

Planning Committee Management

Public Perception of Planning

A planning committee can be the most visible part of the way decisions within a council are made. It is therefore important that the committee operates well. It is in many ways the public face of decision making.

Think about how the public and applicants view the process: is it easy to follow, fair and transparent?

Formation of a Committee

Section 101 of the Local Government Act 1972 provides for a local authority to arrange for the discharge of its functions by a committee, sub committee or an officer of the authority. A Local Authority appoints its committees at its Annual Meeting based on political proportionality¹. A Planning Committee or a committee of a similar name – (e.g. Strategic Planning, Planning Applications, Development, Development Management, Development Control etc) is formed by the Council in Councils. The size of a Committee can range from very small, say 7 members to up to 20 plus members. The appropriate size of a committee will reflect the overall size of the council and the number of members. Best practice would generally err on the side of smaller rather than large.

There are different models; some councils have one main Planning Committee, others have two separate A and B Committees which meet on a rotational basis and others have an area committee model.

Appointments to Committee

The Annual Meeting also appoints members to this Committee on a proportional balance basis.

Notes:

¹ Local Government and Housing Act 1989 (section 15)



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This is basically between party groups based on the number of seats each party has on the Council. The group leaders are the ones who put forward the names of the appointees based on their seat allocation. This is done either at the Annual Meeting itself or as soon as possible thereafter. Usually, a Cabinet Member would not be appointed to the Planning Committee.

Substitution of Members

A substitute member is one regarded as being able to attend where the regularly appointed one cannot for some reason. There have been conflicting views in the past as to the legality of substitution systems. There are at least two opinions from leading Counsel in support of the legality of such a system¹.

Substitute Members List

One method which is recommended is a list method for substitution. This would be where Council would appoint substitute members for each committee. Therefore the members would be named and appointed usually at the same time as other committee members are appointed at Annual Council. In relation to a Planning Committee this is welcomed as such a list can allow those members to be trained and build up their knowledge and therefore allow them to contribute to debate and decision making in an informed way. Substitutes should not take part in any deferred applications if they were not part of the committee for the previous discussion. Where an application has been considered and deferred to a future meeting for determination, the Democratic Services Officer needs to ensure that only those who considered the application at the first meeting can take part at the second meeting. This is particularly important where substitutes are concerned.

Notes:

¹ Knowles, part 3 – Committee Practice>Substitute members page 220 sixth edition.



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Site Visits

Site visits by Committee members have become an increasing part of planning committee management. Most Councils now have procedures which incorporate 'do's' and don'ts' of attending site visits. One important principle is that a Planning Committee member can only take part in the debate and voting at a Committee meeting if they have also attended the preliminary site visit. In essence this means that all the Committee members have had access to the same amount of information for them to make their decision on.

The Local Government Association advise¹ that the following points may be helpful:

- visits should only be used where the benefit is clear and substantial; officers will have visited the site and assessed the scheme against policies and material considerations already
- the purpose, format and conduct should be clear at the outset and adhered to throughout the visit
- where a site visit can be 'triggered' by a request from the ward councillor, the 'substantial benefit' test should still apply.
- keep a record of the reasons why a site visit is called.

A site visit is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers

Notes:

¹ Probity in Planning for Councillors and Officers: April 2013:
http://www.local.gov.uk/c/document_library/get_file?uuid=e0cde66c-8cda-4f56-b784-a45cdd41f089&groupId=10180



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- the comments of the applicant and objectors cannot be expressed adequately in writing or
- the proposal is particularly contentious

Site Visits Code of Practice

Many Councils have a code of conduct/ practice in place for site visits to enshrine such principles. The following is an extract from Wirral Council's¹

'Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. A decision by the Planning Committee to carry out a site inspection should normally only take place when:

- there is considerable local concern about a proposal, allied to planning reasons for carrying out the visit (e.g. the physical relationship of the site to other sites in the neighbourhood); or
- if the impact of the proposed development is difficult to visualise from the plans and any supporting material; or
- the proposal is particularly contentious; or
- the proposal is contrary to a specific policy or raises wider policy issues'.

Ideally site visits should take place in advance of the committee meeting to avoid the need for a deferral and consequent delay to the decision making.

The Committee Agenda

To comply with legislation has to be publicly available at least five clear working days before the meeting².

Notes:

¹ <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/development-team-approach/our-code-conduct>

² In line with the Local Government Act 1972 etc



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Normally all applications presented to the Planning Committee for decision will have a full written report from officers. This will include:

- the substance of any objections
- the views of people and organisations who have been consulted
- a clear explanation of relevant national policy (and regional policy in London), the Development Plan, site and related history
- any other material planning considerations
- a reasoned consideration of the proposal
- a clear recommendation
- an Ordnance Survey map showing the site location
- If there are plans these will also be available

Further Information

Any relevant planning information which is received after the agenda has been dispatched, will normally be presented to the Committee by officers and where possible circulated still in advance to Committee members. This must not be a process for bad agenda management and purely for circulating information because reports were not written in time but for genuine late information which could not be available to go out with the agenda. Many Councils also have their deadline for public speakers set after the agenda goes out and therefore information about who is to speak may also be circulated to committee members following the agenda dispatch. However, care should be taken about what information is circulated after the agenda goes out to be fair to all parties.

Notes:



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Role of Councillors

In making decisions on applications, councillors will¹:

- act fairly and openly
- approach each application on its own merits and with an open mind
- carefully weigh up all the relevant material planning considerations
- avoid undue contact with interested parties
- ensure that the reasons for any decision are clearly stated

Training of Councillors

Training for councillors who sit on a planning committee is not mandatory at a national level, but is good practice and is compulsory in many local authorities. This is particular important for councillors new to a planning committee, but all councillors should have regular updates on planning law and practice. It can be done in-house or by external providers.

The planning system exists to consider development proposals in the light of the wider public interest. Councillors must take into account the interests of the whole of the Borough and act in a way which is fair and is clearly seen to be so.

Party Whip

Councillors who are members of the Planning Committee must be free to vote on planning applications in the way they consider appropriate, that is, without a Party 'whip'. They will also take account of all the relevant information, evidence and arguments. These will include the Development Plan and all relevant planning considerations.

Notes:

¹ A typical description, taken from the Colchester Bough Council: Planning Procedure code of practice



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Joint Planning Committee

This is where 2 or more Councils (or the Council and another body) set up a Joint Committee for purposes in respect of which they are jointly interested (section 101 (5) LGA 1972). One example of this is the Cambridge Fringes Joint Development Control Committee, which was established in 2009 to determine major planning applications around Cambridge, in the major growth sites. The objective being for the 3 Councils to work together to achieve sustainable planning outcomes.

Area Planning Committees

A Council can appoint Area Committees as it sees fit. The composition of each Area Committee shall be members of the Council whose ward or part of a ward is contained within the geographic area of the Committee.

Each Area Committee shall administer a geographic area that does not exceed two-fifths of the total for the Council by reference to population or area. Planning functions can be delegated to such committees.

Annual review

A committee should reflect on how it has carried out its function and on the outcomes of their decisions. Some authorities carry out annual site visits to some implemented decisions.

Notes:



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