



<u>Committee and Date</u>
<u>Council</u>
16 th July 2020

<u>Item</u>
<u>Public</u>

VIRTUAL PLANNING COMMITTEE PROCESS

Responsible Officer

e-mail: lan.kilby@shropshire.gov.uk

Tel: 01743 258718 Fax 01743 252795

1. Summary

This report is presented to Members for consideration of procedures introduced to deliver planning committees in a virtual format in response to the Covid 19 pandemic.

2. Recommendations

That Members agree to the virtual planning committee procedures to be applied as necessary in the view of the Director of Place and Monitoring Officer in consultation with the Chair and Vice Chair of the planning committees for the duration set out in the regulations made under Coronavirus Act 2020 or as amended.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Covid-19 pandemic has had significant implications for the workplace and the economy as a whole as social distancing and other health and safety measures introduced by Government have made it difficult for people to meet in person with others outside their household. While the number of new cases is now declining, there is no identified cure and risks remain of an increase in cases. This has forced a transformational change across all sectors in the way people work and how services are delivered. The pandemic has had far reaching effects for how public and private sectors function and is likely to be a relevant consideration for the foreseeable future.

4. Financial Implications

- 4.1 The delivery of virtual planning committees requires all those taking part to have relevant ICT equipment, in particular lap tops, head sets and in some cases second screens. Mileage costs are reduced for those taking part in virtual meetings and as these are broadcast via a live stream they have the potential for reaching more people without the need for them to travel either.

5. Climate Change Appraisal

- 5.1 As stated in the financial considerations there will be a reduction in travel for all those taking part or listening to a virtual planning committee meeting.

6. Background

- 6.1 In his March 2020 newsletter addressed to all Councils (Appendix A) Steve Quartermain, the Governments Chief Planning Officer said in respect of decision making for local planning authorities:-

“We understand that some councils are concerned about the implications of COVID-19 for their capacity to process planning applications within statutory timescales. It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.

We ask you to take an innovative approach, using all options available to you to continue your service. We recognise that face-to-face events and meetings may have to be cancelled but we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate. The Government has confirmed that it will introduce legislation to allow council committee meetings to be held virtually for a temporary period, which we expect will allow planning committees to continue.

We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions.

We recognise that there may be circumstances where a local planning authority is unable to consider a permitted development prior approval application within the deemed consent period. It remains important to prioritise these so important economic activity can continue. In these exceptional circumstances the authority can, if necessary seek to agree an extended approval date with the applicant. Where agreement cannot be reached an authority may need to consider whether prior approval.”

- 6.2 The Director of Place and the Council's Monitoring Officer agreed with the Head of Planning Services that an officer group be convened to consider the practical options for delivering the planning process in Shropshire during the pandemic restrictions. It was not considered appropriate to suspend the consideration of planning applications by committees indefinitely as the

Government advice clearly identified the importance of the planning process in supporting the local economy. Nor was it considered appropriate to introduce changes to the scheme of delegation so as to avoid applications being considered by committee at all through the pandemic period.

- 6.3 The Coronavirus Act 2020 passed into law in March 2020, and the enabling regulations came into force on 4th April 2020, allowing councils to operate remotely and removing some requirements for physical attendance. Planning committee is a significant investment of time and resources for most councils, and requires the close coordination of planning, democratic services and legal teams. It is an important shop window for the council and plays a crucial role in providing democratic and transparent decisions on sometimes controversial issues. For these reasons, moving to a virtual committee is a careful balancing act, ensuring that the committee is seen as providing a robust and reliable process but also one that is fair and accessible to those wishing to contribute to or follow the process.
- 6.4 The scheduled meetings of the Northern and Southern Planning Committees for April 2020 were cancelled while consideration was given to developing a process for virtual planning committee meetings that would work for Shropshire Council having regard to the safety of those taking part, the resilience of the available technology and the processes for the delivery of planning committees.
- 6.5 An officer team developed a draft process to deliver virtual meetings utilising Microsoft Teams and the Head of Planning Services was in contact with the Chair and Vice Chair of the two committees and Portfolio Holder in this period to brief them on the emerging process. It was agreed with the Chair and Vice Chair during agenda setting meetings (held virtually) that it would be important for all committee members and officers to hold a practice session in advance of an actual meeting taking place. Regard was had to the procedures for real life planning committees and how to translate those into a virtual environment in a fair and consistent way considering cyber security, the need for fair access, technological capabilities and the legal requirements regarding consideration of planning applications. The practice meetings helped further to refine protocols and process. The process is attached as Appendix B.
- 6.6 Planning committee members were given opportunities to practice and comment in advance. This has also necessitated equipping members with laptops rather than iPads and arranging training on Microsoft Teams and ongoing support for members to access the meetings. The procedure was set out on the Council's website was agreed by the Director of Place and the Monitoring Officer.
- 6.7 At the close of the first two virtual Planning Committees the Head of Planning Services asked Committee Members for their views on the virtual meeting and process. The feedback was generally positive with some members commenting that they felt the virtual process allows them to focus on the relevant issues and the substance of the public speaking submissions. At the Southern Planning Committee no particular concerns were raised though

there was a question about how it might work with a more complicated application to consider. It is recognised that some concerns have been raised and these have been discussed further below

Late Representations

- 6.8 There can often be significant numbers of late representations made by those with an interest in a planning application as with real life committees. Officers will always provide comment on them where relevant. In the virtual procedure, the “speakers” can’t comment on the late representations as they will already have provided their submissions. However, this is the same for all “speakers” so they are treated equally. In any event most late representations cover the same ground as in previous comments and are considered in the officer report. Should there be any new issues raised, officers will highlight that to committee in the meeting. If it is anything of particular note that has simply not been raised at all with before the it may be necessary to adjourn consideration of the item.

Local Member Speaking

- 6.9 The real-life committee procedure allows for the applicant to have the last word in the order of speaking including after the local member and indeed they cannot speak if there is no-one speaking against the application. Accordingly, when dealing with public speaking submissions in writing, it is necessary to have all the submissions in writing in advance including from the local member in order to allow for the applicant to respond.
- 6.10 In light of feedback received the virtual planning committee process has been amended so as to allow the local member to join the Committee meeting and deliver their public speaking submission in person if they wish but in order to be fair to the applicant a script would still be needed in advance. Alternatively their comments will be read out by the solicitor as with other public speaking submissions.
- 6.11 The procedure has also been changed in response to feedback received about the time allowed for those wishing to make a speaking submission following publication of the officer report. This has been extended from 3pm on the Thursday to 12 noon on the Friday following publication of the Committee report. The time available to the applicant to provide a response reduced accordingly. This was in response to an assertion that the process might be considered too favourable to the applicant.
- 6.12 The Head of Planning Services advised all members of these changes by email on 18th June 2020 and a copy of the virtual committee process is attached as Appendix B to this report.

Public Speaking

- 6.13 The procedure allows for the public speaking element of the existing procedure to be delivered by the submission of written submissions according

to the deadlines set out in the attached procedure. Those submissions (apart from the local member submissions as mentioned in 6.12 above) are read out in the meeting by the solicitor. In the light of issues concerning technology, IT security, capacity of staff support for the process, broadband variability and the need for equal access for all parties, we are not in a position to invite members of the public to join meetings in order to speak themselves. It should be noted that joining a MS Teams live event broadcast to the public is not straight forward for non-Council participants and indeed there remain unresolved technical issues for this. It is different to a normal non live MS Teams meeting which is likely to be what some may have previously experienced.

Participation of the Public

- 6.14 The procedure using the Microsoft Teams Live event technology allows members and officers to participate in the meeting and see and be seen by each other. Members of the public can access a live audio feed of the meeting and can see the slides that are presented to the committee showing plans, drawings and photographs of the application and site. Some comments have been made that the public would have preferred to see the committee and be seen themselves and that as result they felt like spectators rather than participants. Members of the public will always be spectators to a planning committee not participants as a planning meeting is a meeting held in public not a public meeting. The law requires that the public can at the least hear the meeting. Broadcasting the audio of the meeting with the slides is the most effective way to ensure that happens. To broadcast a visual feed of members would require greater broadband width so may mean not everyone was able to have the same experience. Also, in a MS Teams Live event, it would not be possible to view all members and officers and the images would be very small as the slides being shown would take most of the screen. Therefore, it is not considered that there are any real benefits of attempting to go beyond audio at this time.

7.0 Conclusions

- 7.1 The virtual planning committee processes were introduced urgently in response to the Covid 19 pandemic. They are considered essential to maintain service delivery and to support the local economy. The processes have been developed having regard to the key aims of providing a safe and resilient process for all those taking part. The regulations allowing this process apply to meeting only up 7 May 2021. The virtual planning committee process will be kept under review in the meantime taking account of any changes to Government legislation or guidance issued prior to this date.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

All

Appendices

Appendix A - Letter from Steve Quartermain – Governments Chief Planning officer

Appendix B – Virtual Planning Committee Process