programme of training specific to Development Control Committee being planned after the elections and views will be sought from Members on future topics to cover in the continuing Joint Member Learning and Development Programme. A full list of the suffix codes used on planning application references numbers will be circulated to Members in due course.

3.   Update on items 9, 10 and 11 of the original framework (Paragraph 1.2.1 above):

3.1   Members Code of Conduct for Planning:

When the framework was originally agreed in September 2013, Members resolved to set up a Joint Task and Finish Group to consider a Code of Conduct for Planning. This has not been convened yet. It is recommended that this is convened after the elections and Members of the group will be appointed from a meeting of the DC Committee after May 2015.

3.2   Quarterly Monitoring Reports:

The report will be brought to Committee in April 2015. These reports will then be produced regularly.

3.3   Protocol for Concept Statements, Masterplans and Development Briefs:

Verbal update to be given at meeting.