

Review and implementation of the recommendations of the Planning Committee Peer Review – findings of the Working Group

Recommendations

This report will be set out the following format:

1. initial recommendation of the peer group report (**bold type**),
2. followed by a summary of the discussion at the Working Group,
3. the Working Group's recommendation for each point
4. **the Planning Committee's comments and recommendation**

R1:

Provide greater certainty in planning process by ensuring decision making conforms with planning policies and material planning considerations acting on behalf of the whole Guildford community and ensuring that there is clear separation between ward level responsibilities and decision-making role on Committee.

Discussion

The group considered that the key to this recommendation was the improvement of training offered to Councillors. Prior to Covid, a regular programme was put in place known as 'Bite Sized' training for Planning Committee members. This was held before Planning Committee meetings and related to specific topics. This was well received, however, the group felt that by utilising Microsoft Teams, remotely held training could be offered to a wider group of councillors and not restricted to Planning Committee nights. Additionally, by being more flexible on when they are held longer sessions could be undertaken when the topics would benefit from this. It was agreed that training should be available for ALL councillors and open to officers to attend also.

Working Group's Recommendation

The Group agreed that a regular (monthly) planning training programme, should be reinstated via MS Teams.

Planning Committee's Comments and Recommendation

- (a) envisaged that the Executive Head of Service would be responsible for putting the training programme together;
- (b) emphasised the importance of encouraging all councillors, whether Committee members or not, to attend the regular training in view of the high profile of planning in the borough, and significant public interest;
- (c) suggested that parish councillors be invited to attend the regular planning training, although it was acknowledged that it was possible that, with so many in attendance, the training could become unwieldy.

The Planning Committee endorsed the Working Group's recommendation subject to the proviso that whilst the planning training programme would be regular, there might not on all occasions be training every month.

R2:

Explore ways to rebuild trust and confidence between officers and Members. Consider running an independently facilitated workshop to be held between officers and Members, separate to the Planning Committee meeting, to better understand their roles, issues, and concerns

Discussion

The group felt that work had been done in this respect and that in several areas relationships between officers and Members had improved. However, there are still areas to improve and there remain concerns from officers over the level of support received from councillors. It is also recognised that some councillors do not feel they receive support from officers in situations where they do not agree with the recommendations put forward.

The Group agreed that all parties should treat each other with respect and foster an attitude that values each side's point of view. Of specific importance is the understanding that recommendations which differ from individual councillor's views are professional opinions and discussions should reflect this.

The group felt that longer term benefit of Member/Officer workshops would be helpful in improving relationships. Given the proximity to the Council elections in May 2023 it was felt the best time to implement this would be after the elections.

Working Group's Recommendation

The Group agreed to carry over this action to hold an Officer/Member Workshop following the elections in May 2023, if required.

Planning Committee's Comments and Recommendation

- (a) there may be a case for repeating the workshop after six months
- (b) emphasised the importance of establishing communication channels between officers and councillors to discuss concerns regarding applications

The Planning Committee endorsed the Working Group's recommendation.

R3:

Examine ways for Planning Committee and relevant officers to discuss and learn from appeal decisions to ensure that decisions on planning applications are undertaken, on behalf of the whole Guildford borough community, in a fair, impartial, and transparent way. The present system tagged onto the end of often long Planning Committees is not conducive to creating a learning atmosphere.

Discussion

Whilst appeal decisions are reported on the committee agenda there is often insufficient time to discuss these in detail. The group felt there was merit in holding specific sessions to review decisions and discuss lessons learnt.

Working Group's Recommendation

The Group agreed that quarterly appeal review sessions be held via MS Teams and facilitated by the Head of Place (or Executive Head of Service).

Planning Committee's Comments and Recommendation

- (a) clarification given that Planning Committee members and substitutes would be invited to the review sessions, but that we would continue to include Appeal Decisions on Planning Committee agendas.
- (b) envisaged that the review sessions would be held in private in order to encourage better flow of discussion and information in order to pick up learning points to be taken forward to inform future decision making.

The Planning Committee endorsed the Working Group's recommendation.

R4:

Review Planning Committee reports to see if further explanation can be given on the weight to be afforded to the Local and Neighbourhood Plan policies as well as material planning considerations such as the National Planning Policy Framework (NPPF).

Discussion

The group recognised that reports list relevant Development Plan policies (which include Neighbourhood Plan policies) and other relevant documents such as the NPPF. Therefore, the factual content is not an issue, the use of the late sheets can also assist if a particular policy has been omitted. The group considered that the issue at hand is normally one of weight given to a particular policy matter. If Members feel a particular issue carried more weight than officers have advised, then this is a matter for them, and they are entitled to reach this conclusion. It was suggested that a small working group be convened to look at planning committee reports overall followed by a workshop to communicate its findings to the Planning Committee Review Working Group. The group were uncertain what would be achieved by convening a further working group to explore this. The importance of Members reading the agenda before a meeting and approaching officers if they have any questions on particular policies was emphasised. If a question is only raised on the night officers can only respond with the information they have to hand.

Working Group's Recommendation

The Group concluded that convening another working group was not necessary given there were appropriate mechanisms in place already through which councillors could query policy weight afforded to particular proposals.

Planning Committee's Comments and Recommendation:

- (a) noted that the planning induction training for councillors, and ongoing training, would normally include awareness of the relative weightings of Local and Neighbourhood Plans, NPPF, and any other material planning considerations.
- (b) noted that Neighbourhood Plans, being part of the Development Plan, were the starting point for decision-making.

The Planning Committee endorsed the Working Group's recommendation, noting that weight to be afforded to Local and Neighbourhood Plans and other material planning considerations would be covered in the training programme.

R5:

Ensure planning officers and Committee members are more aware of the impact of what a lack of housing delivery has on the weight given to Local Plan policies and kept appropriately updated on the work of the Housing Delivery Board.

Discussion

The impact of housing delivery is recognised as a significant material consideration. The Group felt that incorporating this into the new training programme being formulated would ensure that it is a matter on which Members are better informed.

Training should be focused on the impact of the tests applied to Five Year Housing Land Supply and the Housing Delivery Tests required by central Government. A recent public inquiry in Guildford has highlighted the importance of a robust assessment of these and shown how such figures can be challenged. Members and officers need to be clear that a robust supply does not mean that the Council can ignore new schemes, ongoing delivery of new housing must continue to ensure the Council remains in a robust position.

Comment was made that training could include reference to the Land Availability Assessment which is a key evidence base in preparing housing supply and should also look at up to date build out rates across the Borough.

Working Group's Recommendation

The Group agreed that the topic of housing delivery should be addressed as part of the planning committee training programme and should include an overview of the Land Availability Assessment.

Planning Committee's Comments and Recommendation:

The Planning Committee endorsed the Working Group's recommendation

R6:

Review the opportunity for further guidance in the form of a supplementary planning document to help guide new high quality and sustainable development.

Discussion

The group felt that this was a recommendation which fell outside of its remit, workstreams within the planning policy team are looking at the adoption of 'part 2' of the local plan in the form of the Development Management Policies and the production of additional SPDs to support decision making.

Working Group's Recommendation

The Group agreed that no action was required with regard to the above point as the SPDs and DPDs were all documents currently being worked on by the planning policy team and policies coming forward.

Planning Committee's Comments and Recommendation:

(a) noted that progress was being made with SPDs and DPDs

The Planning Committee endorsed the Working Group's recommendation

R7:

Review the Planning Committee referral system focusing particularly on the Member referral process (7-day procedure) and householder referral system to ensure that applications are not unnecessarily delayed and Planning Committee can focus on the strategically more important applications.

Discussion

This recommendation was discussed at some length by the working group. Information was presented on how the current practice operates and the issues created in terms of delay etc. Councillors recognised that the focus of the referral system on the end of the process created a significant bottleneck. Information was also presented to Members in terms of benchmarking from other authorities which showed the 7-day process as unique across Councils. Authorities sampled all had a Member referral process, however, this was focused at the start of the application process allowing Councillors to comment at that stage. Officers considered that this approach would encourage better engagement on an application and would enable officers to react more to suggestions received, whereas the current system is designed simply to review a completed report and either agree the recommendation or refer to Committee.

The group agreed that an operational plan be drawn up by the Head of Place and this was discussed through the working group meetings. Overall, the group felt that this offered a number of benefits over the current system and should be taken forward as part of the formal recommendation of the group.

Working Group's Recommendation

The Group agreed that the 21-day notification procedure be included in the operational plan to be considered formally as part of the final report. The procedure would give councillors the opportunity for earlier engagement with officers and influence the process going forward (see Appendix 3).

Planning Committee's Comments and Recommendation:

- (a) welcomed the flowchart set out in the Late Sheets mapping the proposed call-up to Committee procedure to assist councillors in their understanding of it.
- (b) Noted the proposed additional Note to be added to the procedure stating: "*A councillor who has requested an application to be called up to Committee may, following further consideration, withdraw that request.*"
- (c) acknowledged that councillors will need to be more aware and proactive with regard to the proposed revised process.
- (d) Noted that all councillors should study the weekly plans list
- (e) Concern that a greater number of applications might be called-up to Committee
- (f) Suggestion that, where a councillor asks for an application to be called-up to Committee, there should be an additional stage in the process where, before the case officer writes the committee report, they contact the councillor to indicate what their recommendation on the application is likely to be and the reasons for it. This would enable the councillor to consider whether they still wish to call-up the application to Committee.
- (g) Suggestion that removing the 7-day notice procedure would not address the root of the problem, which was insufficient number of officers and too many agency staff with little or no knowledge of the local area.
- (h) having a more streamlined call-up to Committee process would be one factor that would assist in improving the Council's performance and councillors would become involved in applications in their ward at a much earlier stage and have a greater opportunity to influence how the officer looked at the application if they were already aware of the local member's concerns.
- (i) Concern that some wards of the borough attracted significantly more planning applications than others, thus putting greater pressure on the councillors for those wards.

The Planning Committee endorsed the Working Group's recommendation to approve the proposed process for Councillor Call-up (referral) to Planning Committee set out in Appendix 3, subject to the inclusion of the additional Note referred to in (b) above, and the additional stage in the proposed process referred to in (f) above.

R8:

Revisit the site visits protocol with particular emphasis on who attends and on ensuring a consistent approach of officers and conduct of members during the site visit.

Discussion

The group felt that the committee site visit process was working generally well. Requests made upfront are considered by the Chairman and Head of Place and are responded to. There remain some issues around attendance and work continues to encourage members to attend site visits when they take place. All members agreed that general good practice of remaining on site as a group and treating as a fact-finding process only is essential.

Working Group's Recommendation

The Group agreed that no changes were required to the current site visit protocol. Councillors were aware of the need to ask for a site visit ahead of time rather than at the meeting itself which was noted to be useful for councillors in assessing the planning merits of a scheme.

Planning Committee's Comments and Recommendation

The Planning Committee endorsed the Working Group's recommendation.

R9:

Review the member overturns process so that alternative motions are raised by Members and advice is provided by officers prior to the officer recommendation vote being made.

Discussion

This area was of particular difficulty as the original Chairman, Mike Holmes, had taken on the role of reviewing this specifically. Whilst an initial flow chart had been provided outlining the process at another authority this had not been reviewed further and no specific process had been brought forward. Therefore, the group had to revisit this recommendation at its final session to discuss further.

The issues originally identified in the review were a concern over lack of transparency in the 'huddle' system and lack of clarity over responsibilities for making alternative motions and outlining reasons.

The group agreed that this is one of the most difficult aspects of Planning Committee procedure and acknowledged that measures employed by different authorities were also wide ranging. Some councils operate a system whereby 'final' reasons for an overturn are drawn up outside of the committee meeting and returned to the next meeting for agreement. The group did not endorse such an approach due to delays and risks of non-determination appeals once a committee resolution is reached.

There was a significant disagreement amongst members over the merits of changing the current system and what should be an alternative model. There were concerns that the processes outlined in the flow charts provided by Mike Holmes would be difficult to manage during a meeting. Officers commented that a debate prior to an alternative motion being made would offer greater clarity on finalising the wording of an alternative motion and assist Members in crystalising their concerns. There have been some occasions where an alternative motion has proved difficult. There should

also be greater clarity on the responsibilities of different parties in this process. For example, officers will assist members in formulating reasons where the debate/motion has been clear on the planning/policy reasons. However, they cannot lead councillors to formulating reasons which are not based on sound planning grounds. To do otherwise would lead to the Council being open to challenge.

There were concerns from Members that adding a further layer of debate would add to the time of meetings. It was felt that more work was needed to formulate a process which would work for Guildford, and this remains under consideration.

However, it was acknowledged that part of this issue arises from a lack of a regular review of process. Any new process agreed should be subject to regular 'light touch' review to ensure it is working as envisaged and to monitor its effectiveness.

Working Group's Recommendation

The Group agreed that a clear procedure was needed for councillors to understand and that any reasons given for overturning an officer recommendation had to be robust. The Chairman would need to use their discretion to ensure that the agreed reasons for refusal were stuck to and to limit the debate. The Group asked the Interim Head of Place, to undertake a light touch benchmarking exercise internally as well as with Waverley Borough Council and to circulate it to the Group via email for agreement, prior to incorporation into a report.

(NB. It was not possible for this piece of work to be completed before the Interim Head of Place's departure from GBC. Consequently, it was picked up by the Interim Joint Executive Head of Planning Development and discussed by the Corporate Governance Task Group. The Task Group has recommended the procedure set out in Appendix 4.)

Planning Committee's Comments and Recommendation

- (a) Concern that if a separate vote was taken on each individual reason for refusal, it was possible that councillors might not attach the same weight to particular reasons for refusal resulting in no clear majority voting in favour of any reason for refusal cited.

The Planning Committee endorsed the proposed procedure for councillors overturning officer recommendations at Committee set out in Appendix 4.

R10:

Undertake bespoke probity in planning and appeals training for members with a neutral facilitator, for example, someone who has direct experience of being a Planning Inspector.

Discussion

The group agreed that specific probity training should be incorporated into the annual training programme. This should be distinct, however, from appeals training as they are two separate issues.

Working Group's Recommendation

The Group agreed that the Probity in Planning training be incorporated into the annual training programme.

Planning Committee's Comments and Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

R11:

Review public speaking opportunities for Parish councils and special interest groups.

Discussion

A number of options were considered throughout the course of the working group meetings. It was recognised that several group members favoured the principle of a specific public speaking slot for parish councils. However, it was also recognised that not all of the borough was parished and there was a concern over fairness in providing an additional opportunity for representations to be made at the Committee in respect of applications within the parished areas compared to the unparished town area.

Discussion also considered the scope of the issue, specifically around how often it was that a parish council felt they had been unable to speak due to the restrictions in place. It was felt that this was not a common occurrence. Furthermore, the group were aware that despite public speaking arrangements, all comments received are referenced in committee reports and presented to the Planning Committee. It was also recognised that the Chairman retains discretion and can allow additional speaking slots/time. Overall, it was felt that retaining the current practice offered the fairest approach.

Working Group's Recommendation

The Group agreed to the recommendation to retain the current public speaking arrangements but for the Chairman to retain the discretion to allow additional speaking slots for significant applications which was already practised.

Planning Committee's Comments and Recommendation:

The Planning Committee endorsed the Working Group's recommendation.