

Name of Meeting: Council

Date: 26 April 2017

Title of report: Review of Planning Committees

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name	Naz Parkar – 13 th March 2017
Is it signed off by the Director of Resources?	N/A
Is it signed off by the Assistant Director - Legal & Governance?	Yes – 9 th March 2017
Cabinet member portfolio	Cllr Peter McBride

Electoral [wards](#) affected: All

Ward councillors consulted: N/A

Public or private: Public

1. Purpose of report

- 1.1 This report sets out some proposed changes to the way that Planning Committees in Kirklees are organised and structured. The report considers the numbers of members that make up the Area Planning Committees and the public speaking arrangements for pre-application position statements.

2. Key points

- 2.1 On the 1st October 2014 Full Council resolved to set up a Strategic Planning Committee (SPC) to deal with larger planning applications of district wide significance. These applications are the key drivers of economic regeneration for the Kirklees area.
- 2.2 It was agreed by Council that the operation of the SPC should be reviewed after a 12 month period. The initial report to Council in (September/October 2014) also highlighted the need to keep under review the numbers of members on the Committees. The first meeting of the SPC was held in November 2014.

2.3 The SPC has operated alongside the two area based Planning Sub – Committees since that time and is now established practice. The table below sets out the number of applications dealt with by each of the Committees between January 2015 and December 2016.

Committee	No. Committees	No. Items Considered
Strategic Planning Committee	24	102
Huddersfield Sub Committee	16	100
Heavy Woollen Sub Committee	17	100

2.4 Since the introduction of the SPC officers have kept under review the operation of all the Committees. In March 2015, officers reported to Council with a series of small adjustments to the overall process which were agreed. In March 2016 officers updated Corporate Governance and Audit Committee on progress and issues. This included feedback from members of the Committees serving at that time as well as all the Chairs.

2.5 Since that time a further report has been considered in the Chief Executive’s regular meetings with Leading Members which enabled officers to receive initial feedback from groups. The report presented at the Chief Executive’s meeting highlighted the performance of the three Committees in terms of quantity of applications decided and consistency of decision making. A full table of engagement is set out at 4.1 below.

3. Implications for the Council

3.1 As a result of this ongoing review process two key issues have been highlighted which merit consideration of a change in the way in which Planning Committees operate. These are:

- The number of members who make up the Area Planning Sub-Committees (Huddersfield and Heavy Woollen).
- An adjustment to public speaking arrangements for pre-application position statements presented to any of the three Planning Committees.

3.2 Both of these issues are discussed below.

Membership of the Area Planning Sub-Committees

3.3 In March 2016 officers reported to this Committee the outcome of informal discussions with members of the Planning Committees and the Chairs. The comments that were reported from that group were as follows:

- a. Lower numbers of members on SPC seen as positive.
- b. It is noted however that several members are now attending more than one Committee.
- c. 13/15 members on Sub-Committee’s appears too large.

This issue has also been the subject of discussion at the Chief Executive’s regular meetings with Leading Members and with the current Chairs of the three Planning Committees.

- 3.4 As the number of applications are now evenly distributed across three Committees rather than two the number of applications now being decided at the two Sub-Committees has reduced. In addition the most complex applications are now decided by the SPC. This combination of factors provides the basis on which to consider whether the current number of members who serve on the Sub- Committees should continue or be changed. In addition, experience of SPC shows that, even with fewer members, debate is still full and comprehensive and members are able to influence decisions in a positive way.
- 3.5 In terms of number of members on the Sub-Committees these are presently set at 13 and 15. Now that the SPC has been set up the majority of applications are small or non-complex (although some are locally sensitive). However, it is difficult for all members to contribute to the debate on fewer and less complex applications.
- 3.6 At present 31 of our 69 ward Councillors sit on one of the three Planning Committees. Currently we have 3 members that serve on two Planning Committees and in the past some Group Business Managers have reported difficulty in servicing all three Committees with members who are experienced enough in planning matters. This is despite having a pool of nominated substitutes.
- 3.7 Drawing on the experience of the SPC officers consider that, like the SPC, fewer members can make the committees more efficient without losing the ability for members to influence decisions. On that basis it would seem a natural next step to recommend membership of 6 to be consistent the SPC. The three current chairs of the Planning Committees have Identified a membership of 9 as a potential way forward. As such a slight increase to 8 to reflect the comments by Planning Committee chairs would also be an effective change.
- 3.8 Currently, the make-up of the Sub-Committees would be as set out in the table below:

Sub-Committee Members	Distributed as			
	Lab	Cons	Lib	Gr/Ind
6	3	2	1	0
8	4	2	1	1

Additional Training

- 3.9 To support this new arrangement a programme of training for Chairs of Planning Committees will be developed between the Governance and Planning teams. This is seen as an essential element of continual improvement of the Planning Committees in Kirklees. This will be in addition to the annual training provided to members of Planning Committees and their substitutes.

Public Speaking - Pre-Application Position Statements

- 3.10 Cabinet recently agreed to introduce a new pre-application process (see report dated 20th September 2016). There were a number of key drivers for the process. This included: enabling officers to better manage the increasing number of major applications coming into the Council; to facilitate early engagement with technical advisors, and to keep ward members informed in the early and formative stages of development.
- 3.11 Part of the process was to allow officers to report to members of Planning Committee an update on key applications. The report or position statement is not for decision but merely

for information and to answer any Member queries on the application itself. These reports are public ones and the debate is held in the public part of agenda. Officers use any feedback to take back to the applicant as part of the overall negotiation process.

3.12 To date this has been used occasionally. Recent examples are the Kingsgate development in Huddersfield and a housing development in Birkenshaw. One area that needs to be clarified is the public speaking arrangements for such reports. It is officers view that as these reports are for information only and not for determination that the usual public speaking rights should not extend to these reports. This will avoid repeating what is said at the later decision making session and will help members to focus their attention on any technical issues that they may wish to raise. The applicant may be present to answer any questions from the members.

3.13 There will, of course, be occasions when hearing contributions from those parties with an interest in applications will assist members at this stage. Whilst it is expected that this should not be normal practice the Chair should be allowed to use their discretion to allow this to happen and can dictate numbers of speakers and their time allowance if they so wish.

4. Consultees and their Opinions

4.1 As set out in Section 2 above officers have undertaken a number of discussions with interested parties as follows:

Action	Date and Outcome
Initial officer paper to Chief Executive's meeting with Leading Members	November 2015
One to one discussions with three Chairs – conducted by Head of Development Management (HoDM)	December 2015 – all three Chairs participated
One to One discussions with SPC members – conducted by HoDM	December 2015 – January 2016 – 5 out of 7 members participated in face to face discussions.
Small developer discussions	November and December 2015
Major house builders	December 2015 and January 2016
Discussions via one to ones/ emails with all Area Sub-Committee members – conducted by Planning Area Team Leaders	January/February 2016
Position paper to Corporate Governance and Audit Committee	March 2016
Planning Committee performance paper to Chief Executive's meeting with Leading Members	December 2016
Discussion with Chairs of Planning Committees -	January 2017

4.2 Members of Council should also be aware that these proposals were fully debated at a meeting of the Corporate Governance and audit Committee on 27th January 2017. The

formal noted decision was as follows:

‘That the comments of the Committee be incorporated within a report to be submitted to the meeting of Council on 22 March 2017, and that consultation take place with political groups regarding the constitution of Planning Sub Committees’

4.3 For Members information the minutes of the Committee are set out below:

‘The Committee gave consideration to a report which set out proposed changes to the way in which Planning Sub Committees are structured. The recommendations within the report requested that the Committee make a recommendation to Council to:

- a. reduce the membership of Planning Sub Committees to 8 Councillors
- b. support the provision of additional training to Chairs of all Planning Committees, and;
- c. support that permitting public speaking in relation to pre-application statements is not usual practice, but may be allowed at the discretion of the Chair.

In discussing the report, the Committee raised the following key points:

- a. The Committee supported a reduction in the number of members, and it was agreed that an uneven number of members would be most appropriate in order to reduce the probability of applications being determined by a casting vote of the Chair. It was considered that a number between 6 and 11 would be optimal .
- b. The Committee recognised that the chairing of a planning committee required a level of technical understanding and chairing skills, and welcomed training that could be provided in order to assist members in effectively performing the role. Within this discussion, the Committee more generally supported the potential for improving the training available for all Committee Chairs and asked that the provision of effective and relevant training be progressed.
- c. The Committee expressed concerns regarding the perception of restricting the speaking rights of the public in relation to pre-application position statements. It was considered that allowing the Chair to determine whether public input would be permitted was not practical, nor a reasonable expectation of the Chair. There was a consensus that public speaking on such matters should not be restricted and should be permitted in line with a protocol for speaking on pre-applications.

Further to the content of the report, a request was made that consideration be given to the ward boundaries of the Planning Sub Committees due to a concern that was raised with regards to access to meetings via the use of public transport. It was noted that a Motion had been submitted to request that a meeting of Council considers this matter.

It was agreed that the views of political groups be sought on the issue of Planning Sub Committee membership, prior to the submission of the report to Council on 22nd March 2017’

Consultation Responses Since 27th January 2017 Corporate Governance and Audit Meeting

4.4 Since the meeting on 27th January 2017 consultation has been undertaken through Group Business Managers on these issues. Officers have received the following comment from the Labour Group .

- We agreed that there should be 10 members on each of the 2 committees – Heavy Woollen Planning Sub Committee and Huddersfield Planning Sub Committee
- We agreed there should be 6 members on the Strategic Planning Committee (no change)
- We agreed that we would not support the move of the Kirkburton and Denby Dale to the Huddersfield sub-committee area.
- We did not agree that the public should be able to take part in the informal discussion concerning pre application position statement. The discussion should take place in public but they are for applicants, members and officers to share ideas and are not part of the decision making process.
- We also agreed the site visit should not be compulsory in order that a member should be able to vote, as there may be genuine circumstance a member cannot make the organised visit. Non - attendance of a member on visits should be dealt with at the discretion of each political group.

4.5 Further comments has been from the Conservative Group who have expressed a preference for 9 Members. This reflects feedback from Cllr. John Taylor who had indicated that he had taken the opportunity to discuss matters within his own group prior to this exercise being undertaken.

5. Additional information and Comments

- 5.1 It is essential that the Local Planning Authority's decision making processes are fit for purpose i.e. to ensure that planning applications can be determined lawfully having regard to the principles of natural justice whilst recognising the demands of developers/investors for a responsive service that can deliver timely decisions. The issues outlined above represent some further steps to improving our present arrangements.
- 5.2 Should the proposed changes be accepted then the new membership arrangements would be effective from the beginning of the new Municipal Year after the annual meeting of council. Any agreed changes to public speaking arrangements for pre-application items will made effective from the date of the Council meeting which agrees them.
- 5.3 Officers note the comments received since the Corporate Governance and Audit Committee. Issues relating to the size of the Strategic Planning Committee; boundaries and site visits are not part of this report and its recommendations. In terms of committee size, comments do vary between 7 and 10 members. In officers view the optimal size would be 8 members as set out in section 3.3 to 3.7 of this report. It should be noted that the numbers may vary slightly from year to year (plus or minus 1) in any event for committee proportionality purposes.

6. Officer recommendations and reasons

- 1) That Members be asked to determine the allocated number of seats to each of the Planning Sub Committees, to take effect from the beginning of the 2017/2018 municipal year.
- 2) That additional training be provided to Chairs of all Planning Committees.
- 3) That, for pre-application position statements, it be agreed that public speaking not be usual practice but that it could be a helpful addition at the discretion of the Chair.

Should Members agree the recommendations set out at points 1 and 3 above then the Assistant Director (Legal ,Governance and Monitoring) be delegated to make the necessary changes to the constitution.

The reason for these recommendations is to ensure the continuous improvement of the decision making process in relation to planning applications in Kirklees.

7. Cabinet portfolio holder recommendation

Cllr. McBride is supportive of changes which make the planning committees more effective and efficient.

8. Contact officer and relevant papers

Simon Taylor – Head of Development Management - 221000
email: simon.taylor@kirklees.gov.uk

Julie Muscroft – Assistant Director Legal and Governance – 221000
email: julie.muscroft@kirklees.gov.uk

Link to Corporate Governance and Audit Report 27th January 2017

<http://democracy.kirklees.gov.uk/documents/g5090/Public%20reports%20pack%2027th-Jan2017%2011.00%20Corporate%20Governance%20and%20Audit%20Committee.pdf?T=10>

9. Assistant Director Responsible

Paul Kemp – Assistant Director Place - 221000
email: paul.kemp@kirklees.gov.uk