

MEETING:	OVERVIEW & SCRUTINY COMMITTEE
DATE:	13 APRIL 2012
TITLE OF REPORT:	TASK & FINISH GROUP REPORT – PLANNING SYSTEM REVIEW- DEVELOPMENT CONTROL AND THE OPERATION OF THE CONSTITUTION’
REPORT BY:	Task & Finish Review Group

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider the findings arising from the Task & Finish Group – ‘Planning System Review- Development Control and the Operation of the Constitution’ and to recommend the report to the Executive for consideration.

Recommendation(s)

THAT:

- (a) **the Committee considers the report of the Task & Finish Group – Planning System Review - Development Control and the Operation of the Constitution’, in particular its recommendations, and determines whether it wishes to agree the findings for submission to the Executive and Audit and Governance Committee;**
- (b) **Subject to the Review being approved, the Executive’s response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response.**

Key Points Summary

- A scrutiny Task & Finish Review has been undertaken into the Council’s Planning System Review- Development Control and the Operation of the Constitution’.
- The findings and recommendations of the Task & Finish Review Group are contained in the attached report. The principal recommendations concern: clarifying the system of redirection to Planning Committee; improved levels of training; improving the flow of planning information to Members and the public; ensuring sound decision making at Planning Committee; ensuring that Town & Parish Councils are clear about their part in the consultation process; possible

retrospective planning application fees; and implications from the Localism Act.

Alternative Options

- 1 The Committee can agree, not agree or can vary the recommendations. If the Committee agree with the findings and recommendations from the review, the attached report will be submitted to the Executive for consideration. It will be for the Executive to decide whether some, all or none of the recommendations are to be referred to the Audit and Governance Committee for recommendation to Council.

Reasons for Recommendations

- 2 This Committee commissioned a Task & Finish Group to look at Planning System Review- Development Control and the Operation of the Constitution'. The Task & Finish Group has completed its task and its report is required to be submitted to this committee for approval. The recommendations also set out how the report should be progressed in accordance with the Council's Constitution, if approved by the Committee.

Introduction and Background

- 3 The Overview & Scrutiny Committee commissioned a Task & Finish Group to undertake a Planning System Review- Development Control and the Operation of the Constitution'. The Review has been undertaken and the resultant findings and recommendations are to be reported back to Committee for its consideration prior to being referred to the Council's Executive for consideration.
- 4 In January 2010 Herefordshire Council implemented new constitutional provisions for planning (development control). Overview and Scrutiny Committee in July 2011 considered that it was timely for a scrutiny review to explore the effectiveness of the constitutional changes and to make recommendations with regard to any future modifications and/or amendments.

Key Considerations

- 5 The Council's constitution is a living document and is under constant review. Following substantial changes to how the planning function is governed the Overview and Scrutiny Committee considered it timely to review how the new governance arrangements were operating.
- 6 The Task & Finish Group considered a range of information put before it (see appendix 2,3, and 4 in the attached report) and invited colleague Members to complete a questionnaire covering the key questions from the scoping statement (see appendix 1 in the attached report).
- 7 The Task & Finish Group conclude that:
 - All Members of the Council and Members of Town and Parish Councils would benefit from being kept up to date on a range of planning procedures or issues, particularly in relation to the implications of the Localism Act;
 - Greater clarity could be brought to the planning redirection system by specifying that the Chairman of Planning Committee makes the final decision on whether a planning application is redirected to Planning Committee.
 - If Planning Committee are minded to vote against officer recommendations then

this should be supported by sound planning terms as this would: give greater clarity to the reasoning for the decision, be presented in a professional manner, and help maintain the Councils reputation.

- Ensuring that relevant Council Member(s) receive timely information on planning issues in their ward;
- Ensuring that Town & Parish Councils are clear and proactive about their part in planning consultation;
- If the Council becomes responsible for setting the level of planning fees then, in relation to retrospective planning applications, a balance needs to be struck between the level of fee set for persistent offenders and those making a genuine mistake;

Community Impact

- 8 The findings and recommendations from the review are in accordance with the Herefordshire Community Strategy in that it: relates to the themes of promoting self-reliant local communities and the long term outcome of enhanced local democracy and community engagement and the theme of commissioning the right services and the long term outcome of streamlined working practices.

Equality and Human Rights

- 9 If the Committee agree with the findings of the Group the report will need to be considered by the Executive, Audit and Governance Committee and Council and, depending on their decision, any resultant suggested revisions to the Constitution will need to be assessed against the Equality Analysis and be reported to Cabinet, Audit and Governance Committee and Council.

Financial Implications

- 10 None as a result of this report. If the Committee, the Executive, and Audit and Governance Committee agree with the findings of the Group, which would then have to be considered by Council, then any expenditure would need to be met from within existing budgets.

Legal Implications

11. The Constitution reflects the statutory requirements and guidance. If the Committee, the Executive and Audit and Governance Committee agree with the findings of the Group, which would then have to be considered by Council, legal input will be given to the resultant revised constitution.

Risk Management

12. There are no risk management issues other than the need to ensure legal compliance.

Consultees

- 13 As part of the Review a questionnaire was issued to all 58 Members of the Council. Input has been received from Mr A Ashcroft Assistant Director Economic, Environment and Cultural Services, and Mr K Bishop, Development Manager Northern Localities (Planning).

Appendices

- 14 Task & Finish Review Group Report – Planning System Review- Development Control and the Operation of the Constitution' (Appendix 1).

Background Papers

- Revised Chief Executive's Scheme of Delegation; Development Management Statistics; Table of Planning Applications received; Statistics on the number of planning applications; Results of the questionnaire to Members; Local results from the Planning Advisory Service (PAS) national questionnaire.;