

Executive Summary

An Overall Committee System

The RTPI commissioned Fortismere Associates with Arup to undertake research into the operation of planning committees in Wales. This research has been undertaken to provide evidence on the efficiency and effectiveness of planning committees and to make recommendations for change in a report to Welsh Ministers. This summary collates these recommendations.

The report and recommendations were informed by a survey of all Welsh committees, interviews with key stakeholders, a literature review, visits to seven case study authorities and a discussion seminar. The research has identified a range of human factors which create a complex national picture within which there are few 'hard and fast' overall rules or conclusions. There is no simple link between the size of a committee and its efficiency and effectiveness in decision-making. Their operation is influenced by a range of factors including corporate culture, the clarity and enforcement of processes and protocols, the training and quality of members and officers and the quality and the extent to which the development plan is up to date and fit for purpose.

This study has found that, at an institutional level, a larger committee is likely to have a lower attendance rate and be more 'unwieldy'. Those in support of larger committees refer to issues such as democratic inclusivity, probity and representation. In practice, it appears that larger committees create a larger administrative overhead, greater inconsistency and (perhaps counter intuitively) result in less 'democratic' voting through the resulting emphasis placed on the views of the local member. There is a clear and continual tension between the roles that the local member when serving on the planning committee is asked to take on. In a situation where a complex or perhaps controversial application in a member's ward comes to committee, that member will most likely have been approached by a number of competing views/interests and will understandably feel a duty to represent those views. At the same time, the member is pulled more widely to the role of planning committee member, to consider development proposals in accordance with the adopted development plan and to weigh up applications against a wider public interest and statutory framework. Fulfilling the twin roles of decision-maker and local member cannot be achieved if all members are on the committee or if a member is not asked to choose which role is more pertinent to them on a case-by-case basis. A smaller committee will free up more members to represent their constituents' views.

This study has confirmed that there is a wide variety of practice in the operation of planning committees and that there is no consistency across Wales. This study supports the view that there should be less of a 'post code lottery' in the way planning decisions are made. A planning application for a certain use should be heard and determined in a similar way irrespective of which administrative boundary it falls within in relation to matters such as whether it is a delegated or committee decision, whether a member of the public can speak and so on. To achieve this requires both a national scheme of delegation and a national planning committee protocol setting out the process. Both are capable of local

sensitivity and flexibility with a view to increasing their effectiveness in delivering quality decisions and outcomes. The current picture shows a wide variation in terms of the amount of applications called-in to planning committees by members, and the extent to which members seek to overturn officer recommendations. Again, consistency and efficiency should operate hand-in-hand and the key to this is strong and shared training undertaken locally but in a way which breaks down silos in practice and belief across authorities. Even more so, the importance of the Chair's role requires training, support and networking.

Drawing these themes together suggests a planning committee which comprises a smaller group of members exercising an impartial and independent decision-making function. This should be supported by the provision of a training programme focused on empowering those members to weigh up a range of planning issues. In conjunction with the implementation of good practice aimed at boosting the transparency and public accessibility, this decision-making function should be concerned with strategic decision-making and issues which might impact upon the prevailing policy context and not for small-scale development proposals which can be more efficiently considered under delegated arrangements.

National Scheme of Delegation

Recommendation 1: To introduce a mandatory National Scheme of Delegation for Wales with local schemes reviewed regularly (at least every three years) and approved by the Welsh Government. The agreed scheme with local variations should be incorporated into the Council's adopted constitution. There should remain scope for some local discretion and operation of delegation agreements but the national scheme should contain a presumption that all matters should be delegated to officers with exceptions being defined on a 'by exception approach'. Such a national scheme should ensure that the applications to be determined by committee include:

- **Those significant applications representing a departure to the development plan if officers recommend approval;**

Applications submitted by members or staff members (above a certain grade) within the authority and their close relatives;

Applications for significant developments (the definition of significant to be left for local authorities' schemes to determine to suit local circumstances although subject to Welsh Government approval every three years).

Other provisions in the scheme should include:

A call-in procedure to be determined locally whereby local members are able to request that the committee considers a proposal. Such procedures should focus on the trigger of material planning reasons in relation to the complexity and significance (and not controversy) of the development proposal. Councils should monitor the number of called-in applications (including the

member that called it in) that ultimately reach committee to enable only those that are significant or finely balanced to be considered by committee.

- A delegation level of 90% (with a target of 95%) of applications being determined under delegated powers is introduced as a guide to authorities. This leaves some local discretion on the sizes and types of development that are taken to committee within the national scheme of delegation.
- Authorities to report delegated decisions to committee as an appendix to the committee agenda.
- The scheme of delegation should delegate to officers decisions on minor Regulation 3 applications made by the Local Planning Authority.

It is suggested that there is consultation with key stakeholders (including POSW and WLGA) on a draft national delegation scheme prior to its implementation.

National Planning Committee Protocol

Recommendation 2: A National Planning Committee Protocol should be established which should be regularly reviewed. The details of the protocol as applied to a particular authority should be incorporated into each authority's constitution. The National Planning Committee Protocol should address specific issues including:

- guidelines to members on a code of conduct including when it will be considered that they have predetermined an application rather than expressed a predisposition, including lobbying by members and representations made at the consultation stage;
- involvement of members in major applications at pre-application stage or discussions which occur before a decision is taken;
- distinguishing between the decision- maker and local representative roles at committee (see Recommendation 4);
- initial and ongoing training obligations (see Recommendation 3);
- site visit procedure (see Recommendation 6);
- the role of members in an appeal following an overturn of an officer recommendation;
- the process of decision-making (see Recommendation 4);
- public speaking arrangements (see Recommendations 8 and 9);
- customer care (see Recommendation 10);

- the composition of the committee (see Recommendation 5); and
- the procedure for overturning officer recommendations or deferring decisions (see Recommendation 7).

It is suggested that there is consultation with key stakeholders (including POSW and WLGA) on a draft National Planning Committee Protocol prior to its implementation.

Member Training

Recommendation 3: That a national programme of member training be established to include:

- mandatory minimum training requirements for all members of the planning committee, with members not allowed to sit on the planning committee until this is completed;
- all members should have initial planning/committee training, provided on a consistent national basis;
- national planning bodies co-operating to ensure an efficient and effective programme of ongoing member training is provided;
- a minimum of 10 hours CPD training per year should be required for all planning committee members and one half-day per year of locally-provided outcome/reflection type training activities and that this be mandatory for members; and
- establishing a national network of committee chairs/portfolio holders to include the provision of mandatory initial training as well as ongoing training updates.

Decision-Making/Procedures

Recommendation 4: That the national planning committee protocol include the recommended running order of meetings including an explanation of the process, recommendations around declarations of interest, local member decision to speak or vote, public speaking order, roundtable debate, electronic voting and the recording of votes and decisions.

Committee Size

Recommendation 5: Legislation should be introduced to define the size of the planning committee:

- to a minimum of 11 members and a maximum of 21 members (but

no more than 50% of the authority members);

- **to avoid having all ward members (where wards have more than one elected member) sitting on the committee in order to allow some members to perform the representative role for local community interests;**
- **introduce a quorum for decision- making which should be a minimum of 50% of the committee (rounded up where an odd number); and**
- **the use of substitute members should not be allowed.**

Site Visits/Deferrals/Overturns

Recommendation 6: The procedure for site visits should be included within a National Planning Committee Protocol to include how such visits will be conducted and who can attend. It should state that visits:

- **be held on an exceptional basis for major applications. Where required they should be identified by officers in consultation with the Chair, and based on clear published criteria. There should be provision for members to ask for a committee site visit but this should be done early, in advance of the committee meeting at which the application is being discussed. These should only be allowed where the benefit is expected to be substantial;**

- **take place prior to the first committee meeting at which the application is to be determined;**

not allow public speaking;

occur no more than a week prior to the committee meeting at which the application is being discussed;

The full committee need not attend site visits, and all members attending the committee meeting at which the application is reported should be able to vote whether or not they attended the site visit.

Recommendation 7: Where necessary committees should defer applications by using a 'cooling off period' to the next committee meeting when minded to determine an application contrary to an officer recommendation. This is in order to allow time to reconsider, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or conditions for approval.

Public Speaking

Recommendation 8: That the National Planning Committee Protocol include standards and requirements around public speaking including who may speak, the speaking order, the duration of speaking (5 minutes is recommended) and the prior notification required.

Recommendation 9: That the Welsh Government and Welsh Local Government Association consider the production of a Wales-wide set of materials to cover what should be sent to those who have made representations on an application and those that have subsequently requested to speak at committee.

Customer Care

Recommendation 10: Best practice advice should identify the process to be followed in terms of customer care and encompass aspects such as:

- online advance provision of agendas and reports in a well-located part of the authority website including background information on the committee and the decision-making process;
- signposting the meeting, reception/greeting attendees to update on withdrawn items and to brief speakers, accessible rooms and locations;
- room layout and positioning of members to enable debate but also mindful of public viewing;

appropriate introduction and identification of those attending (including legible and visible name plates) and taking part in committee proceedings;

provision of papers and other relevant materials on both the committee process and the provision of the specific meeting agenda available at the meeting;

use of audio-visual presentation aids including providing equal access/distance to screens etc for the public gallery. Inclusion of both proposed building elevations and site location plans within officer reports/committee packs if this cannot be achieved. Appropriate simultaneous translation facilities where/when required; and

identification of the various parties and inclusion within public briefing materials and on the day itself.