

To: City Executive Board

Date: 26th November 2008 **Item No:**

Report of: Head of City Development

Title of Report: New way of handling Planning Decisions

Summary and Recommendations

Purpose of report: To propose that the way planning applications are determined by Members should be restructured. Such decisions should be made by two Planning Committees rather than at the 6 Area Committees. A New Strategic Planning Committee formed to consider all planning policy documents.

Key decision? No

Executive lead member: Councillor Colin Cook

Report approved by:
Executive Director : Mel Barrett
Finance: Chris Kaye
Legal: Jeremy Thomas

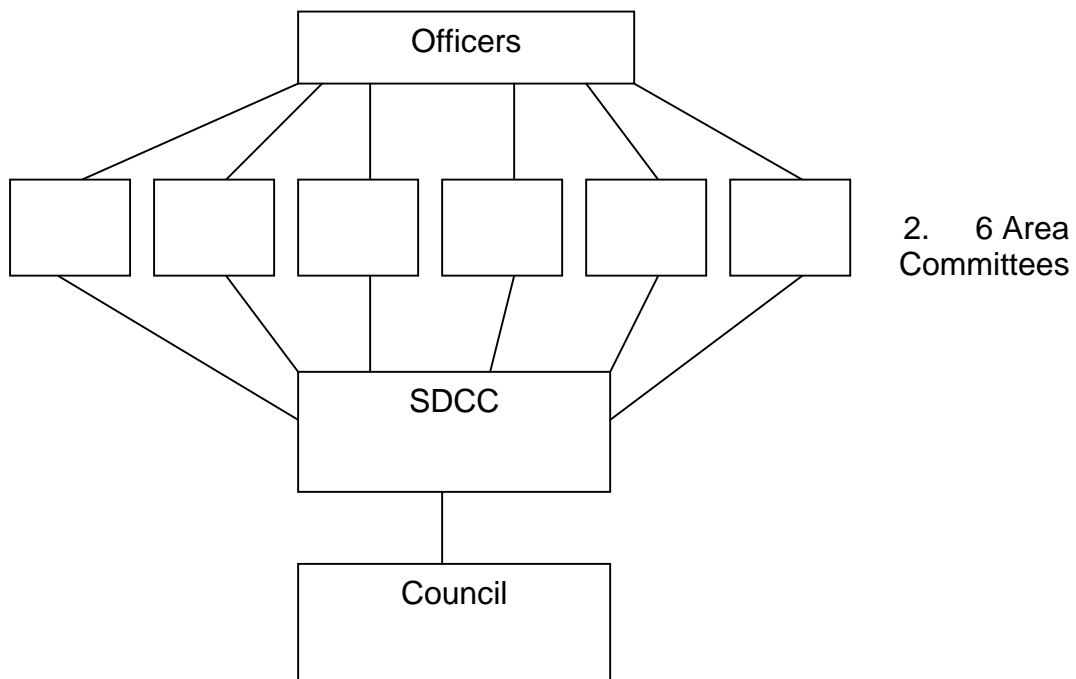
Policy Framework: Corporate Plan: transform Oxford City Council by improving value for money and service performance.

Recommendation(s): City Executive Board are asked to recommend to Council that:

1. **Planning applications are no longer determined at Area Committees.**
2. **Two Committees are formed called A and B Planning Committees, to be responsible for decisions on all planning applications requiring determining by Members other than those of City-wide significance.**
3. **A Strategic Planning Committee is formed to be responsible for consideration of all planning policy documents and determination of planning applications of City-wide significance.**
4. **Authority be delegated to the Monitoring Officer, in dialogue with the Leader, to make the detailed changes to the Constitution.**

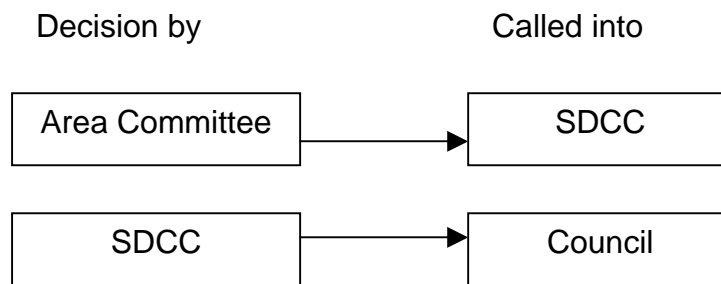
Present arrangements

1. The present arrangements consist of an officer scheme of delegation, 6 Area Committees, a Strategic Development Control Committee and full Council. In diagrammatic form –



3. Some applications go straight to SDCC (but always via one or more Area Committees). Planning policy documents are approved by Council. There is also a scheme of call-ins. Members may ‘call in’ decisions

ordinarily delegated to Officers and require them to be determined by an Area Committee. Once in the Member arena all determinations are subject to one call in. In diagrammatic form –



Issues raised by present arrangements

4. All Members sit on planning – not all Members have an interest in doing so. This also impacts on the ability to train all Members effectively in what is a complex area, governed by regulations. It also limits effective ward representation in respect of unpopular applications.
5. Area Committees act as planning Committees – This has some positive aspects:
 - i. this is liked by the public (focus group evidence)
 - ii. and attracts public attendance at Area Committees.

But it also has some negative aspects:

- However, it also impacts on the style of the meeting (more formal), mitigating against broader and deeper community engagement,
 - dictates the frequency of meetings,
 - leads to greater inconsistency in decision making (appeal statistics vary between the 6 Committees),
 - results in a greater call on Officer resource (which cannot always be satisfactorily provided – planners, lawyers, County Highway Officers) and creates more work in terms of ensuring that the chairs of Committees are adequately briefed. The extent of delegation to Officers is less than average (Audit Commission evidence).
6. In the Planning Follow-up report (April 2008) the Audit Commission comments:

“The Council’s progress in delivering an improved planning service has not yet delivered improvements that residents and users would recognise. For example, only small-scale changes proved acceptable when the council created a new code of conduct for councillors relating to the planning element of area committee meetings. However, these changes are so subtle that the basic issues previously identified in relation to conduct of meetings, the quality of

the debate, the atmosphere of conflict within the meeting, the lack of consistency between area committees and the poor quality of the presentation of planning items – still undermines the public credibility of these meetings. “

7. *There is a wide variation between the Area Committees both in terms of the number of, and the performance at, planning appeals. This has an impact both in terms of value for money, (this year we will spend over £100,000 on planning appeals), and on officer time.*

8. The Audit Commission has recommended:

Develop and implement plans to place the customer at the heart of the service improvements across.... the planning elements of area committees.

9. And:

Enforcing compulsory training and development, including the need for periodic refresher training for councillors entitled to vote on planning decisions.

10. The Planning Advisory Service arm of the Government's I&DeA (Improvement and Development Agency) carried out a review of area-based decision making for development control in April 2006. Its recommendations are attached at Annex 1. It concluded that area-based decision making is undertaken by some local authorities to devolve decisions making out of town halls so that local communities could participate more easily and so that councillors could have a stronger presence in their local areas. Area-based decision making is used by around 14% of councils in England and about half of these are currently discussing whether to reduce the number of abolish area committees for planning decision. A high proportion of councils now have two area committees as some sort of compromise between full-blown area committees and a single planning committee. Having two committees retains a commitment to a local area focus but can also free up some councillors from planning committee duties.

11. In summary the current arrangements contribute to bottom quartile performance for the planning service and there is therefore a need to review working arrangements in line with Audit Commission recommendations.

Proposed arrangements

Planning Committee A – any 8 Members (quorum 50%)

Planning Committee B – any 8 Members (quorum 50%)

Strategic Planning Committee – any 10 Members (quorum 50%)

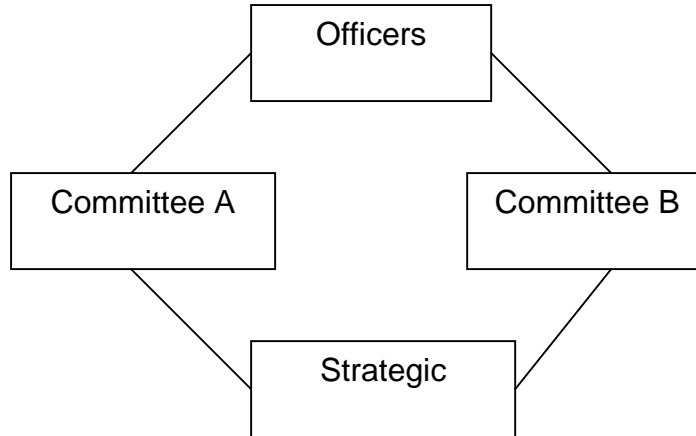
12. Any Member can sit on either of the committees and overlap of membership between the committees is permissible. City Executive Board Members can sit on the planning committees as currently permitted by the Constitution. However the City Council needs to be aware that if there is a planning application where the City Council has an interest such as being the land owner the CEB Member should not participate for that item and thus would need to seek a substitute.
13. As the proposal is that the committees can draw on membership from any Member, there will need to be political balance on each committee.
14. Training and development together with accreditation of Members who sit on Planning Committees will be important and should be compulsory. There should be basic training before a Member is permitted to sit on a planning committee, followed by periodic refresher training and more regular briefings for Members on planning matters.
15. While the planning committees' membership is only 8, or on the Strategic Committee 10, a wider pool of Members should be trained in planning from which to draw substitutes.
16. The arrangement will free up those councillors who do not sit on a planning committee to express their views about local development and represent their local community. These councillors will be not be constrained in their ability to advocate their area because they will not be under the restrictions that are placed on planning committee councillors to remain impartial.

Geographical Area to be covered by the Two Planning Committees

17. **Option one:** An East West split based on whole area committees and equal workload. Thus a West Planning Committee consisting of the present North, Central, South and West plus the South East Area Committees (12 wards). An East Planning Committee covering North East, Cowley and East Area Parliament (12 wards). This keeps a relationship between the new planning committees and the retained Area Committees. Statistical analysis indicates that this results in roughly equal volumes of work. In the last two years West would have handled an average of 122 applications per annum and East 122 as well per annum. While SDCC handled 30 per annum. If the threshold of SDCC is raised then a slightly higher proportion of its applications will fall to be determined by West.
18. **Option two:** A North South split not retaining all area committee boundaries but an equal number of wards. Thus a North Planning Committee consisting of the present North AC, East Area Parliament plus Holywell ward from Central, South and West, and all of North East Area except Churchill and Quarry and Risinghurst. A South Planning Committee covering Cowley and South East Area Committee area plus

Churchill and Quarry and Risinghurst from North East and all of Central, South and West except Holywell .

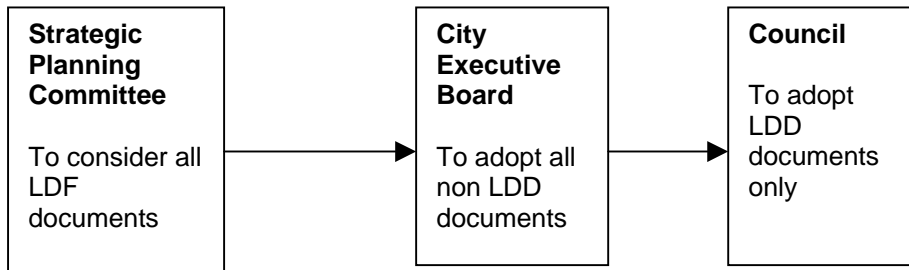
In diagrammatic form –



19. The A and B Planning Committees could meet within their geographical area and meet in the evenings. A fixed venue is suggested. Although clearly using a single central location such as the Town Hall would result in savings. It is suggested that the current level of delegation to the Head of City Development should remain together with the call-in arrangements.
20. The A and B Committees would need to meet monthly in order that processing performance is maintained.

The new Strategic Planning Committee

21. The Strategic Planning Committee would be the main committee to consider ALL planning policy issues (Local Development Framework) The approval of LDF documents is a non-executive function and an addition to the Council scheme of delegation is required so that Council delegates the approval of such documents in their draft form to its Strategic Planning Committee. CEB may wish to receive report on all LDF documents.
22. The Function Regulations made under the Local Government Act 2000 make a distinction, however, between Local Development Documents (LDD) which form part of the 'Development Plan', as defined by the 2004 Planning Act, and those which do not. (such as Supplementary Planning Documents). While the former are for Council to Adopt the latter are for CEB to Adopt.

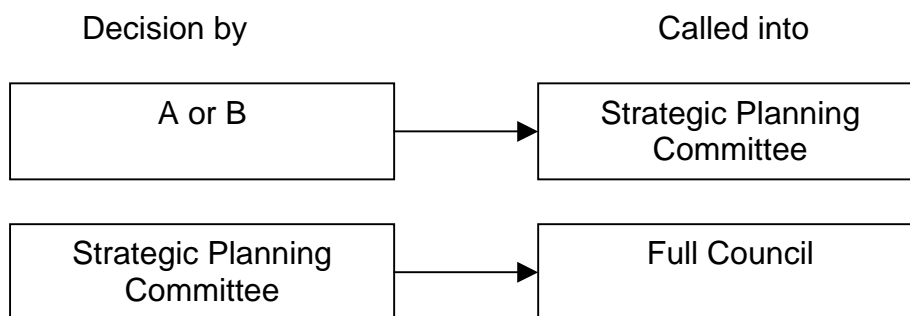


23. It is suggested that the current threshold between SDCC and ACs should be reviewed. The new Strategic Planning Committee should only be the decision maker on planning applications that have a City-wide significance. Where an application crosses over the boundary between the two planning committees, it is suggested there is consultation with the two committee chairs to decide which is the best planning committee to determine the application. On rare occasions it might be sensible for a cross boundary application to be determined by the Strategic Planning Committee. However such applications would still be on the agenda of the relevant Planning Committee for comment as currently.
24. The Strategic Planning Committee should meet at 5.00 pm in the Town Hall, like other Council committees.

Call-in Arrangements

25. It is proposed that the principle of 'one call in' be retained so that in the first instance decisions by either the A or B Planning Committee may be called in to the Strategic Planning Committee. Those few determined by the Strategic Planning Committee could be called- in to full Council.

In diagrammatic form –



26. The 'call-in' from Officers proposing to exercise their delegated powers to Committee would be retained.

Consideration of roles for Area Committees

27. There is a separate piece of work being done to redefine the roles of Area Committees vis a vis enhanced arrangements for community engagement (*Variable Geometry*). Members will need to determine their

preferences for the appropriate spatial level within which to engage communities having regard to scale of likely future change, current or likely effectiveness of community engagement, whilst ensuring a coherent overall approach.

28. If an area committee thinks that a planning application will generate significant public interest it would be possible for it to hold a public meeting to explain the application, listen to comments from the public and then submit a report on those comments to the planning committee determining the application at a later stage. There should be ample time to set up a meeting during the consultation period for any application or before it comes forward for determination.
29. Planning contributions (S106) and how they are spent would continue to be dealt with by Area Committees.

Timescale for Implementation

30. Should Council agree with the recommendations it is suggested that the arrangements could be put in place for the two new Planning Committees to be operational for the first cycle in February 2009. However, it might be better to say March to give time to publicise to the new arrangements and identify and book venues. Training and development of planning committee Members could commence in the new Council year.

Financial Implications

31. Earlier considerations concluded that taking planning away from Area Committees could lead to there not necessarily needing to be an Area Committee each month in all 6 areas. Thus while this report proposes two new committees the additional 24 meetings per annum can be accommodated within the existing committee meetings budget. The change will mean less evening meetings for planning and other officers (e.g. legal) to attend. It is also considered likely that there will be a reduction of officer time currently associated with work generated by the Area Committees and the involvement of all 48 Members in planning decisions, such as fewer call-in applications and planning appeal work in general. Clearly using a single central location such as the Town Hall will result in further savings in terms of room hire and overhead costs.
32. The proposals to have two Planning Committees and a new Strategic Planning Committee will mean that a range of savings can be made totalling £50,000. Most of this would be the reduction of one post in Development Control (£34k) together with savings in administrative costs in City Development (£10k) and committee services costs (£6k)

Legal Implications

33. The report proposes modifications to the Constitution.

Risk management

34. The proposals seek to respond to the risks identified in the Audit Commission report, especially risks of challenge to the way planning decisions are made at area committees. The proposed arrangements should significantly reduce these risks.

Equalities Implications

35. The intention is that by only needing to find two fixed meeting venues it will be possible to ensure that each has the highest standard of accessibility and operation as a committee meeting venue. The Town Hall itself should be considered. This is something that was not possible with all area committee meetings. However it is recognised that this may mean that local residents may need to travel a bit further to attend a planning committee meeting, depending on the venue and the location of a particular application site.

Climate Change Implications

36. The proposals should not have an adverse impact overall on climate change. There may be some advantages through using good venues that have a smaller carbon footprint. However, some of those who attend a meeting may need to travel further than might have been the case.

Recommendation: *City Executive Board are asked to recommend to Council that:*

Planning applications are no longer determined at Area Committees.

Two Committees are formed called A and B Planning Committees, to be responsible for decisions on all planning applications requiring determination by Members other than those of City-wide significance.

A Strategic Planning Committee is formed to be responsible for consideration of all planning policy documents and determination of planning applications of City-wide significance.

Authority be delegated to the Monitoring Officer, in dialogue with the Leader, to make the detailed changes to the Constitution

Name and contact details of author: Jeremy Thomas and Michael Crofton-Briggs

List of background papers: All published

Version number: _13th November 2008 Version 8

Annex

Top tips to ensure effective working of area-based decision making for development control

Published by the Planning Advisory Service

1. Reduce the committee cycle times to facilitate applications to be determined within 8 weeks or 13 week targets.
2. Amalgamate areas, if necessary, to produce agendas of reasonable length to complement increased frequency of meetings
3. Avoid having all ward members sitting on the area committee in order to allow some members to perform the representative role for local community interests
4. Ensure that the scheme of delegation means that decisions are made at the appropriate level given conformity of the proposal to the council's policies.
5. Reduce or eliminate the right of call-in or referral upward in order to improve BVPI 109 performance and encourage greater ownership of and responsibility for the decision made.
6. Reduce the number of committees to reflect the capacity of the officers to adequately support the meetings.
7. Provide regular, robust and compulsory training for councillors sitting on planning committees, including reserve members.
8. Keep the business of determining planning applications separate from other council business in the area committees, preferably at a separate meeting.