

CABINET

16th September 2015

REPORT OF THE EXECUTIVE MANAGEMENT TEAM

THE BUSINESS, MEMBERSHIP AND FREQUENCY OF THE COUNCIL'S STRATEGIC PLANNING CONSULTATIVE GROUP

Submitted by: Executive Director – Regeneration & Development

Portfolio: Planning and Housing

Ward(s) affected: All

Purpose of the Report

To provide Cabinet with an opportunity to review the business, membership and frequency of the Council's Strategic Planning Consultative Group

Recommendations

It is recommended:

- (a) That the business of the Group be limited to those matters listed below in Section 3 of this report**
- (b) That the membership of the Group be kept as it currently is**
- (c) That ward members be invited to attend the Group solely for the consideration of items which relate to their wards**
- (d) That the Group continues to meet on a three weekly basis**
- (e) That the above changes be introduced with immediate effect**

Reasons:

To ensure that the Council continues to have a fit for purpose senior member group to consider important developments at both pre-application, application and consultation stage and to provide an informal forum for discussions concerning the development of planning policy

1. Background

- 1.1 At its meeting of the 26th April 2005 during the consideration of various "Major" applications a number of Members of the Planning Committee expressed concern that they should be involved in the planning process at an earlier stage to enable them to have a more detailed knowledge of individual applications before they were brought to the Planning Committee for determination. The Head of Regeneration and Planning Services was asked to submit a report to the next meeting of the Planning Committee regarding the suggestion that a Strategic Applications/ Quality Planning Steering Group be established.
- 1.2 The Planning Committee at its meeting on the 28th June 2005 considered a detailed report outlining the ways in which Members were currently involved

in the preparation of Local Development Documents and the determination of planning applications and indicated that if additional arrangements were introduced, as had been suggested by members of the Planning Committee, the following issues would need to be addressed

- (a) The membership of any Group that may be set up
- (b) The remit of the Group and the developments that would be referred to the Group
- (c) The frequency of the meetings of that Group
- (d) The resource implications of servicing that Group
- (e) Whether the Group would be advised of pre-application discussions
- (f) The issue of access by applicants, and their agents, to that Group
- (g) The issue of what engagement if any, the Group should have with interested third parties

- 1.3 Each of the above matters was discussed in the officer's report as was the issue of the risk of Members being accused of predetermination of planning applications arising from involvement in pre-application discussions.
- 1.4 It was indicated that the establishment of some form of Member Liaison Group to discuss Major Planning applications prior to them being brought before the Planning Committee for determination would result in significant direct and indirect costs and that at that time insufficient staff resources existed to support a group of this type.
- 1.5 The Committee resolved
 - (a) To note the current arrangements for making Members aware of applications before they were determined
 - (b) To remind members of the Site Visit protocol
 - (c) To give authority to its Chair and Vice Chair and Leaders of the political Groups to negotiate the Terms of reference and Protocols necessary to establish a Planning Liaison Group resolving issues raised under paragraphs (a) to (g) above, prior to the Committee's agreement that the Planning Liaison Group forms to commence this business
- 1.6 A joint officer/member group developed the proposal and the Planning Committee subsequently at its meeting on the 22nd November 2005 received a report that was to be presented to Cabinet on the 30th November 2005. The Committee resolved that Cabinet be advised of the Committee's support to the establishment of a Member led Planning Liaison Group as set out in the report and subject to the following comments:-
 - Members of the Group should be able to appoint 'substitutes' if they were unable to attend themselves.
 - That if the Group so requests, minor applications be also considered at its meetings
- 1.7 Cabinet at its meeting on the 30th November 2005 agreed that it wished to formulate the Group on the basis described in the report before it; that it accepted the recommendations of the Joint member/officer group; and to commence operation of the Group with immediate effect
- 1.8 The SPCG subsequently undertook a review of its own procedures in December 2008.

- 1.9 The Planning Peer Review Team's (PRT) letter of August 2013 included as one of their key recommendations (No.6) that the Council should establish an informal pre planning briefing for members of the Planning Committee including a review of the Strategic Planning Consultative Group. In coming to this recommendation the PRT, in the section of their letter headed "Summary of feedback – Planning Committee arrangements" wrote as follows "*The Planning Committee displays a number of strengths and we consider that the Council should build on these to improve councillor engagement and decision making further*". "*we suggest the following improvements that will offer the potential for improved engagement and trust leading to more consistent and effective decision making at planning committee.this will necessitate a review of codes, protocols and possibly the council's constitution. we recommend that the Council establish an informal pre planning briefing for members of the planning committee. This should take place before the Council publishes officer reports on planning applications allowing all members of the committee to engage with planning and other technical officers in a timely manner. Such a pre planning briefing has the clear potential to encourage councillors and officers to discuss issues and recommendations in a more informal setting. This will aid councillors understanding prior to the formal committee debate. It will also aid officer in understanding what issues they may need to provide more information upon. Alongside this recommendation we would encourage the Council to review the operation of its Strategic Planning (Consultative) Group which currently acts as a forum for senior officers and the leaders of political parties (along with the relevant cabinet portfolio holder and the Chair and Vice Chair of the Planning Committee) to discuss planning issues but does not seem to link effectively with the relevant decision making committee*".
- 1.10 The recommendation of the PRT was the subject of extensive discussion at the informal workshops organised for the Planning Committee and a parallel workshop held for officers. The overwhelming view was that there were considerable risks in proceeding with the pre planning briefing proposal and a lack of appetite for such briefings by members of the Planning Committee.
- 1.11 The report to the November 2014 Cabinet advised as follows :"*The recommendation that the Council establish an informal pre planning briefing for members of the Planning Committee had been extensively debated at the officer and member workshops. Concerns had been raised both as to the probity of such a proposal and the lack of transparency on the one hand and a concern about meeting overload on the other. It appeared to be generally agreed that without lengthening the committee cycle there would be considerable practical difficulties with such a proposal, and even if that occurred there is concern about the additional workload such an arrangement would impose upon the Planning Service. An alternative suggestion that the Council review the arrangements for its Strategic Planning Consultative Group, including widening its membership to at least include all members of the Planning Committee, and that applications for significant major development come before such a Group at such an early stage as to minimise any risk of any impression of predetermination being given, was taken forward.*"
- 1.12 The decision of November 2014 Cabinet to agree the Action Plan which included the following Action
- (6(a)) *Review remit, membership (widened to include all members of the*

Planning Committee) and business of Strategic Planning Consultative Group, involving the Group and bring report to Cabinet for decision.

- 1.13 The report to Cabinet expressly indicated that the proposals for a pre Planning Committee briefing would not be taken forward

2. The implementation of the recommendation

2.1 To fulfil the first part of the Action that had been agreed by Cabinet, a paper was considered by SPCG at its meeting on the 10th February setting out options with respect to

- a) The Remit/business of the Group
- b) The membership of the Group
- c) The frequency of meetings of the Group

2.2 The Business to be considered by the new body

2.3 There was support at SPCG for proposals to lift the threshold at which items were automatically brought to the Group, the general view being that some proposals for Major development did not justify consideration by the Group, it being recognised that officers could anyway operate discretion in such matters, and bring items to the Group, and members of the Group could also if they wished “call in” them in for consideration by the Group. It was pointed out that whilst members were aware of all applications (through the weekly list), the same was not true for pre-application enquiries and so the Chair would need to be apprised, before the agenda was published, of the enquiries that had been received in the preceding period. There was general support for continuing to bring emerging planning policy and evidence base reports to the Group. As with the Planning Committee there was a view that the Group needed to spend more time on the more significant items than it had been previously able to, and lifting the threshold above which items automatically come before the Group would assist this.

2.4 The following proposal below is made (the existing arrangement being given first to assist comparison). To give members some idea of the effect of such a change, if it had been applied in 2014 the number of items coming automatically to the Group would have reduced by 50%.

As existing	(a) With respect to Major development (i.e. for 10 or more dwellings (or if the number is not given), the site area is more than 0.5 hectares, and, for all other uses, where the floorspace is 1000 square metres or more or the site area is 1 hectare or more) all enquiries for Major Development, all Applications for Major Development, all Screening (under the Environmental Impact Assessment Regulations) Opinion/ Scoping Requests received for Major Development, and all requests for the Borough Council’s comments from adjoining Planning Authorities and Staffordshire County Council concerning Major Development
	(b) Items called in to the Group by members of the Group,
	(c) Emerging policy documents

	(d) Other matters as decided by Head of Planning in consultation with Development Management (DM) Manager and Planning Policy (PP) Manager, or as requested by the Chairman of the Group
	(e) Presentations from developers on proposals for Major Development, where the Group have agreed to receive such presentations
As proposed	(a) As above – but not now to include Major Development that falls beneath the threshold of 50 dwellings or (if the number is not given) 2.5 hectares in the case of residential development, or in the case of non-residential development 2,500 sq.m or 2.5 hectares
	(b) Any other Major Items called in to the Group by members of the Group, the Chair being provided prior to each meeting with a list of all Major pre-application enquiries received by the Service in the preceding period
	(c) Emerging policy documents and evidence base
	(d) Other matters as decided by the Head of Planning in consultation with the DM Manager and the PP Manager
	(e) Presentations from developers on proposals for Major Development (except of a scale that falls beneath the threshold indicated above) where the Group or its Chair have agreed to receive such presentations

2.5 Membership of the Group

2.6 Different views were expressed by members (of the Group) as to appropriate membership of SPCG. Some saw merit in extending membership to the full Planning Committee (as had been agreed by Cabinet in November 2014 when it approved the Action Plan) but others doubted the level of attendance that would be achieved. Others indicated that they saw merit in a Pre-Planning Committee briefing (as proposed by the PRT). The point was made that the greater the membership of the Group the more difficult it would be to maintain the confidentiality of pre-application discussions, and there was concern that enlarging the Group would potentially undermine the confidence of developers in the arrangements. The contrary argument that some developers would see merit in any opportunity to present to the Planning Committee as a whole was also made.

2.7 The principle that the earlier (after receipt of the enquiry/application) such meetings take place the less it is likely that members will be accused of having predetermined the proposal was generally accepted and the more opportunity there would be, for Planning Committee members not currently on SPCG, to shape the development if such an arrangement were adopted. With the passing of Section 25 of the Localism Act the risk of a member being held to have predetermined an application has also been significantly reduced anyway.

2.8 One suggestion made was that the ward members should be invited to the Group when there was either a pre-application enquiry or an application within their ward being discussed, particularly given the trend for those members who are not on the

Planning Committee to appear at the Planning Committee when such applications are being considered.

2.9 At the time your officer considered that the practical difficulties of alerting the ward members concerned at the required short notice to such items, and the potential requirement to bring forward the publication of the agenda weighed heavily against any proposal to involve local ward members, but upon reflection this could be addressed provided members agree to the use of email.

2.10 A key feature of the PRTs' recommendations was the idea of some form of Pre Planning Briefing. An SPCG which all members of the Planning Committee could attend, plus the existing Senior Members, achieves such a briefing but at such an early stage that any accusations of predetermination should be capable of being rebutted. It would however be a major member commitment, taking place during the daytime, and it is not considered a realistic option for this reasons.

2.12 Although it is not in accordance with the Action Plan as agreed by Cabinet last November the proposal now recommended would be to form SPCG of the existing Senior Members with the relevant local ward Members being invited to attend when an application or enquiry relating to their ward is discussed (and only for the consideration of such items).

The following proposal is made (the existing arrangement being given first to assist comparison). In all cases the nomination of substitutes would be permitted and the meeting chaired by Chair of Planning Committee or in that person's absence the Vice Chair of the Planning Committee.

As existing	Leaders of each political 'Group'; Cabinet members with for the Environment (currently Cabinet Members for 'Environment and Recycling' and 'Planning and Housing'); Chair and Vice Chair of Planning Committee; and Executive Director Regeneration and Development (maximum 10 @ present on the basis of there being 5 'Groups' on the Council)
As proposed	Leaders of each political 'Group'; Cabinet members with for the Environment (currently Cabinet Members for 'Environment and Recycling' and 'Planning and Housing'); Chair and Vice Chair of Planning Committee; and Executive Director Regeneration and Development + when an item is being considered that lies within their ward the relevant ward Members

Frequency of meetings

No particular views were expressed by SPCG on this issue. Your officer is mindful that to provide a useful service for applicants it is particularly important that proposals can be brought promptly to SPCG and this has been the basis for retaining the existing three weekly cycle.

The views of the Planning Committee – the proposal is to obtain these at the meeting on the 15th September and to then report to Cabinet verbally.

3. Proposal

3.1 This is as set out in the recommendations above.

4. Financial and Resource Implications

4.1 There are no significant additional financial implications arising from the above recommendations. Whilst it is acknowledged that both officer and member time is expended in this process it is considered to add value to the overall decision-making process in accordance with national best practice guidance.

5. Outcomes Linked to Corporate Priorities

5.1 The implementation of the above recommendations should add strength to the overall performance of the Planning Service thereby contributing to the corporate priority relating to A Borough of Opportunity.

6. Legal and Statutory Implications

6.1 This is an informal meeting of key members that seeks to aid the process of considering major planning applications and planning policy matters. The national Planning Advisory Service offers best practice guidance which supports arrangements of this nature that improve the quality of pre-application discussions with applicants.

7. Major Risks

7.1 There are no major risks arising from the above recommendations.

8. Key Decision Information

8.1 This is not a key decision.

9. Previous Cabinet Decisions

9.1 Cabinet has received previous reports relating to the Planning Peer Review process and the related Action Plan.

11. Background Papers

11.1 Planning Advisory Service publication "Probity in Planning".