Committee and Date	Item
Committee and Date **Place Overview Committee** **30 June 2022**	**Item** **Public**

Review of planning committee structures – further research findings

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1.0 Summary

1.1 This report provides further information requested 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 future structure and operation of the council's planning committees.

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, such as reverting back to three planning committees and the associated costs.

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 Shropshire 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 March 2022 the Place Overview Committee received a report from the council's overview and scrutiny officer that provided:
- A comparison of planning committee structures in similar local authorities, including 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 The report demonstrated that there was no discernible pattern to how other local authorities organised their planning committee function. While some local authorities referred relatively few decisions to a single planning committee, others referred considerably more to numerous committees. The only consistency appeared to be that planning committees, when they met, tended to consider between three and six items per meeting.

5.6   The report also provided feedback sought from town and parish councils about the change in planning committees. Many, but not all, parish and unitary councillors argued that losing a planning committee had diluted the local knowledge that local members brought to planning committee decisions, and that this would have a negative impact on the quality of planning decisions. In the meeting, the committee discussed how this could be measured. The committee agreed that finding a way of measuring the impact of local knowledge on the quality of decision making would be difficult. The officers attending the meeting agreed that although local knowledge was undoubtedly useful, what was more important was that planning decisions were made on material planning grounds, and that decision making should be consistent across the committees.

5.7   The committee asked officers to determine whether there was any research into whether the local knowledge of elected members on a planning committee was a factor in the quality of planning decisions. Regrettably officers were unable to find any specific research on this.

5.8   The committee also discussed the interrelated issues of elected member involvement, material planning considerations and elected member training. Many of the survey responses from councillors highlighted a wish for more training on responding to planning applications. This was mostly because elected members, particularly in town and parish councils, were at times unsure about what constituted a material planning consideration that would stand up to challenge. This uncertainty sometimes resulted in frustration when objections or comments were on mon-material planning grounds. Officers provide regular training for planning committee members, particularly for new members as it is essential given the importance of the decision making and right to challenge.

5.9   The planning scheme of delegation is a critical element of the overall process. Appendix 1 shows Shropshire Council's scheme of delegation. It states that local members can call-in an application to committee, if agreed by the relevant officer in consultation with the committee chair. Town and parish councils (as opposed to individual councillors) hold similar powers to bring an application if they form a contrary view to that of the planning officer, and if their objections could not be overcome with additional planning conditions. However, irrespective of whether a Shropshire Council councillor requested to call-in an application, or whether a town or parish council objected to the decision of a planning officers, the call-in or objection has to be made on material planning considerations. The officers attending the meeting observed that this failure to provide a meaningful objection was a frequent cause of objections and calls-in being rejected.

5.10   Shropshire Council's scheme of delegation merits some comparison with other local authorities, as there may be some correlation between the scheme and the number of planning decisions made by committee. Appendix 2 shows Cornwall Council's scheme of delegation. This appears to provide a lower bar for being

passed to a planning committee, for example a unitary councillor's request for a committee decision does not have to be agreed by the committee chair or relevant service manager. As noted in the previous report to the committee in March, Cornwall Council has notably more planning committees, and decides more applications by committee. However, Cornwall Council also states that it aims to determine 95% of all planning applications by its delegated process, a broadly similar figure to Shropshire Council. Appendix 3 lists Calderdale Council's scheme of delegation. This scheme has a similar proviso that any councillor call-in needs to be determined by a senior officer. This determination does not formally include the chair of planning. However, in a telephone conversation with Calderdale Council's chair of planning committee, the chair informed me that the relevant director (in practice a more junior officer) always consulted the chair as part of the decision-making process. By comparison with Shropshire, as detailed in the report to the committee on March 23 2022, Calderdale Council has only one planning committee, which meets less frequently than either of Shropshire's two councils.

5.11   Although the committee may reasonably conclude that a less restrictive scheme of delegation *could* result in more applications being determined by committee, it does not necessarily follow that this difference results in *better* planning decisions. To determine that is outside the scope of this report.

6.   Planning workload and officer capacity

6.1   At the last meeting, workload and capacity was raised, particularly in light of the recent identified savings for the planning service. Officers explained to members that there has been significant work over the last year to reduce the older applications in the system waiting to be determined for many years (in some cases up to 10 years). The overall number of applications waiting to be determined have been reduced by at least 35%, however, there have been no staff reductions as a consequence. The service is going through a restructure shortly, but this is to provide more capacity at the management level of the service, which is currently a pinchpoint. As posts become vacant, there will be a careful review of whether they should be replaced and there will, over time, be a reduction in the reliance of agency staff.

6.2   One member asked at the last meeting to have some details on number of staff each year to see if there had been a reduction. Below is a table of the number of staff in Development Management (part of planning that deals with planning applications) over the last five years. The data produced however, has been difficult to unpick as the elements of the service included in Development Management has changed, so it appears the number of staff has increased significantly. For example, in 2017 the Section 106 Obligations team was added, in 2018 Enforcement Specialists were added, in 2020 it included Business Support and Validation. The sense is that the number of officers directly determining applications has increased slightly.

Development Management

	2016	2017	2018	2019	2020	2021	2022
Post Holdings	31	34	39	40	57	58	59
Headcount	31	34	39	40	57	58	59
Full-time equivalent	28.7	31.7	35.7	36.53	51.44	52.83	53.55

6.3 Members asked for data on the number of applications that were considered at the agenda setting meeting that didn't get on the planning committee agenda. For the year to May 2022, the following number of applications were considered.

- **Northern Committee** – 159 applications discussed, of which 51 were referred to committee, including applications which must go to committee such as staff applications.
- **Southern Committee** – 175 applications discussed, of which were 64 referred to committee.

6.4 Members asked for information on appeals being allowed, particularly where there has been a member overturn. Information on appeals is already regularly reported to planning committee. It is not clear how this influences the decision on the number of committees.

6.5 Officers did advise that details of applications considered at the agenda setting meeting and the outcome could be circulated to all members for information.

6.6 There was a suggestion by officers that any changes to the number of committees should include consultation with other stakeholders, such as agents, developers and consultees.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Council's Scheme of Delegation
Cabinet Member (Portfolio Holder) Cllr Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning
Local Member All
Appendices Shropshire Council scheme of delegation

Cornwall Council scheme of delegation
Calderdale Council scheme of delegation

Appendix 1
Shropshire Council's planning scheme of delegation

- Applications made by, on behalf of, or relating to the property of members or officers of the council who hold politically restricted posts, or who either directly or indirectly report to the Environment group manager.
- Applications made by the council, or in relation to land owned by us, which aren't in line with statutory functions (for instance, classroom extensions etc were delegated to officers, but speculative proposals on council-owned land would not be).
- Applications accompanied by an environmental statement.
- Complex or major applications, which in the view of the Environment group manager, or the service manager with responsibility for development management, in consultation with the committee chairman or vice chairman, should be determined by the relevant planning committee.
- Member call-in: applications requested to be referred by the local member to the relevant planning committee within 21 days of electronic notification of the application, and agreed by the service manager with responsibility for development management in consultation with the committee chairman or vice chairman, to be based on material planning reasons.
- Parish and town councils: For applications where the parish council submit a view contrary to officers (approval or refusal) based upon material planning reasons, the following tests need to be met:
    o these contrary views cannot reasonably be overcome by negotiation or imposition of planning conditions; and
    o the area manager or principal planning officer, in consultation with the committee chairman or vice chairman and the local member, agrees that the parish/town council has raised material planning issues, and that the application should be determined by committee.

Appendix 2
Cornwall Council's planning scheme of delegation

Applications will be dealt with under delegated powers unless:

- a local Member requests in writing for a major or minor application to be considered by committee and states sound:
    - planning
    - policy and
    - other area reasons why Committee consideration is needed.
- objections have been received and Committee determination is requested by:
    - an elected Member or
    - a senior officer of the Council.
- submitted by a close relation of:
    - an elected Member or
    - a senior officer of the Council. (Delegation is still permitted if the application is refused.)
- if approved, it would be a significant departure from approved policies (Such applications may still be delegated for either approval or refusal.)

A close relation is defined as:

- spouse
- partner
- sibling
- parent
- offspring

A senior officer in Planning is defined as all officers of group leader and above in Development Management. If another officer asks for Committee determination, it must be agreed by the Service Director.

Appendix 3: Calderdale Council scheme of delegation

Planning decisions are delegated to the Director of Regeneration and Strategy with the exception of the following:

1.1 The determination of applications following a written request to the Corporate Lead, Planning by a Councillor concerning an application within their ward, that an application be referred to the Planning Committee. The request must be made to the Corporate Lead, Planning and must include reason(s) for the requested referral based on material planning considerations. Applications may be determined after the conclusion of the 21 day statutory public notification period.

1.2. The determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force.

1.3. The determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council

1.4. The determination of applications for major development which would have significant impacts on local communities1.5. The approval of applications, where approval would reverse a previous decision taken by the Planning Committee.

1.5. The approval of applications, where approval would reverse a previous decision taken by the Planning Committee.

1.6. The approval of applications, where approval would conflict with an objection raised by a statutory technical consultee or internal professional advice.

1.7 The approval of plans for applications previously determined by the Planning Committee.

1.8. Where the Corporate Lead, Planning considers that the application should be referred to the Planning Committee for determination because of the significance, impact or sensitivity of the proposal.

1.9 The determination of applications submitted in a personal capacity by or on behalf of Councillors, the Council's Chief Officers as described in Article 12 of the Constitution, or any officer who carries out development control functions, or any legal entity in which any of the above have a controlling interest.