

Appendix E



GREATER CAMBRIDGE SHARED PLANNING SERVICE

PLANNING COMMITTEE REVIEW

Planning Committee Date August 2024

Report to Cambridge City Council Planning Committee
South Cambridgeshire District Council
Planning Committee
Joint Development Control Planning
Committee

Report by Rebecca Smith, Delivery Manager (DM and
Compliance)

Ward/ Parishes affected All

1.0 Executive Summary

1.1 Main recommended changes from the committee review steering groups are:

- Alignment of committee meeting formats
- Introduce a Delegation Panel for City Committee and review SCDC Delegation Panel
- Amendments to scheme of delegation to align 3 committees
- Increased member engagement in major pre application and applications via briefings
- Updated public speaking guidance and planning code of good practice for members.

2.0 Recommendation

2.1 Officers recommend that the Cambridge City Council / South Cambridgeshire District Council / Joint Development Control Committee:

- (i) Notes this report and the recommendations contained within it.

3.0 Background

- 3.1 Currently the Greater Cambridge Shared Planning Service (GCSP) supports three Planning Committees - Cambridge City Council, South Cambridgeshire District Council and the Joint Development Control planning committees.
- 3.2 The GCSP has been undergoing a period of transformation and this has included a review of the planning committee processes, of both partner Councils.
- 3.3 In 2020, the Planning Advisory Service (PAS) carried out reviews of all three committees, as part of a commitment by the Shared Planning Service to improving and unifying approaches to planning and embodying where possible best practice to support improved community participation and effective and transparent decision making. The purpose of the committee process review was to review those recommendations made as part of the PAS reviews and develop a transformation plan.
- 3.4 Since 2020, and noting pressure on the corporate resource the review has been brought back in house (to the Shared Planning Service) a copy of the timeline set by the Transformation Team at that stage is set out in appendix 1. Following this a new senior manager has been appointed to lead this work, this has involved revisiting the scope of the review, aligning with the PAS best practice in managing the Planning Committee process themes.

Project Objectives

- 3.6 The following were the overarching enabling objectives set within the scope of the project, listed in order of hierarchy:
1. Improve the quality of outcomes of development which flow from sound planning decisions versus the process for determining planning applications –development and decisions
 2. Meet our statutory obligations
 - Referring to national planning policy framework, local plan and guidance
 - Meeting the seven principles of public life (Nolan Principles) and the Canon principles for professionals in local government
 3. Ensure transparency and accountability of the committee’s decision-making process including delegation arrangements and deferred decision protocol, improve communication and collaboration for newly appointed committee members. To review the standing orders of each of the Committees to identify inconsistencies between committee meetings and opportunities to improve transparency, participation and operation of meetings and foster trust of the service
 4. Improve the experience for all “users” of the Planning Committee process for decision making on planning and related applications
 5. Compliance against statutory and service performance indicators (KPIs)
- 3.7 The scope of the project included engaging with members of all planning committees to review their experiences and seek their input into the future role of the planning committee members, committee processes and to consider what makes a successful committee meeting.
- 3.8 An officer working group and separate member working group were set up and have been working together to inform the committee review. The two working groups used the LGA's Probity in Planning guidance and the Planning Advisory Service best practice in managing the Planning Committee process themes to review the current committee practices and make recommendations on the changes identified in this report.
- 3.9 The remainder of this report is split into key areas, the PAS themes within that area that the two working groups reviewed, together with the headline recommendations (*in italics*) for the amendments to be made to ensure that the 3 planning committees are aligned and working to best practice.

4.0 Project Recommendations

Supporting Committee Members

Theme 1: Pre-determination, pre-disposition and bias

- 4.1 An issue that councillors often find confusing is how to differentiate between someone who is pre-determined, pre-disposed or biased. Whilst a councillor who is pre-disposed to a view can still sit on a Planning Committee, a councillor who is pre-determined cannot take part. Therefore, it is important to understand this difference.
- 4.2 *Recommendation R1: A Members Code of Good Practice for planning is produced for all members. This has been drafted to include guidance and appended to this report (Appendix 2). This will sit within the broader range of guidance for councillors and will need to be ratified by each Council in accordance with their own procedures.*

Theme 2: Lobbying of Members

- 4.3 Lobbying of Members of planning committees regularly takes place prior to a meeting as applicants and other interested parties look to persuade the Committee of their point of view. Planning Committee Members are often unsure what to do with the lobbying material that they receive.
- 4.4 *Recommendation R2: A Members Code of Good Practice for planning is produced for all members. This has been drafted to include guidance, this will sit within the broader range of guidance for councillors and will need to be ratified by each Council in accordance with their own procedures.*

Theme 3: Dealing with petitions

- 4.5 It is often difficult to decide the weight given to a petition compared to an individual letter of representation.
- 4.6 *Recommendation R3: Petitions should be separated out in committee report and worded as such - Petition on the grounds of xxx has been signed by 25 residents.*
- 4.7 *This issue has been incorporated within our review of Public Speaking, details of which are set out below.*
- *Petitions treated as written representations - classed as petition if contains over 10 signatures.*
 - *Petitioners allowed to speak up to 3 mins at committee as a separate speaking class.*

Theme 4: Receiving gifts or hospitality

- 4.8 Members of the Planning Committee, as well as Planning Officers, make decisions that impact on people's lives and can either create wealth for individuals or cause financial hardship. Members of the Planning Committee may, on occasion, be offered hospitality, or even gifts by those who are likely to gain or lose from a planning decision.

- 4.9 *Recommendation R4: Ensure that the relevant Codes of Conduct guide councillors and officers on responses they should make if offered gifts or hospitality.*

Theme 5: Officer / Member relations

- 4.10 A well managed Planning Committee that makes sound, defensible planning decisions is dependent on Members who understand the Planning and decision making process and officers who can provide the Members with the advice they need to make those decisions.
- 4.11 *Recommended changes to committee meetings:*
- *R5 - After the publication of the agenda, if any committee members have any questions, they should be sent to officers up to 12 noon 2 days in advance of the meeting – these will be responded to as part of officer presentation (together with any queries raised by Members at the committee site visit).*
 - *R6 - During committee meetings the presenting officer should sit as close as possible to the planning lead officer and the legal advisor.*
 - *R7 - At the end of the debate on each application, prior to the vote, the Chair should summarise the key issues the committee debated; and then the Delivery Manager confirm the officer recommendation together with any changes / additions made by committee.*

Theme 6: Ward councillor involvement in the Planning process – at pre application and application stages

- 4.12 Whilst only Members of the Planning Committee are tasked with making planning decisions, ward councillors are important advocates for their communities in the decision making process. Ward councillors are able to request that an application is referred to Planning Committee (currently in SCDC this is subject to review by the Delegation Panel) and ward councillors are able to speak at the Committee either as an objector or supporter of a proposal. Within SCDC ward members are often referred to as 'local members', however ward member / ward councillor / local member means the same thing at both SCDC and CCC.
- 4.13 *Recommended changes:*
- *R8 - Formalise member engagement at pre application stage through the PPA process – including member briefings, member attendance at design review (DRP) and requiring engagement strategies from developers.*
 - *R9 - Offer ward and parish councillors developer led briefings for major pre apps - – separate to main committee meetings.*
 - *R10 - Offer ward and parish councillors officer led briefings on major applications (not public meetings) – separate to main committee meetings.*

- *R11 - Develop guidance for these briefings - with criteria for when can / can't be suitable for briefings, set out what the purpose of pre app briefings are, criteria on what should be covered in the meeting, length of briefings.*

Committee Meetings

Theme 7: Site visits

4.14 In order that the Planning Committee can make a decision on a planning application the Members of the Committee need to understand the proposal in the context of its location and geography. Officers can help Members understand this through plans, maps and photographs, but a site visit (SV) is included where considered appropriate to help Members of the Committee familiarise themselves with the site. The formal planning committee protocol for officer led site visits was agreed by the three planning committees in December 2022/January 2023. It is important that agreed protocols are followed on the site visit to ensure the impartiality of the Planning Committee is maintained. The current site visit protocols have been in operation since February 2023 and therefore should be reviewed in early 2025, including review of available technologies for carrying out site visits available at that stage.

4.15 *Recommended changes:*

- *R12: Review and ensure SV dates diarised for a year in advance*
- *R13: Review the existing site visit protocol [and extend this to all Planning Committee meetings]*
- *R14: Publish SV protocol on GCSP website*
- *R15: Publish a link on committee agenda to SV protocol*
- *R16: Democratic / Member services send out and include SV protocol on all site visit meeting invites*
- *R17: Democratic / Member services invite local / ward members to attend SV for applications in their wards*
- *R18: Any queries raised as part of site visit answered during officer presentation*

Theme 8: Referral of delegated applications to Planning Committee

4.16 It is really important that the referral process and scheme of delegation is explained clearly to councillors so that they can follow the correct procedure and assist their constituents. There are restrictions in the referral process with regard to timeframes and reasons for referral.

4.17 *Recommended changes:*

- *R19: Review the need for the City Development Control Forum, ensuring the review incorporates the recommendation above in*

theme 6 that members have a greater degree of involvement in the PPA and pre application process.

- *R20: In line with the 2020 PAS recommendation to make the most efficient use of officer and member time at Committees by focusing on the most sensitive / complex application, introduce a delegation panel for City and review SCDC delegation panel*
- *R21: Review threshold and application types in schemes of delegation for committee decisions, including NMAs, S73s, TPOs, Deeds of Variation, prior approvals, certificates of lawfulness, and other application types; and align scheme of delegation for the 3 Planning Committees*
- *R22: Standardise wording for delegation to Delivery Manager for amendments to conditions / informatives / Heads of Terms post committee*

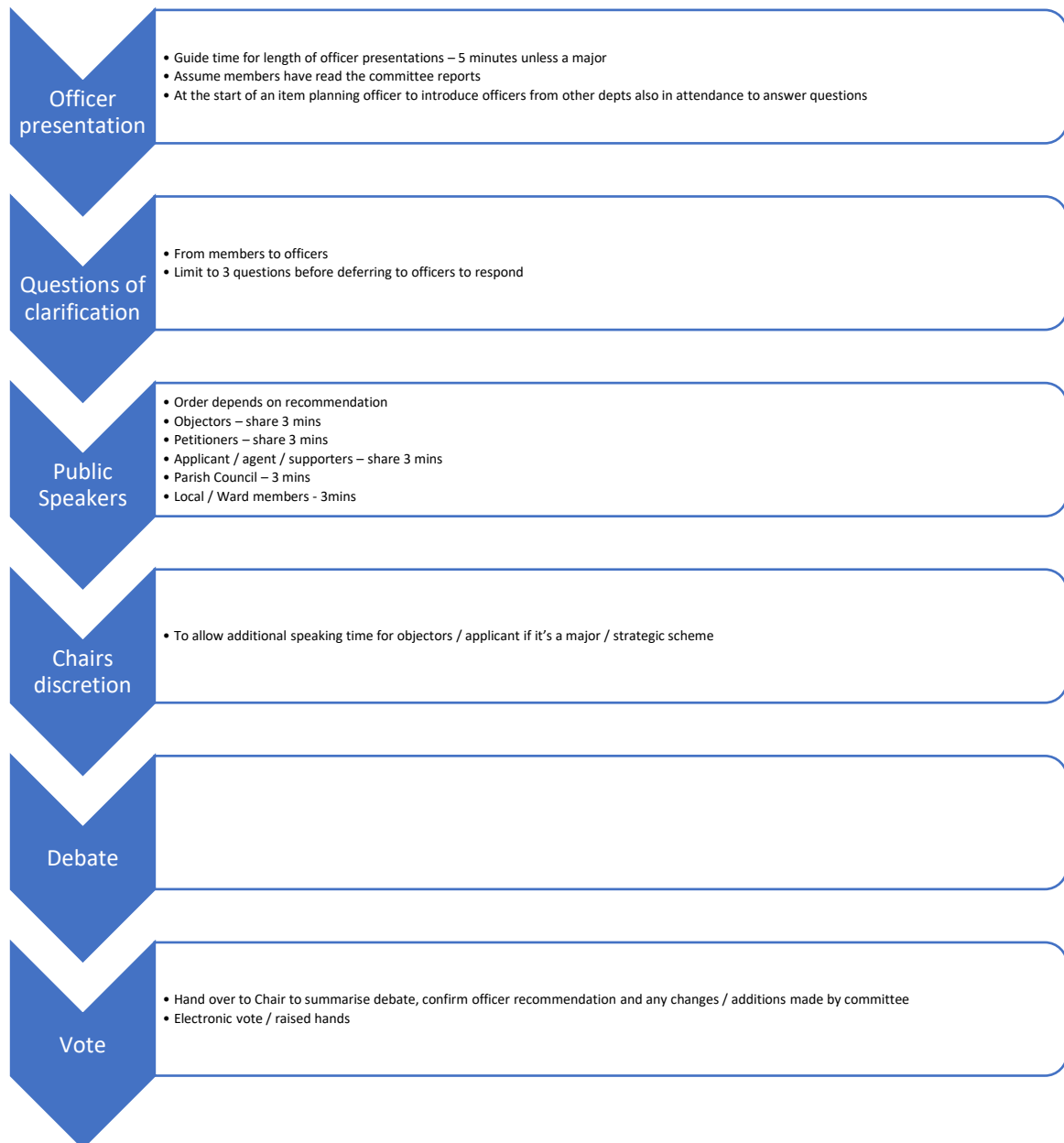
Theme 9: Conducting the meeting

4.18 Every Planning Committee follows a similar order of business as recommended though LGA Probity in Planning document. However, we need to ensure that the process is well understood and transparent, so that Members of Committees can understand and debate a planning proposal and reach a clear, unambiguous decision.

4.19 *Recommended changes:*

- *R23: Work towards sending agendas out 7 working days in advance - to give members more time to read; publish the committee reports on our portal for each application - ensures wider public visibility and reduces end of process work when it comes to issuing decision.*
- *R24: Review the need for hard copy agendas and agenda presentation/ plans packs*
- *R25: Set timing and deadlines for amendment / update sheets*
- *R26: Set dates / times for chairs briefing and diarise for year*
- *R27: Deferrals – those items to be removed from committee without discussion / debate should be dealt with and deferred at the start of the meeting*
- *R28: Deferrals - post / during debate - members have to give specific reasons for deferral which are minuted, these areas are then the main areas to focus on for discussion / debate when item comes back to committee.*
- *R29: Develop guidance on use of and reasons for deferral – including focus on major applications, impacts on constitution*
- *R30: Develop guidance for the submission / circulation of documents during the meeting, considering the option to insert a 5 minute adjournment to allow everyone to read it (including members of the public, applicants, members, officers and anyone else present).*

Format of meetings:



Theme 10: Public speaking

4.20 Public speaking at Planning Committees is a normal practice.

4.21 *Recommended changes*

R31: Update public speaking at planning committee guidance to ensure encompasses:

- *Review public speaking guidelines of the 3 planning committees to align.*

- *Registration deadlines – 12 noon 2 days in advance*
- *3 mins speaking - per category – objector, petitioner, applicant / agent / supporter, parish council, ward member.*
- *There is no need to have made a written representation to register to speak at committee*
- *Speakers can attend in person or virtually*
- *Written representations can be accepted if person can't attend to speak (12 noon 2 days before the meeting deadline); circulated to members by committee services, update as part of additional late representations in officer presentation (summarise text on screen) and case officers redact and upload on public access.*
- *If speakers wish to submit photos without captions/ text in advance of the meeting this should be done so by 12 noon 2 days in advance of the meeting for officer verification.*
- *Install mechanisms within the council chamber to alert public speakers, to assist with speaking time limits – eg Timing, clocks, lights, bells*
- *Chairs discretion to allow more than 3 mins for larger, more complex major applications*
 - *Advice to speakers on what 3 minutes looks like – guidance e.g. how much text on an A4 page, encourage them to time themselves, and reiterate that they will be cut off when their 3 minutes is up.*
 - *If speakers are attending virtually, ensure phone numbers are collected to access speakers if there is a problem.*
- *Add front page to the agenda to set out info for residents on how committee works (for example see appendix 3).*

Theme 11: Decisions contrary to officer recommendation

4.22 The reason why a planning application comes to a Planning Committee is to allow for elected Councillors to apply themselves and their insight to proposals that raise more complex planning issues including matters of policy or whether there is widespread public concern, in public. Therefore, Members of the Planning Committee have the ability to overturn an officer recommendation. However, any contrary decision must be made on sound planning reasons listing out clearly their reasons for doing so referring to relevant adopted planning policies..

4.23 *Recommended changes:*

- *R32: Review the need for the Adjourned decision protocol.*
- *R33: As part of chairs notes include a process flow chart outlining process of making decisions contrary to officer recommendation for committee*
- *R34: Standard short adjournment for officers to draft reasons for refusal for minor applications in the meeting before being voted on by members - including legal input on whether defensible/ reasonable. Short adjournment is essential to refine the reasons for refusal and then present back to members to agree / consider*

- *R35: Potential for major applications to be deferred if contrary to officer recommendation first committee (replacing adjourned decision protocol) – link with guidance on deferrals versus refusals*
- *R36: Develop guidance for members refusing versus deferring an item*
- *R37: Overturns to approval – conditions, committee need to agree bespoke condition wording, agree the topic headings for standard conditions*
- *R38: Delegate final wording to relevant Delivery Manager*

Appeals

Theme 12: Councillor involvement at appeals

4.24 Members of the Planning Committee would not normally be involved in a planning appeal and the appeal will be led by the Planning Officers. However, when a Planning Committee makes a decision contrary to the officer recommendation it will need to be clear to all concerned that the Planning Officers and the Planning Committee has a difference in views, as a result, to ensure effective representation of the Councils case, the Shared Planning service may need to use specialist consultants.

4.25 *Recommended changes:*

- *R39: Ensure all members across both authorities are aware of their responsibilities when dealing with case officers on all appeals (to be included in the code of good practice)*
- *R40: Ensure all members have the relevant training/experience, should they wish to get involved, and make representations on an appeal.*

Code of Good Practice

4.26 A Members Code of good practice for planning has been drafted and appended to this report. This will sit within the broader range of guidance for Cllrs and will need to be ratified by each Council in accordance with their own procedures.

4.27 In addition to this code ensure the chairs notes include sample material considerations.

Other changes

4.28 A number of other changes have been recommended which sit outside of the above themes:

- R41: Website changes: *website page to become more user centric - part of the steps in a planning of a planning app, what does committee do, SV protocol, public speaking guidance.*

- R42: Corporate Lounge / Members lounge: *Screen in Members' Lounge to prevent delays with members returning to the chamber after leaving on specific items.*
- R43: Committee Reports:
 - *use standardised format / template*
 - *reduce the length of committee reports*
 - *standardise a consultation grid to summarise to members who has objected or supported, with page references to the details and total number of objectors and supporters (see appendix 4)*
 - *incorporate images/3d modelling into report*
 - *number conditions where referred to in report*
 - *put headings in for conditions*
- R44: MS Teams channel *for planning committee meeting correspondence to reduce emails.*
- R45: Protocol *for what happens if the livestream drops out – including options such as disclaimer saying we will abandon the meeting until it is back; or adjourn for period of time.*
- R46: Guidance for officers – *on the use of amendments sheets, vs verbal updates.*
- R47: Member Training – *annual member training for those on planning committee, together with a digital 'member passport' of training programmed throughout the year.*
- R48: Constitution Changes – *if any changes are needed, they will be implemented for both councils and to sequence with CCC review of constitution project to be completed by April 2025.*
- R49: Standing Orders – *to be updated as required.*

Next steps

4.29 This is recognised as a complex project and therefore, all of the recommendations included within this report will need to be prioritised and a timetable devised for taking forward and implementing the recommendations. This work will be undertaken by the officer working group, in conjunction with the member working group. Smaller working groups will then bring forward the necessary changes and implement once the necessary authority to do so has been sought.

4.30 It is suggested that a review is built in after the changes have been implemented, in a 12 or 18 month timeframe to ensure this is still meeting Members requirements.

4.31 In addition, a further review may consider application types and thresholds for JDCC, recognising the costs of running planning committees versus their importance in the democratic process and residents and community engagement.

5.0 Implications

Financial Implications

5.1 The cost of the Planning Committee meetings are covered within existing budgets. The changes recommended are not anticipated to increase the frequency of Planning Committee meetings or its caseload so as to introduce significant additional costs. The introduction of a delegation panel and changes to the scheme of delegation may reduce the caseload at the committee meetings.

Staffing Implications

5.2 There are no staffing implications arising from this report.

Equality and Poverty Implications

5.3 An Equality Impact Assessment (EQIA) has not been undertaken in respect of this report, because no material changes are proposed to the fundamental operation of the Committee meetings.

Environmental Implications

5.4 None.

Procurement Implications

5.5 None.

Community Safety Implications

5.6 None.

Legal Implications

5.7 The recommended changes do include some implications for amendments to the schemes of delegation, and constitution; these recommendations will need to be embedded into the governance process for each authority.

6.0 Consultation and Communication Considerations

6.1 No formal consultation has been undertaken in the preparation of this report. The review of the committee processes has been carried out in conjunction with a member working party comprising of chairs, vice chairs and spokes of all 3 planning committees operating within GCSP.

7.0 Background Papers

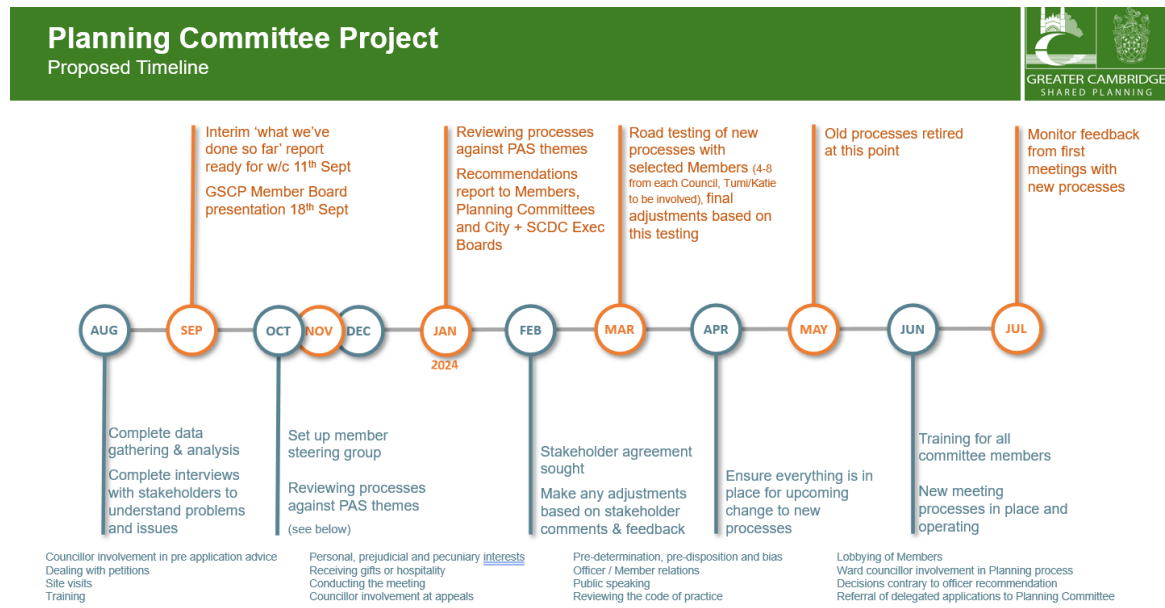
7.1 Background papers used in the preparation of this report:

- PAS report 2020 – Planning Committee Peer Review, Cambridge City Council
- PAS report 2021 – Planning Committee Peer Review, South Cambridgeshire District Council
- South Cambridgeshire District Council Ethical Handbook (May 2020) Ethical Handbook.pdf (moderngov.co.uk) and Constitution. Agenda for Constitution on Thursday, 9 June 2022 (moderngov.co.uk)
- Cambridge City Council Planning Code of Good Practice 2015
- PAS Planning Committee Protocols: [Planning Committee Protocols | Local Government Association](#)
- Planning Committee Site Visit Protocol:
https://councilanywhereorg.sharepoint.com/:b:/r/sites/GCSP_All_Staff/SS/Management/Process_Improvement/Committee%20Site%20Visits/FEB%202023%20FINAL/SVP%20FEB%202023.pdf?csf=1&web=1&e=neKLFb

8.0 Report Author

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Appendix 1: Timeline:



Appendix 2 : DRAFT Planning Code of Good Practice for Members

Appendix 3: Consultation Matrix

Appendix 4: DRAFT agenda front page text