

Planning advisory service report recommendations review: officer feedback

Recommendation	Operationally how would this look?	Benefits	Issues	Corporate Governance Working Group (CGWG) feedback
R4 That the Councils Solicitor attend Committee meetings to provide legal advice at the time decisions are made	<p>Every planning meeting scheduled would have an attached legal advisor.</p> <p>Separates out the planning and legal role in the meeting to address point that <i>“Officers were giving Members planning and legal advice in front of an audience, and on occasions the exchanges became somewhat confrontational.”</i></p>	<p>Advice can be given to support members in real time.</p> <p>Members would not be expecting legal advice from the Lead Specialist Place, who isn't always the most appropriate person to advise particularly as this can appear very confusing to the public.</p> <p>The report identifies that <i>“A legal presence at committee would ensure safe decision making and would enable planning officers to concentrate on the planning issues.”</i></p>	<p>Current legal resource unable to support current schedule of planning meetings- would require additional resource bought in at a cost of £800 per meeting.</p> <p>Would take legal team longer to do their day-to-day role where they do take the time out to attend planning committees.</p> <p>(NB these implications could change depending on the approach to R11)</p>	<p>It is the Working Group preference to have a lawyer present. But we recognise this is not viable to have if the structure stays the same.</p> <p>Recommendation – put this in place operationally if R11 is adopted.</p>
R6 Change the practice of the Chair moving the Officers’ recommendation and having that seconded towards the start of the meeting and instead allow a general discussion of the merits of the application, after which a motion may be put forward that has emerged from the debate.	<p>This has already been adopted by planning chairs. They do not put the officer recommendation until after discussion takes place.</p>	<p>Chairs and those seconding don’t feel they are showing support for a recommendation before the debate happens.</p> <p>Debate can take place on the merit of the planning application before the officer recommendations are reviewed.</p>	<p>Possible confusion due to consistency – for non-planning meetings, we still put the officer report recommendations before the debate starts.</p>	<p>The group notes that this is now picked up in general.</p> <p>A consistent format preferred by the group would be:</p> <ul style="list-style-type: none"> • Questions • Debate • Recommendation put and voted
R7 Introduce an electronic	In app voting within the	Reduce the time to vote in	Cost around £1,500 per annum to	Concerns were raised around

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<p>voting system to make better use of time, particularly in the large committee setting, and deliver more robust decision making.</p>	<p>Mod.Gov system.</p> <p>Members would be logged into Mod.Gov for the duration of meetings and when the Chairman calls the vote, they would vote digitally.</p> <p>The Clerk would have access to declare the results to the Chairman, and the system would log how everyone voted.</p> <p>A further demonstration to see how this looks in detail would be the next stage.</p>	<p>committees.</p> <p>All votes recorded electronically and in Mod.Gov system – making write up and recorded vote records more efficient after the meeting.</p> <p>Addresses that the current process leaves the Council open to allegations that Members later on in the alphabet might be influenced by those votes that had been cast before.</p>	<p>add on to Mod.Gov licence.</p> <p>Implementation time - to purchase, turn on, train and set live – est. 12 weeks officer time.</p> <p>Possible issues if members forgot devices / lost power etc during the meeting.</p> <p>Possible ‘voting in error’ - if members press wrong button- but system is fairly simple and training would be in place.</p>	<p>Member access issues, making sure the voting was still instantly visible to the public, and that training would need to take place.</p> <p>Officers confirmed this would be part of the implementation plan.</p> <p>The group agreed that it would be a good way to reduce any accusation of bias, wouldn’t need recorded voting to be called, and would move to a more modern way of working.</p> <p>Recommendation: implement this, subject to robust training and testing</p>
<p>R8 Establish a scheme of compulsory training for all Members involved in decision making on planning matters with session based on:</p> <ul style="list-style-type: none"> • the process for the consideration of particular types of application. • policy driven decisions 	<p>The subjects listed to be included in our compulsory training, and quarterly planning sessions</p>	<p>We do already have a mechanism in place for this with the quarterly planning sessions (May, Aug, Nov, Feb).</p> <p>The training would help to address some of the key issues identified in the report.</p>	<p>Officer time to develop specific content.</p> <p>May require some outside support and advice for areas.</p> <p>Have historically had issues with Member attendance numbers – good practice will only embed when all planning committee members are well trained.</p>	<p>The group agreed with this point and the proposed content- but noted this is not new, as we</p> <p>Recommendation: continue to address these topics in the quarterly planning training</p>

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<p>and the level of certainty that approach provides.</p> <ul style="list-style-type: none"> to make clear the different roles they play as a representative of their Ward and as a Councillor determining a planning application in the interests of the district as a whole. predetermination or bias. 				
<p>R9 Encourage Members to discuss their concerns about applications with Officers prior to the public meeting without making themselves vulnerable to allegations of predetermination.</p>	<p>Members use MS Teams to contact case officers and arrange time to go through any queries</p>	<p>Would address the issue raised in the report that:</p> <p><i>At many of the meetings Officers were giving Members planning and legal advice in front of an audience, and on occasions the exchanges became somewhat confrontational. Members should be encouraged to discuss applications with Officers before the meeting. There is a clear difference between preparation and predetermination, and Members can seek advice whilst still keeping an open mind.</i></p>	<p>Advice would need to be consistent from officers before and during the meeting- best if they kept a note- otherwise this could throw Members off</p>	<p>The group felt that this was already available to members and taking place, and that members should be encouraged to take this approach.</p> <p>Recommendation: Members continue to make use of this approach</p>
<p>R11 Review of the current multiple committee arrangements, the high</p>	<p>Removal of separate area planning committees.</p>	<p>Consistent decision making. Smaller number of well-informed</p>	<p>Not all members feeling included in planning matters.</p>	<p>operationally this should ensure good local representation, with the principle 'With a minimum</p>

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<p>number of committee members and the scheme of delegation to ensure that it provides the best decision-making process with the resources that are Available.</p> <p><i>NB 5% of applications are recommended by the Government to be considered by committee- but in Maldon this is 20%</i></p>	<p>PAS advice is to have less members on a District-wide committee, politically balanced.</p> <p>If this was a 16-seat committee, for example, based on current political grouping the seats would be:</p> <p>8 Independent 5 Conservative 3 Non-aligned</p> <p>Review of scheme of delegation and the procedures leading to so many call ins- include a way for planning to defer called in items where they are the sole item to be considered by a committee</p>	<p>members making decisions (members more likely to regularly attend training in R8).</p> <p>Members not acting as Ward Members therefore reducing risk of complaints of predetermination.</p> <p>Less legal costs and appeals.</p> <p>More efficient to administrate the meetings (would help to balance out the resource pressures we currently have).</p> <p>Could use in-house legal resource to advise if the meeting number was reduced.</p> <p>Less occurrences of meetings being held to hear just one item due to call in.</p> <p>Would address the points raised in the report that:</p> <ul style="list-style-type: none"> • <i>Servicing 4 committees takes a lot of resources, not just at the meeting itself, but in making the arrangements beforehand.</i> 	<p>Residents perceiving that their area didn't have representation</p>	<p>of four appointed from each current area planning committee.'</p> <p>A ward member not on the committee will be able to attend the committee and talk on a planning issue for up to five minutes.</p> <p>Recommendation: Remove area planning committees from our committee structure.</p> <p>Update our constitution to include new planning committee to take the place of all three area planning, to be appointed with representatives from across current area planning committees if possible. Retain the full District Planning committee, so that all members can be involved in strategic development, with refreshed terms of reference, set out in Appendix B.</p>

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		<ul style="list-style-type: none"> ● <i>There is a risk that district wide policies could be applied inconsistently across the district by the different committees</i> ● <i>With all Members sitting on committees it means that decisions are spread across a large number of people. There is therefore less opportunity for individual Members to gain expertise, experience and confidence.</i> ● <i>A situation where not all Members sit on a Planning Committee gives the opportunity for Ward Members to address Committee and advocate for their residents while not taking part in the final decision making a clear separation of their roles. It also gives the opportunity for substitutes to sit on committees where the regular Member has an interest, or is unable to attend the meeting, so that the number of people making the decision is not too small.</i> 		

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		<ul style="list-style-type: none"> ● <i>Moving forward the use of virtual, or potentially hybrid meetings streamed live means that it would be easier for local residents to engage with the process without travelling to a central point.</i> ● <i>A single, smaller, well trained and experienced committee, with trained substitutes to take part where necessary, and a protocol where Ward Members are able to address committee on behalf of their residents, would provide certain advantages to the authority.</i> <p><i>Some of the issues that were apparent at the committees relate to the fact that there are 4 committees, and all Members are involved in making planning decisions</i></p>		