

MEETING	THE COUNCIL
DATE	13 MAY 2010
SUBJECT	A REVIEW OF THE PLANNING COMMITTEES
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PORTFOLIO LEADERS	COUN. J R JONES, SENIOR LEADER RESOURCES, AND COUN. GARETH ROBERTS, SENIOR LEADER ENVIRONMENT

Appendices

1. The following documents are appended to this report:
Appendix 1 – A model for a county planning committee
Appendix 2 – A protocol for members

Introduction

2. Following a number of external reports regarding the Council's arrangements for decision making in the field of planning, the Forum of Chairs and Vice-chairs of Area Committees considered alternative arrangements for the planning committees. The proposals in this report for a single county planning committee to replace the current area planning committees and the current central planning committee, are the fruit of their work. It should be noted that the proposals do not involve the service or quarterly area committees - only the planning committees.

The Proposals

3. Full details of the proposals are to be found in appendices 1 and 2. The main features of the proposals can be summarised as follows :-
 - A single county committee of 15 members on the basis of political balance and area balance (but members of the Board would not be eligible to serve on the committee).
 - Local member(s) to have the right to attend to present arguments on behalf of the electorate.
 - Local member(s) to continue to be able to refer matters to the committee rather than a delegated decision being made by officer).
 - Every member of the committee to receive training before serving on it.
 - The committee to meet every three weeks (15 times a year).
 - The location of the committee to rotate around the areas, i.e. 5 meetings each in Caernarfon, Pwllheli and Dolgellau, but with a presumption in favour of deciding on an application locally.
 - Decisions which are contrary to policy to be deferred for a period of reflection.
 - No right to call in decisions to the centre or to refer them up.

Inspections report context

4. The Wales Audit Office conducted an inspection of the Council's planning service during 2007. This was a follow up to a previous inspection in 2004. In their report, published in 2008, the Wales Audit Office made a number of recommendations. Amongst them was a recommendation to review the Committee and Sub-Committee

arrangements for determining planning applications. Recommendations were also made regarding achieving consistency across the Planning Committees in respect of agendas and supplementary papers, site visits and taking decisions against officer's recommendations.

5. In order to implement the Audit Office's recommendations, a review of the decision making process was commissioned from a company called Urban Vision. The Company presented a report at the beginning of 2009 with a recommendation that the Council should move to have a single Planning Committee arrangement for the whole of the county. A number of subsequent recommendations concerned the committee's working arrangements including a training programme for members, the location of the committee, information for the public, public rights to speak at committee, the style of reports, amending the Delegation Scheme, the site sub-committee procedures and the back office arrangements for processing planning applications.`
6. Also, as part of the Council's corporate objectives of reviewing and implementing more efficient and effective methods of service provision, Alexander Consultants were commissioned to conduct a review of the Planning Service. The review was held during the summer of 2009, and included a detailed assessment of the Service's processes and working arrangements. It was noted that the present system of area committees created substantial work for the Service, duplicated work, contributed to inconsistencies in processes and restricted the Service's opportunities for more effective and efficient working.
7. During the process of gathering ideas for savings, the possibility of having one Planning Committee for the county was noted. The idea was debated in the working group and the workshops and it was decided to place it in category C, that is, ideas to receive further consideration during 2010/11.
8. More recently in an inspection on the Council's governance arrangements, the Wales Audit Offices noted that the efficiency of area committees is questionable and that the current arrangements for planning committees are unsustainable if the Council is to develop a modern planning service.

Advantages and Disadvantages

9. The Forum of Chairs and Vice-chairs considered the advantages and disadvantages of a new system.

It was noted that the advantages of the new arrangements would be :

- Enabling the committee members to be thoroughly trained and become specialists in their field.
- Strengthening the right of local members to discuss applications in the community by releasing them from the current restriction on publicly speaking on an application in advance and allowing them to express an opinion for or against.
- Abolishing the right of the Head of Regulatory Service to call in an application to a central committee. (A period of reflection would be allowed on some applications, but the responsibility of decision making would remain with the same county committee).

- Ensuring consistency in dealing with applications for applicants in every part of the county.
- Improving the efficiency of the planning process by enabling resources to be redirected, whether member or officer time.
- Releasing financial and efficiency savings of over £100,000 (£72,000 financial and £33,000 efficiency).

The following were noted as disadvantages:

- That it would be more difficult for members of the public and applicants to attend the committee if it happened to meet in another part of the county to discuss an application (or a discussion on the application would need to be postponed until the committee met in the relevant area).
- Abolishing the safety net of referring decisions which are contrary to policy or where a risk exists to the central committee - under the new arrangement, only the one county committee would consider the application.
- A heavy work load for the county committee unless the delegation scheme is amended.
- Uncertainty about the effect on the (service) area committees and on the area office.

Consultation

10. After considering the inspection reports, researching into various arrangements and receiving a presentation from Powys County Council, which has already moved from an area committee system to one county committee, the Forum of Chairs and Vice-chairs came to the unanimous conclusion that a model for a single county planning committee could be recommended.
11. Every member of the Council was invited to an awareness raising session in order to give them an opportunity to receive a presentation on the details of the new arrangements and to ask questions. At the time of writing this report 50 members had taken advantage of the opportunity.
12. The matter was debated at the Principal Scrutiny Committee on 23 April when it was resolved to recommend the arrangement to the Council with two amendments, namely ensuring an area balance on the committee (see clause 6 of the model) and adopting a presumption in favour of deciding on application locally (see clauses 13 and 14 of the model).

Timetable

13. If the Council accepts the recommendation of the Principal Scrutiny Committee it is anticipated that a period of between 3 and 4 months will be required to establish the committee, train the members and present the changes to agents.

Recommendation

14. The Council is asked to accept the recommendation of the Principal Scrutiny Committee and to adopt a system of a single county planning committee for the Council, in accordance with the appendices.

APPENDIX 1.

PROPOSED MODEL FOR A SINGLE PLANNING COMMITTEE FOR THE GWYNEDD PLANNING AUTHORITY

The proposals for a single planning committee would be as follows:

Frequency of Meetings

1. The Committee would meet in accordance with a regular schedule of meetings, based on 15 meetings a year. This would mean an arrangement similar to that currently in place for the Council Board i.e. every 3 weeks, with the exception of holiday periods. This would facilitate quicker turn around times for planning applications in comparison with the current set-up which is Planning Committees every 4 or occasionally 5 weeks in each individual area. The current arrangement can have a detrimental effect on achieving national and local targets.
2. In special circumstance e.g. large and complex planning applications or applications or groups of applications which have strategic implications for the county and beyond, such as landfill sites, mixed use redevelopment applications of over 2 hectares, marina etc. There will be the right to hold an extraordinary planning committee to deal with such an application/ applications. An extraordinary planning meeting would be authorised by the Chairman of the Planning Committee in consultation with the Head of Legal and Democracy Department.

Remit of Committee

3. The Committee would deal with all non-delegated planning applications in accordance with the Council's planning delegation scheme. Arrangements currently under way to make minor changes to streamline the delegation schemes to direct simpler regulation 3 and regulation 4 applications away from the Committee will also contribute to making the system more effective. In addition, there will be a need to review local members' input into delegated decisions by strengthening and formalising the communication with the Case Officer.
4. There are no proposed changes to the current criteria and procedures relating to members requesting that an application should be heard by the Planning Committee. The procedure where a written or e mail indicating valid planning reasons will need to be submitted within the 16 day response period will continue.

Committee Membership

5. The Committee would comprise of 15 members. Representation would reflect the political balance of the Council.
6. It is recommended that the political groups collaborate to ensure that a third of the committee members are nominated from each of the three areas.
7. With the introduction of a single County Planning Committee, the remaining

60 Members would automatically become “Local Members” under the planning protocol, and would thus be subject to significantly less restrictions in dealing with the public in relation to planning matters. This will be a significant contrast to their current role as it will ‘release’ members to allow them to lobby, to express a clear opinion and to speak as a “Local Member” at the Single County Planning Committee rather than as a member of a planning committee. Further details on this are included in the Planning Protocol.

8. Consideration should be given to holding the committees during the day to ensure the presence of the appropriate professional officers and to integrate the committee with the arrangements for the Site Inspection Panel.
9. Given the nature of the work demands on a single County Planning Committee and the requirement for regular training, the Council should consider whether to restrict Members appointed to it from being nominated to serve on a large number of other regulatory and / or scrutiny committees.
10. After considering the above, members of the Council Board could not also be members of the proposed planning committee.

Location of Meetings

11. The Committee will be held on a rotational basis at the current committee centres of Caernarfon, Pwllheli and Dolgellau. Five meetings would be held in each area.
12. However, depending on the Committee caseload, some flexibility could be introduced to re-locate certain Committees. For example, the occasional Meirionnydd meeting could be held at Penrhyndeudraeth or, through arrangement with the Snowdonia National Park Authority, at the National Park Offices or Plas Tan y Bwlch. In addition, and as an example, committees could also possibly be held in Bangor if there are major applications with a high level of public interest based around retail applications, the University and so on.
13. Individual applicants or local members could submit a request that an application is held back until the next meeting being held in their preferred committee centre. If the applicant or the local member do not make this request, the application would automatically go to the first available Committee which would speed up the decision making.
14. If the Head of the Regulatory Department is of the view that an application is likely to attract considerable objections or if the statutory consultation confirms such objections then, following discussion with the Chairman of the committee and the local member, the Head of Department can hold back an application until it can be considered at a committee meeting held in the area that the application arises.
15. The Council will aim to ensure that the appropriate IT facilities for presentations are in place to the members and the general public and that effective translation facilities are available at all the Committee venues used.

16. Third party speaking will be an integral part of the new Committee arrangements and will be available at all venues.
17. The lay-out of the Committee venue will be reviewed with emphasis on transparency, inclusivity and the use of Information Technology.

The Central Planning Committee

18. Under the new arrangement, the Central Planning Committee, which exists in the current committee structure, will be dissolved. However, if this occurs, the Council must incorporate procedures relating to the role of the Central Planning Committee into the new Committee structure. It is proposed that this should take the form of a “cooling off period”, rather than referral to a separate Committee. Referral arrangements would be similar to the present system and work is currently underway to ensure that these arrangements are clearer to all. However, with the new arrangements the application would be referred back to the new Committee and will be presented to them with any additional information required, along with a concise assessment of the risks and implications for the Council if a decision contrary to policy would be taken.
19. The final decision, after the “cooling off period” of either 3 or 6 weeks depending on the nature of the additional information required, would be made by the same members who took the original decision. This is an arrangement currently used in other authorities and indeed, a similar set-up already exists within the Snowdonia National Park Authority.

Arrangements for Site Visits

Purpose of Site Visits

20. Site visits are fact finding exercises which allow the Planning Committee to make a more informed decision than would otherwise be possible from reading the Officer’s report and considering the views expressed at the Planning Committee meeting.

Request for on site visits

21. Request for a site visit shall be made to the Planning Committee by a member of the committee, local member or any Councillor who has exercised the right to “call-in” in accordance with the adopted procedures.
22. All requests for a site visit must be provide full planning reasons and an outline of the issues they would like the panel to inspect while on site.
23. If a request is accepted by the Committee, the matter will be adjourned to the next meeting of the Planning Committee.

Criteria for agreeing to hold a Site Visit

24. At the discretion of the Committee Chair, site visits can be held before the application it is submitted to the Committee for the first time. To this end the Committee Chair will consider any application in accordance with the criteria set out in point 24 below. Such applications must be submitted in

writing through the Planning Service, at least 3 working days before the Committee is held.

25. Site Visits involve a delay in determining the application concerned and additional cost. While the decision whether to undertake an inspection is a matter for the Planning Committee, members of the Planning Committee shall ensure that such visits are only held where the Committee cannot make an informed decision without seeing the site for themselves and the inspection would offer substantial benefits in the context of gathering information which would assist the decision making process. Examples where a site visit would not normally be appropriate include where:
- Policy matters or issues of principle are at issue
 - The Member simply disagrees with the conclusion reached in the report
 - The member wishes to consider boundary or neighbour disputes
 - Issue of competition
 - Loss of property values
 - Any other issues which are not material planning considerations
 - Where the Councillors have already visited the site within the last twelve months, except in exceptional circumstances

Attendance at Site Visits

26. Members of the single Planning Committee will carry out the inspection.
27. The inspection will take place on the morning of the Planning Committee.
28. The Applicant and the Local Member have a right to attend at the site and may answer questions as to facts only. No discussion as to the merits etc. of the application should take place on site.
29. The public does not have a right of attendance at the site, other than from public vantage points.

Conduct

30. The site visit will be chaired by the Chair of the Planning Committee (or in his/her absence, the Vice Chair) who will ensure that the inspection is conducted in orderly fashion.
31. Members of the Planning Committee shall not make comments that would create an impression that they have already formed a view on the merits of the application.
32. Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.
33. If a member finds it necessary to visit a site alone (perhaps because it was not possible to attend the site visit), he or she shall view it from public vantage points only, seek to avoid discussion with interested parties, and, if discussions occur, make it clear that a decision will be taken when it has been discussed by the Committee after the visit.

34. Following the site visit the Decision Makers will discuss the application at the Planning Committee.

Member Training

35. Members of the single Committee would be expected to be trained to gain the knowledge and expertise required to deal with what is often a technical and complex decision making process. A formal training programme will be arranged for the members of the Planning Committee. This programme would form part of the Council's Member Training Strategy. The training will be provided using various practical techniques and not only through traditional communication and training techniques.
36. In order to ensure that member expertise and knowledge is retained and to optimise use of resources required for training, membership of the single Planning Committee would be based on the 4 year Council cycle. Members elected to the Committee after Council elections would continue their membership of the single Planning Committee for the full 4 years, unless circumstances dictated that changes would have to be made.
37. A basic level of competency would have to be reached and initial training would have to be undertaken before any member could take up their seat on the new single Planning Committee.
38. The training programme for members of the Planning Committee would be mandatory.

Escalation of decisions

39. The only authority to escalate within the new arrangements will be the statutory authority of the Monitoring Officer on the basis that a decision made by the Planning Committee would create a significant financial or legal risk to the Council on more than one occasion and in independent assessments commissioned by the Council into processes and work practices within its Planning Service.

Corporate Improvement

40. The proposal set out above, contributes to Corporate Improvement. The present arrangements (4 planning committees and the involvement of all 75 Members) is not sustainable. It has been highlighted as an area of risk and as an obstruction to improvement in the Planning Service by the Wales Audit Office.
41. The proposal offers a major contribution towards the improvement of the Council's overall corporate health and can make a significant contribution to the efficiency savings target required over the next few years.