

Full Council 30th March 2023

Report Title	Planning Scheme of Delegation & Committee Structure
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List of Appendices

- Appendix 1 – Copy of report (unamended) submitted to Democracy and Standards Committee (13.03.23).
- Appendix 1(A) - Copy of proposed amended Scheme of Delegation (incorporating Committee comments – highlighted).
- Appendix 1(B) - Proposed geographic split for Planning Committees.
- Appendix 1(C) - Copy of proposed Terms of Reference (incorporating both Committee and officer comments – highlighted).

1. Purpose of Report

- 1.1. Full Council are being requested to consider amendments to both the Scheme of Delegation and the decision-making process relating to the Council's responsibilities as the Planning Authority for North Northants. It is being proposed that any agreed changes would be effective for the Municipal Year 2023/2024 onwards.

2. Executive Summary

- 2.1. North Northamptonshire Council (NNC) has responsibility for performing the role of "Planning Authority" within its area as detailed in statute. Any functions and liabilities resulting from performing this role rest with NNC.
- 2.2. "Planning" is a fundamental function of local authorities, subject to extensive legislation and often undertaken subject to wide public scrutiny. Members when undertaking their responsibilities on behalf of the Council (the "Planning Authority") need to ensure that all relevant representations, policies etc are considered prior to making their determination on an application for planning consent.
- 2.3. Any processes put in place by the Council need to be lawful and ensure fairness to all relevant parties – applicants, statutory consultees and those submitting representations. Decisions must be made with regard to all material planning considerations associated with the proposal and the planning balance then

applied. This, along with the test of reasonableness, will help to ensure that the Council has a sound decision-making process in place.

- 2.4. The Council is currently undertaking a comprehensive review of its planning service and its delivery to those using the service. This report and Appendix 1 provide background to the steps the Council is undertaking to improve service delivery and enhance improvements in decision-making and governance.

3. Recommendations

That Council: -

- (a) Approve the dissolution of the current Strategic Planning Committee and the four Area Planning Committees and their replacement by two Area Planning Committees (North and South) as detailed in the report and Appendix B;
 - (b) Approve the Terms of Reference applicable to both new Area Planning Committees as detailed in the report and Appendix C;
 - (c) Approve the amendments to the Scheme of Delegation as detailed in the report and Appendix A;
 - (d) Approve each Chair of an Area Planning Committee, see (a) above, receive a Special Responsibility Allowance (SRA) of £ 7,631 per annum;
 - (e) Approve that the amendments and changes approved in (a) – (d) above are enacted for the Municipal Year 2023/2024 onwards;
 - (f) Approve that the Democracy and Standards Committee receive a report on the effectiveness/application of the approved changes and amendments after a 12-month period following enactment;
 - (g) Note that changes to the geographic area covered by each respective Area Planning Committee may require review following changes to ward boundaries to be implemented at the next scheduled ordinary elections in May 2025; and
 - (h) Approve Delegated Authority be given to the Monitoring Officer to make minor incidental and consequential changes to the Council's Constitution as a result of any changes approved in (a) – (d) above.
- 3.1. *Reason for Recommendations – Following review of the operation of the Planning Authority's functions since Vesting Day, and as a result of the independent report commissioned from the Planning Advisory Service (PAS), it is suggested that some amendments in both governance structure and Scheme of Delegation are made to improve efficiency and effectiveness in decision making.*
- 3.2. *Alternative Options Considered – The Planning Transformation Board, in response to the PAS review and its submission for consideration to committee and Full Council, considered a range of options including status quo, a single planning committee for the North Northamptonshire area, completely removing the committee trigger in the Scheme of Delegations for local councils and statutory consultees.*

4. Report Background

- 4.1. In 2022, the Council requested that the Planning Advisory Service (PAS) undertake a Peer Review into all aspects of the provision of a planning service by the Council. The outcome of this review was reported to the Executive in December 2022, together with recommendations suggested by PAS. The Executive agreed to establish a Planning Transformation Board with responsibility for following through and overseeing the Council's response to the PAS recommendations.
- 4.2. A range of work is being undertaken through the transformation programme including the harmonisation of the Planning Service's back-office processes and customer facing operations to address the recommendations made by PAS.
- 4.3. With regard to the Council's Planning Scheme of Delegation and committee structure, the PAS Peer Review report identified a number of issues they felt the Council needed to consider. These included:
- *The governance structure is not efficient and effective for a council of this scale. Four planning committees have been retained exactly reflecting the predecessor council boundaries. These have been supplemented by an additional strategic planning committee that considers very large or contentious applications.*
 - *All five committees are scheduled to meet monthly. In the period from January to September this year (2022), several committees were cancelled and many were very short.*
 - *The same scheme of delegation applies across the committees although we heard that it is not consistently applied. An excessive number of householder and minor applications are considered by committee because of the current scheme of delegation.*
 - *The costs of taking applications to committee are much higher than delegated decisions and committees should be considering only the most significant applications and, of course, any which involve the council, councillors, or planning staff as the applicant.*
- 4.4 The PAS report also made the following recommendations:

Further review the scheme of delegation and the number of committees: -

- *Ensure that householder and minor applications only go to committee in exceptional circumstances.*
 - *Trial a significantly reduced number of committees with a proportionate geographical spread (based on an analysis of applications needed to go to committee after the changes to the scheme of delegation).*
 - *To encourage the move to a new joined up planning service, it would be better if the new committee boundaries were not aligned to the predecessor council boundaries.*
- 4.5 In response to the observations and recommendations raised in the PAS Report, it has been agreed through the approval of the corresponding North

Northamptonshire Council (NNC) Action Plan that the following actions be undertaken:

- A review of the Planning Scheme of Delegation and the development of an amended scheme based upon best practice and supported by NNC planning data.
- A review of the planning committee system and the development of proposals for a revised committee structure, supported by NNC planning data, that optimises efficiency and enables committees to focus on the most significant applications.

4.6 Further details regarding these PAS recommendations and the data considered in formulating the proposals in this report can be found in Appendix 1 under 4.7 – 4.28.

5 Issues and Choices

5.1 Appendices

Appendix 1 is a copy of the officer report submitted to Democracy and Standards Committee on 13th March 2023. This report provides more in-depth commentary on the background to the PAS recommendations and the proposed actions arising from these considered by the Planning Transformation Board established by the Executive.

Appendix 1A includes a copy of the original officer recommended amendments to the Scheme of Delegation (RED italics), based upon PAS recommendations. These were considered by Committee and further suggested amendments are highlighted (YELLOW bold).

Appendix 1B includes a copy of the proposed geographic split for Planning Committees. This split reflects the recommendations made by PAS and is informed by historic planning data to help ensure that the application workloads of the proposed committees will be as equitable as possible. During discussions at Committee, it was noted that this split may need to be revisited following the outcome of the current NNC Boundary Review exercise being conducted.

Appendix 1C includes a copy of the proposed Terms of Reference applicable to each planning committee, incorporating comments from the Committee and subsequent officer recommended amendments.

5.2 Special Responsibility Allowance

A consequential issue arising from any amendment to the committee structure relates to Special Responsibility Allowance for Chairs.’ This matter is a decision for Full Council.

Currently each Chair of the four Area Committees receives an SRA of £5,090. The Chair of the Strategic Planning Committee receives an SRA of £7,631.

The total expenditure on Planning Committee SRAs is £27,991.

It is suggested that each Chair of the two new Area Committees receives an SRA of £7,631. The total expenditure on Planning Committee SRAs would be £15,262.

The higher SRA reflects the increased level of responsibility and relates to the approved SRA scale agreed by Council based upon the recommendations of the Independent Remuneration Panel.

5.3 Political Balance & Membership on the new Committees

The full and substitute membership of the two new committees would be drawn from those wards included within the geographic area covered by each respective committee.

Political balance would be calculated, with Groups advised ahead of Annual Council and nominations for full and substitute membership sought.

Based upon the recommendation of Democracy and Standards Committee there would be a need for the following –

North Planning Committee	13 Full Members
	13 Substitute Members
South Planning Committee	13 Full Members
	13 Substitute Members

It should be noted that each full or substitute member needs to have received the approved training prior to taking-up their duties on the committee. Given the rationalisation of committees, the proposed increase in quorum (to 7 members), and the decrease in likelihood of scheduled meetings being cancelled, the role of substitute members is of particular importance.

5.4 Scheme of Delegation

Items of debate and amendment to the Scheme of Delegation are highlighted in Appendix A. The key areas discussed by Committee included: -

Delegation 1 (iv), where it was felt appropriate for the Chair and Vice Chair to be included as well as the senior planning officer. In addition, there was significant discussion around the term “contentious.” A suggested definition of this has been proposed at the end of the Delegation Scheme for reference. It should be noted that the need for clear reference to material planning considerations in any representations is essential to mitigate any potential successful challenge to the Council’s subsequent actions.

Delegation 8, where there was reference in relation to ward member requests for submission within 21 calendar days. In order to allow more time for town and parish councils to liaise with ward members after the standard 21 calendar days consultation, the suggested amendment is for this to be increased to 25 calendar days, whilst recognising that this will reduce the officer time available to process responses to consultation, consider the application, draft a report for publication ahead of committee within the statutory timeframe for determination of 8 weeks for non-major applications. It should be noted that ward members are not statutory consultees but play an important role in channelling constituents concerns and queries regarding applications for planning consent in their respective wards to the Planning Authority.

Delegation 8, the final paragraph to be reworded to read – *The request shall be considered by the Chair and Vice Chair of the relevant planning committee, with the advice of the senior planning officer, that the referral contains material planning issues and shall be called in.*

5.5 Other Issues

Member Training – the Committee were keen to stress the importance of member training, and noted the steps taken to date regarding this which were welcomed. A particular issue related to the transfer of some of the responsibilities from the Strategic Planning Committee to Area Committees, specifically former NCC functions e.g. minerals & waste planning. Appropriate training would be provided. There was also brief discussion that members who were not on Area Committees may benefit from some basic training being provided to assist with their role as ward members.

Town & Parish Councils – Town & Parish Councils are an important statutory consultee. Concerns were raised that some town & parish councils struggle to respond within the 21 calendar day consultation period, although it was noted that some have mitigating measures in place to assist with compiling consultation responses e.g. planning committees, delegation. It needs to be recognised that the responsibility and liability for determining applications within statutory time periods rests with the Planning Authority and that their performance in this respect is monitored by Government.

It was further noted that the Planning Authority had agreed on occasions for ad hoc reasonable extensions of time for local councils' responses to be received. Communication between local councils and the Planning Authority was key. This concern would partially be mitigated by the Committee's suggestion that ward members have a 25-calendar day period to respond, allowing another channel for local councils to use. It should be noted that any failure of the Planning Authority to determine applications within the timeframe specified in statute increases the risk of challenges from applicants on the grounds of non-determination. Persistent failure to meet the Government's targets on speed of decision making could result in the Planning Authority being placed in special measures.

Member Communication – The importance of ensuring that ward members were made aware of validated applications for planning consent in their respective area was stressed. Officers confirmed, once validated, applications were accessible to members and the public on the Council's website, where all documentation was uploaded.

6 Next Steps

- 6.1 Council are being requested to consider the proposed amendments to the decision-making structure and the Scheme of Delegation.
- 6.2 Any amendments approved would be effective for the Municipal Year 2023/2024. Current arrangements would remain in place until Annual Council in May 2023.

7 Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 If approved, the proposed structure would generate a small saving in SRA Member Allowances, Member & staff mileage, printing, venue costs etc.

7.2 Legal and Governance

- 7.2.1 The proposals within this report require amendment to the Council's Constitution in order to introduce the changes to governance structure and to the Scheme of Delegation.
- 7.2.2 In implementing these proposals there will be a need to ensure that the Council continues to operate a lawful planning service and that the decision making process and all planning decisions are robust and able to withstand the potential for successful legal challenge.

7.3 Relevant Policies and Plans

- 7.3.1 The proposals submitted by officers on behalf of the Planning Transformation Board are intended to assist in delivering the actions set out in the agreed Action Plan responding to the PAS Peer Review. The Executive at its meeting on 23rd

December 2022 agreed the establishment of a Planning Transformation Board to consider the outcome and recommendations of the PAS Review.

7.4 Risk

7.4.1 The suggested amendments submitted by officers to the Democracy & Standards Committee were intended to address areas of concern expressed by PAS and reinforce existing good practice. The recommendations of the Committee, having considered the officer report, are detailed in this report and appendices.

7.4.2 Any amendments approved by Council need to ensure –

- They address the issues identified by PAS;
- Ensure that the Council continues to operate within the statutory and legal framework as Planning Authority;
- Does not adversely impact on existing good performance and service delivery;
- Should be subject to review at a later date (following a 12-months period of operation is suggested) to ensure any amendment(s) are increasing efficiency, effectiveness and improvements in service delivery for the Planning Authority.

7.5 Consultation

7.5.1 The Constitutional Working Group (CWG) considered these matters at its meeting on 20th February 2023 and the Democracy and Standards Committee at its meeting on 13th March 2023.

7.5.2 Other consultation undertaken by the Planning Service and by PAS with regard to the items under consideration in this report and the wider PAS recommendations are detailed within Appendix 1A – s.7.5.

7.6 Consideration by the Executive or Executive Advisory Panel

7.6.1 Not applicable to this report. The full PAS report and recommendations were considered by the Executive at its meeting on 23rd December 2022, however the matters under discussion in this report are non-executive matters and fall within the governance remit of Full Council.

7.7 Consideration by Scrutiny

7.7.1 Not applicable to this report.

7.8 Equality Implications

7.8.1 None impacting on the nine protected characteristics defined in the Equality Act 2010.

7.9 Climate Impact

7.9.1 It should be noted that should the proposals be approved, there will be a reduction in the number of meetings scheduled over the Municipal Year, which will reduce the requirement for both members and officers to travel to meetings and for Council buildings to remain open in the evenings. Live streaming of meetings also reduces the potential for viewing public needing to travel to attend meetings.

7.10 Community Impact

7.10.1 The report seeks member determination in relation to two issues around the governance structure and the Scheme of Delegation. Meetings will continue to be accessible to the public, including live streaming of meetings where the venue allows for this. There are no changes to the current Planning Public Participation Policy being recommended in this report and the Policy would apply to any new committees created.

7.10.2 The Planning Service has conducted briefings with representatives of town and parish councils as part of this exercise.

7.11 Crime and Disorder Impact

7.11.1 Not applicable to this report.

8 Background Papers

8.1 PSA Peer Review Report.

<https://northnorthants.moderngov.co.uk/documents/s13629/Appx%20A%20-%20Final-PPR-report-north-northants-06-11-22.pdf>

8.2 Corresponding NNC Planning Transformation Board Action Plan

<https://northnorthants.moderngov.co.uk/documents/s13630/Appx%20B%20-%20Planning%20Peer%20Review%20-%20Planning%20Transformation%20Board%20Action%20Plan%201%20Dec%202022.pdf>

8.3 Democracy and Standards Committee Agenda & Report 13.03.23.