



Committee and Date

Place Overview Committee

Item

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Public

Review of planning committee structures – research findings

Responsible Officer

Danial Webb

Overview and scrutiny officer

1.0 Summary

1.1 This report provides the findings of research commissioned by the Place Overview Committee to support its review of the decision by Shropshire Council in 2019 to reduce the number of its planning committees from three to two.

2.0 Recommendations

- 2.1
- To note the report.
 - To make any recommendations to Cabinet with regards to the service.

3.0 Opportunities and risks

3.1 This report is for information and comment only.

4.0 Financial assessment

4.1 There are no financial implications from this review report. However any recommendations made by the committee would be subject to financial assessment before being presented to Cabinet or Council.

Report

5.0 Background

5.1 Until 2019, Shropshire Council carried out its member-led planning function through three area-based planning committees. Broadly speaking these three committees covered the north of the local authority area, the south, with a third 'central' committee, covering the Shrewsbury area and outlying communities. These three committees were politically balanced within their area, which meant that each committee would have a different political balance.

5.2 On 16 May 2019 Shropshire Council officers submitted a report to Council that recommended that it reduce the number of its planning committees from three to two. The membership for these two committees would be politically balanced within the entire local authority area, rather than the area the committee covered. There were several reasons for the recommendation:

- Operating several planning committees risked inconsistency in decision making between committees. The report stated that officer analysis showed differences between the committees in number of applications deferred or recommendations overturned, but did not provide any evidence in the report to support this.
- Maintaining three committees was an ineffective use of resources, and that “...the same number of applications would be considered by committee as at present. “
- A two-committee system would be cheaper, with savings on officer time, travel expenses, allowances, and technical consultee hire.
- A committee covering a larger geographic area would be more likely to ‘adopt a strategic approach to the application of policy and material planning considerations’.
- Any loss of local familiarity with an area was overstated as:
 - committee members would still be drawn from the local area;
 - local members were still consulted on applications in their division; and
 - local members were unable to vote on planning applications in their division.

5.3 Council agreed to the proposals, and to ask an overview and scrutiny committee to review the impact of the changes after their implementation. The Place Overview Committee agreed to carry out this work at its meeting in November 2021.

5.4 In preparing for its review of the decision made by Council, the Place Overview Committee requested that officers carry out two pieces of research on its behalf.

- A comparison of planning committee structures in similar local authorities, to include where possible a comparison of the number of committees, how often they met, and the number of items considered at each meeting.
- A survey of local authority elected members, as well as town and parish councils, on the perceived impact of the changes to the planning committee structure.

5.5 Section 6 of this report provides the requested comparison of planning committee structures in similar local authorities. This comparison also includes the number of committees in each relevant local authority, how they relate to each other, how often they meet and how many applications they consider at each meeting. Section 7 provides an overview and analysis of the questionnaire sent to councillors.

5.6 To bolster this research, a couple of interviews with chairs of planning on other local authorities were carried out. Commentary on these interviews is contained in section 6 of this report. From these interviews it became apparent that key to managing an effective planning service that does not overwhelm planning

committee is a clear set of criteria by which it is determined when applications are decided by committees. However due to the limits of officer time, it proved beyond the workload capacity of officers to be able to meaningfully research the extent to which different local authorities determine which planning items are delegated to officers for a decision, and which are referred to a planning committee, and how this relates to the structure of planning committees at any given local authority.

6.0 Comparison with other local authorities

6.1 Committee members wanted to know more about arrangements in other local authorities. To assist with this, officers carried out a desktop research exercise to look at the planning committee structure and activity in other local authorities. We looked at the number of planning committees in each local authority area, and the total number of planning committee meetings held each year by each local authority.

6.2 We restricted our research to similarly large and predominantly rural unitary local authorities such as Wiltshire and Dorset, as well as metropolitan local authorities with significant rural hinterlands such as Calderdale and Kirklees. We discounted local authority areas with a two-tier structure, such as North Yorkshire and Surrey, as in these areas planning typically operates largely at the district council level. We also discounted metropolitan authorities in urban areas, as these were more likely to cover a single coherent area, for example Exeter or Southwark.

6.3 In order to provide some additional context to the information in Table 1 below, we conducted telephone interviews with the chair of planning for Herefordshire and Calderdale councils. Both of these local authorities run a single planning committee, although Calderdale appears to refer more applications to committee than Herefordshire.

6.4 Table 1 below shows a comparison between the selected local authorities. It looks at the number of planning committees managed by each local authority, the number of committee meetings held by those committee meetings, and the number of items considered at each meeting. We looked at these local authorities for the period September 2018-September 2021. We also looked at Shropshire Council for a three-year period from January 2019 to January 2022, as well as for a two-year period until 16 January 2019. We did this to see whether the reduction in planning committees from three to two had resulted in those remaining committees picking up additional work.

Local authority	Number of committees	Planning meetings per year*	Average items considered per meeting
Shropshire (17 Jan 17 – 16 Jan 19)	3	32	North: 4 South: 5 Central: 5
Shropshire	2	21	North: 4

(17 Jan 19 – 16 Jan 22)			South: 4
Dorset	3	24	3
York	2	22	3 or 4
Cornwall	4	30	4
Herefordshire	1	15	3
North Somerset	1	11	3
Northumberland	6	65	(see 6.5)
Kirklees	3	26	7
Calderdale	1	13	5
Wiltshire	5	32	3
East Riding of Yorkshire	3	45	4
County Durham	4	30	3

Table 1: Planning committee structure and meeting frequency, 1 September 2018 to 21 August 2021. Selected unitary local authorities.

*Total is across all the local authority's planning committees.

- 6.5 There does not appear to be any consistent pattern to how other local authorities arrange their planning committees. Some local authorities manage with a single committee and refer few planning decisions to committee. For example, both Herefordshire and North Somerset councils have a single planning committee that meets a few times a year to consider a handful of applications each time.
- 6.6 Some local authorities have both strategic and locality planning committees.
- **Kirklees Council** is a metropolitan authority with two distinct urban areas and a large rural hinterland. It operates an overarching strategic planning committee alongside two locality-based committees that consider applications in the two urban areas.
 - **Northumberland Council** has a single strategic planning committee for the county. It has five local area councils that sit within the Northumberland Council area, that also determine planning decisions for Northumberland Council. These councils also carry out other work aside from planning in their meetings. The extent to which these committees consider planning decisions varies considerably between committees and committee meetings. Some committees consider relatively few applications, if any, and others will consider up to twenty applications in a single meeting.
 - **Wiltshire Council** also operates a central strategic planning committee for large scale or cross-division applications, alongside four area-based committees. Although each committee is scheduled to meet monthly, in practice a majority of meetings are cancelled.
 - **East Riding of Yorkshire Council** has a single strategic committee and two sub-committees that together cover the entire local authority area.
- 6.7 Shropshire Council currently manages two planning committees. This is neither high nor low for a local authority of this size. Unlike other local authorities discussed in paragraph 6.6 above, there is no overarching or 'strategic'

committee; the decision about which committee to refer a planning matter to is based on geography alone.

- 6.8 Perhaps unsurprisingly, councils with two or three planning committees tend to hold more committee meetings overall. However, our research pointed to a remarkable consistency in how often individual planning committees meet and the number of decisions it made. Irrespective of the structure of planning committees or meeting frequency, nearly all of the local authorities' planning committees we looked at met between 10-12 times a year and restricted their agenda to 2-5 items per meeting. A notable exception to this was Kirklees, which typically considers around seven applications per meeting. However closer inspection reveals that many decisions made by its planning committees involve delegation back to planning officers for a final decision. It has not been possible to ascertain the impact this has on the number of items the committees consider.
- 6.9 It is interesting to note that in the report to Council detailed in paragraph 5.2 above, Shropshire Council officers argued that the remaining two committees would be able to cover the work of three committees, by increasing the number of applications considered at each meeting to six or seven. In practice, since the change to two committees, the number of applications considered by the remaining two committees has not changed. Overall, Shropshire Council now refers around a third fewer applications to planning committee than it did before the change.
- 6.10 The conclusion drawn is that some local authorities simply choose to refer considerably more applications to their planning committees than others. North Somerset Council's single planning committee considered an average of just 33 applications a year in the three years to September 2021. In the same period Cornwall Council considered an average of 190 a year.
- 6.11 In carrying out this research, the chair of Herefordshire's planning committee told officers that until around ten years ago, Herefordshire Council had three area planning committees and a single central committee for particularly large or contentious applications, similar to other local authorities listed previously in paragraph 6.5 of this report. Although the decision to move to a single committee met with opposition at the time, there was no demand from elected members to revert to a multi-committee planning process. The chair explained that in order for the single committee to operate without becoming overwhelmed, there is an effective referral process that alerts elected members to applications in their local area, and a delegation process to officers that includes a significant threshold to bringing an application to the planning committee. This was echoed by the chair of Calderdale's planning committee, who told officers that in order to support a single committee at Calderdale there was a robust process in place to allow elected members to challenge applications before requesting the decision be made by committee. The chair of Calderdale felt that this process struck a fair

balance between accountability and efficiency, and that there was no feeling among elected members in Calderdale that the processes bypassed them.

7.0 Survey of elected members and town and parish councils

7.1 To inform this review of the 2019 reduction in the number of planning committees, the committee asked for a wider consultation of elected members on the impact of the changes. Officers drafted and circulated a short questionnaire to the elected members of Shropshire Council and to every town and parish council in the Shropshire Council local authority area. The questionnaire was not overly prescriptive, providing questions more as a prompt to commentary. In total officers received 89 responses, approximately four times the typical response for this sort of quick consultation exercise. Of these responses, 75% came from town and parish councils, with the rest from Shropshire Council members. The questionnaire is included in this report as Appendix 1.

7.2 As the consultation did not ask for answers to specific questions, nor ask for demographic information, it has not been possible (nor was it intended) to provide any sort of statistical breakdown on the responses we received. We had two reasons for this. Any formal survey may have given the impression that there was a vote to be had on the 2019 decision. Instead, the survey wanted to focus on the impact of the change, and to look for recommendations to strengthen the function. An opinion poll would not meet the questionnaire's purpose

7.3 However, there was one stark divide in the responses that we received. Of those we received from Shropshire Council members, every identifiable member of an opposition party opposed the 2019 change and felt that it had had a negative impact on the operation of the council. In comparison, nearly every elected member of the controlling group was either neutral or positive about the change. More than one elected member replied that they felt the decision to reduce the number of planning committees had been a political decision that sought to neuter the power of opposition party councillors through the abolition of a committee that they were most likely to control.

“the decision to reduce to two committees was more ‘political’ than practical and was little more than a way of preventing what was perceived as a political threat to the administration (I expect I may be the only one prepared to say it!)”

The committee may wish to note that opinion on this matter, a matter that is related to political power, appears to divide sharply along political lines.

7.4 Loss of local connection

Many Shropshire Council councillors, as well as town and parish councillors, responded that the abolition of the central planning committee had weakened the local connection between decision makers and their communities. This was an issue raised both by town and parish councils and by opposition parties within Shropshire Council, who are concentrated in and around the Shrewsbury area.

“It is our belief that officers and councillors responsible for decisions affecting our Parish are less informed about how the local infrastructure and community works.”

“We need 3 committees so that councillors who know the areas concerned can make decisions informed by their local knowledge.”

Almost every reply from these groups of respondents claimed a loss of local connection, stating that this would result in poorer decision making.

“It undoubtedly saves officers time and money servicing committees but that doesn't equate to better decision making.”

By comparison, councillors from the administration were largely, though not entirely, happy with the current system.

“Councillors can have a say on applications because they are notified of applications in their division. Parish and Town Councils are also notified if they would like an application to be delimited [sic] by committee they can ask their Councillor to call it to committee on the grounds of material consideration.”

This questionnaire has been able to determine a key objection to the reduction in the number of planning committees, namely that members feel that a loss of local connection results in poorer decision making. However, what this questionnaire cannot do is determine whether this is actually the case. Although it is a commonly held belief, the questionnaire provides no evidence to prove the point. In order to determine that, the committee will need to identify a metric by which it can measure the effectiveness of decision making over the course of several years, and ideally to be able to compare that with similar local authorities. Although a review of the number of planning decisions appealed successfully may give some indication of the relative soundness of decision making by both officers and committees, this would still not entirely address what is often a subjective personal opinion on decisions being made.

7.5 **Strategic planning**

As well as asking about the impact of the planning committee structure on local planning applications, we also asked about how Shropshire Council should manage the large or strategically important planning applications.

Again, elected members, either from town and parish councils or Shropshire Council, suggested a dedicated strategic planning committee, creating a strategic/area structure like that discussed in 6.6 of this report. As said before, the creation of an additional committee would be an additional cost to the council. For some members however, that was a reasonable price to pay:

“An argument that the Council has used is that 2 committees reduces officer time servicing each committee, reduces training costs of members and reduces room hire costs, whilst also using the argument that reduced travel time for less site visits also reduces costs and speeds up committees. We argue that in terms of Democracy in action, this is fundamentally the wrong approach, we should be increasing Democratic oversight, not reducing it!”

7.6 Information and communication

Although there was some commentary from respondents about the information available to interested parties in a planning application, very few respondents expressed any dissatisfaction.

Instead, respondents were more concerned by how it was determined whether or not a planning application would be sent to a planning committee for a decision. This process is central to the effective operation of planning committees, and any reform to the planning committee structure would be unlikely to succeed without similar reform to the referral process.

Some Shropshire Council members felt that the decision to refer an application to committee should be made by the elected member representing the area in question.

“Local Members should then have more input into whether a planning application is referred to Committee for determination. It should be the local member’s decision as to whether an application is given a committee hearing, since they will know better than a planning officer when a matter is controversial and the residents need to feel that a decision has been made in public and not “behind closed doors” by a planning officer”

Town and parish council respondents were more likely than their Shropshire counterparts to be frustrated by the delegation process and felt that their views were not taken into account as a result.

“We remain concerned that Pre-meetings with the Chair and Vice Chair make decisions about planning applications being considered by committee and there is no opportunity for members/applicants to make a case.”

Again, this was by no means a universal belief. Some members were quite happy with the process.

Some respondents suggested that some of the dissatisfaction with the process may originate from a lack of understanding of the criteria by which an application may be referred to a planning committee.

7.7 Training

Many respondents raised the issue of training., Some did so when discussing a failure to understand the decisions made by planning committees.

“I have found some of the planning decisions baffling and inconsistent.”

Other respondents talked about frustration over a failure to have comments about planning applications taken in consideration.

“Because some comments received from residents and Town/Parish Councils do not always directly relate to material considerations”

Some elected members wondered whether the problem arose from a lack of understanding about the grounds on which one could bring an application to a committee, and whether more training should be available, not just for Shropshire Council councillors but town and parish councillors too.

A handful of respondents from town and parish councils highlighted their central role in organising responses to planning applications. They argued that more focus on providing training to them was likely to result in more fruitful working relationships between town and parish councils and the planning function.

“More training for Parish Councils is required, especially on valid reasons for refusal, so that they can engage more effectively with the process.”

Overall, some 50% of all questionnaire respondents agreed that more training for all elected members could be useful. Suggested topics of training recommended by respondents included:

- The national and local policy framework
- How planning works
- How to respond to planning applications

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) Cllr Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning
Local Member All
Appendices Questionnaire to elected members of Shropshire Council, and town and parish councils in the Shropshire local authority area.

Appendix 1: Questionnaire to elected members of Shropshire Council, and town and parish councils in the Shropshire local authority area.

What do you think has been the impact of reducing the number of committees from three to two?

- Does this result in less informed decision making?
- Does this result in less representative decision making?
- Does this result in less emotive decision making?

How should elected members determine planning applications with strategic implications across Shropshire, but significant local impact, such as the North West Relief Road? Should this be by a local committee or by a strategic committee covering the local authority area?

Do you think – or do think committee members – are more inclined to go with officer recommendations when they have less knowledge or connection to an area?

Do members feel that they are listened to by planning officers when they request applications go to committee?

What would help local members to be more involved in the decision about whether an application goes to committee?

- Would a pre-meeting with the committee chair and planning officer help?
- Would direct links to planning applications streamline the process of reviewing applications?

Parish and town councils: Do you think you are provided with sufficient planning training to put relevant planning reasons for refusal forward?

Should elected members be required to visit the site of a planning application before they make a decision about it?

Are there any other comments or observations that you'd like to make?