

Committee: Council

Date: Tuesday, 16
July 2024

Title: Constitution, Part 5 – Codes and Protocols &
Part 3 Responsibilities and Functions:
Amendments to Probity in Planning, Public
Attendance at Planning Committee, and
Delegations

**Portfolio
Holder:** Cllr John Evans, Cabinet Member for Planning,
Infrastructure and Stansted Airport

**Report
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Summary

1. This report proposes a number of proposed amendments to the Codes and Protocols (Part 5) section of the Council's Constitution and one change to (Part 3) Responsibilities and Functions. These relate to the council's Planning function. These have been reviewed and recommended by the Planning Committee Working Group and Audit & Standards Committee.
2. The amendments arise from the recommendations of the Planning Peer Review team following their assessment of the Council's Development Management (DM) function in June 2023 and January 2024. This was focused on the quality of decision making on major planning applications. The amendments also formalise planning appeal procedures following the Stansted Airport legal challenge as well as a general review of planning-related good practice.
3. The Council's DM function is currently 'designated' by government and the implementation of these proposals is considered to assist with the Council's aspiration to improve performance and be lifted out of special measures. These proposals were originally brought before the Committee on 1 February 2024.

Recommendations

4. Council agrees that the following amendments to take affect for the Planning Committee meeting on 21 August onwards:
 - 4.1. Codes and Protocols (Part 5) section of the Constitution as set out in tracked changes at Appendix A:

- i. 3.1 – ‘Pre-application Discussions’
- ii. 3.2 – ‘Reports to Committee’
- iii. 3.3 – ‘Committee Procedures and Decisions’
- iv. 3.5 – Addition of ‘Appeals against committee decisions’ and to renumber thereafter
- v. 3.6. – ‘Public Attendance at Committee Meetings’
- vi. 3.7 – ‘Site Visits’
- vii. 4.1 – ‘Member Training’
- viii. 4.2 – ‘Monitoring of Decisions’
- ix. Appendix 2 – ‘Procedure for Parish/Town Council Representatives/ Members of the Public Attending Meetings of the Planning Committee’
- x. Protocol for Calling in Planning Applications

4.2 The Responsibilities and Functions (Part 3) section of the Constitution as set out in tracked changes at Appendix B to allow for the determination of s73 planning applications under delegated powers (members would still be able to call-in these applications if required).

Financial Implications

5. No direct costs arising from this report although it should be noted that reducing the length of planning committee meetings will result in greater efficiency.

Background Papers

6. None.

Impact

7.

Communication/Consultation	The PCWG were asked to provide comment regarding the peer review. There was no agreement to take these recommendations forward.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

8. The Planning Peer Review's findings have been captured in the report attached at Appendix C. By way of an introduction, and in terms of the review's aims, the report states:

"This report summarises the findings of a planning peer review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Development Management (DM) with a particular focus on the quality of decision making on major planning applications. The scope of the review has arisen as a consequence of the authority being 'designated' by the Secretary of State due to it underperforming (against the Government threshold target) on the quality of decision making on major planning applications."

9. A more in-depth outline of the scope and focus of the exercise is set out in Section 5 of the Peer Review report. The team spent two days at the Council and the following methodology was used in the collation of evidence and data which would inform their recommendations:

- Spoke to around 40 people including a range of council staff together with Councillors and external partners and stakeholders.
- Gathered information and views from 15 meetings, observations of online planning committee meetings and additional research and reading.
- Collectively spent nearly 65 hours to determine their findings; the equivalent of one person spending nearly 9 days in Uttlesford District Council.

10. Section 5 of the report provides detail on the Review's findings, and members are asked to note the extensive feedback that justify the recommendations set out at Section 2. The recommendation to which this report provides response to is:

R10 Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.

11. The Strategic Director of Planning has assessed these proposals and proposes the changes as attached at Appendix A and Appendix B (in tracked changes for ease of reference) in order to implement the Peer Review Team's, and other, recommendations.

12. The proposals were considered by the Planning Committee Working Group in late 2023 and again in May 2024, and by A&S Committee in June. Recommendations made by Members have been incorporated into the proposed changes. Most notably the group proposed changes to the section on public speaking arrangements. These now state:

2.6. A non-committee member may speak for up to 5 minutes for or against an application. A town/parish council representative may also speak for up to 5 minutes for or against an application.

Up to 5 members of the public may each speak for up to 3 minutes in support or objection.

In the case of highly contentious applications or largescale major applications, the Chair may exercise their discretion to allow a further 5 public speaking slots bringing the total number of public speakers to 10.

Applicants and their representatives may speak for the same time as those speaking against (non-committee members, town/parish council, and objectors).

In the event there are no speakers in objection to the application the applicant will be given the right to speak for up to 5 minutes.

13. All proposed changes are set out in the appendices to this report. They have been reviewed for conformity with the council's code of conduct and the wording will be appropriately formatted for inclusion in the Constitution if agreed.

14. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Public speaking at committee provides direct democratic engagement with the council's planning processes. However, Planning Committee's primary purpose is to determine business in accordance with the council's policies and the NPPF. There is some concern that public speaking	2	2	Uttlesford District Council's public speaking protocol is extremely generous in comparison to other local authorities, often resulting in repetition of points. The public can engage with the planning process via the public consultation that takes place for each application. Setting out an overall maximum amount of speaking time per planning application would improve the efficiency of meetings and serve to avoid repetition of points.

occupies a significant amount of time at committee, which is not necessarily conducive to the decision making process.			
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Constitutional changes to Codes and Protocols (Part 5) (Tracked and non-tracked versions)

Appendix 2: Constitutional changes to responsibilities and Functions (Part 3)

Appendix 3: Peer Review Report