RTPI Cymru

Study into the Operation of Planning Committees in Wales

Final Report

Fortismere Associates with Arup

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FORTISMERE ASSOCIATES
PLANNING, DESIGN & MANAGEMENT CONSULTANCY

ARUP

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Foreword

Work is progressing to develop Wales' first Planning Reform Bill and White Paper. An important part of the evidence gathering is the Independent Advisory Group's (IAG) report published in September 2012. Amongst its many findings the report recognised the critical role of planning committees in the planning system and recommended that research was required into how these committees could be made as efficient and effective as possible.

In response to this recommendation, Welsh Government Ministers invited the Royal Town Planning Institute in Wales (RTPI Cymru) to draw together a group of experts to oversee a study into the operation of planning committees.

As a group, we strongly believe in the role that planning committees should and do play in the planning system in Wales. Planning committees provide the valuable and fundamental democratic element to the planning system.

It is important that all of those involved – officers, members, applicants (who range from individual householders to large scale developers) and their agents, as well as the public - have confidence in the planning system and that it is fair and efficient in its operation. It must be based on a plan-led system, weighing the material considerations, which provides clarity and transparency and positioned within democratic structures.

We would like to thank all of those that have supported the Fortismere Associates and Arup study team by providing the evidence for this work, including the various stakeholders, as well as the WLGA and every local planning authority in Wales.

This study has drawn upon extensive research and analysis of planning committees in Wales and brings forward good practice to share across local planning authorities. We have been handed a unique opportunity to raise the standard of decision- making in Wales and should seize it.

Steering Group

July 2013

RTPI Cymru would like to extend its thanks to the Steering Group, all of whom gave their time and extensive experience freely.

Roisin Willmott MRTPI
National Director, RTPI Cymru

Crynodeb Gweithredol

System Pwyllgor Cyffredinol

Comisiynwyd Fortismere Associates gydag Arup gan yr RTPI i ymchwilio i weithrediad pwyllgorau cynllunio yng Nghymru. Gwnaethpwyd yr ymchwil yma er mwyn darparu tystiolaeth ynghylch effeithlonrwydd ac effeithiolrwydd pwyllgorau cynllunio ac er mwyn gwneud argymelliadau ar gyfer newid mewn adroddiad i'r Gweinidogion Cymreig. Mae'r crynodeb hwn yn cydgasglu'r argymelliadau hyn.

Fel sail i'r adroddiad a'r argymelliadau defnyddiwyd arolwg o bob pwyllgor Cymreig, cyfweliadau gyda chyfranddalwyr allweddol, arolwg o'r llenyddiaeth, ymweliadau â saith o awdurdodau astudiaeth achos a seminar trafod. Mae'r ymchwil wedi nodi ystod o ffactorau dynol sy'n creu darlun cenedlaethol cymhleth sydd ond â nifer fach iawn o reolau neu gasgliadau cyffredinol, pendant. Nid oes unrhyw ddolen gyswllt syml rhwng maint pwyllgor a'i effeithlonrwydd a'i effeithiolrwydd wrth ddod i benderfyniadau. Dylanwadir ar eu gweithrediad gan ystod o ffactorau gan gynnwys y diwylliant corfforaethol, eglurdeb a gorfodaeth prosesau a phrotocolau, hyfforddiant ac ansawdd aelodau a swyddogion ac ansawdd y cynllun datblygu ac i ba raddau y mae'n gyfoes ac yn addas at y pwrpas.

Canfu'r astudiaeth hon fod pwyllgor mwy o faint, ar lefel sefydliadol, yn debygol o fod â chyfradd fynychu is ac o fod yn fwy 'trwsgl'. Mae'r rheiny sy'n cefnogi pwyllgorau mwy o faint yn sôn am bynciau fel cynhwysiad democrataidd, cywirdeb a chynrychioliad. Yn ymarferol, mae'n ymddangos fod pwyllgorau mwy o faint yn creu mwy o gostau gweinyddu, mwy o anghysondeb ac y maent (efallai'n wrth-sythweledol) yn arwain at bleidleisio llai 'democrataidd' trwy'r pwyslais canlyniadol a roddir ar farnau'r aelod lleol. Ceir gwrthdynnu clir a di-baid rhwng y rolau y gofynnir i'r aelod lleol eu mabwysiadu wrth wasanaethu ar y pwyllgor cynllunio. Mewn sefyllfa ble mae cais cymhleth neu efallai un dadleuol yn ward yr aelod yn dod o flaen y pwyllgor, mwy na thebyg bydd nifer o farnau/buddion sy'n cystadlu wedi mynd at yr aelod hwnnw o flaen llaw a bydd yr aelod, yn anorfod, yn teimlo bod ganddo ddyletswydd i gynrychioli'r barnau hynny. Ar yr un pryd, tynnir yr aelod yn fwy cyffredinol i mewn i'r rôl o aelod o'r pwyllgor cynllunio, er mwyn ystyried cynigion datblygu yn unol â'r cynllun datblygu mabwysiedig ac i bwyso a mesur ceisiadau yn erbyn budd ehangach y cyhoedd a'r fframwaith statudol. Ni ellir cyflawni'r rôl ddeublyg o fod yn benderfynwr ac yn aelod lleol os yw pob aelod ar y pwyllgor neu os nad ofynnir i aelod ddethol pa rôl sydd fwyaf perthnasol iddyn nhw ar sail pob achos yn ei dro. Bydd pwyllgor llai yn rhyddhau mwy o aelodau i gynrychioli barnau eu hetholwyr.

Mae'r astudiaeth hon wedi cadarnhau fod amrywiaeth eang o ran arfer wrth weithredu pwyllgorau cynllunio ac nad oes unrhyw gysondeb ar draws Cymru. Mae'r astudiaeth hon yn cefnogi'r farn y dylai llai o 'loteri cod post' fodoli yn y dull o ddod i benderfyniadau cynllunio. Dylai cais cynllunio ar gyfer defnydd penodol dderbyn gwrandawiad a chael ei bennu mewn dull tebyg o fewn pa bynnag ffin weinyddol y daw mewn perthynas â materion fel p'un ai yw'n benderfyniad wedi'i ddirprwyo neu'n benderfyniad pwyllgor, p'un ai y gall aelod o'r cyhoedd siarad ac yn y blaen. Mae

cyflawni hyn angen cynllun cenedlaethol o ddirprwyo a hefyd protocol cynllunio cenedlaethol sy'n gosod allan y broses. Gall y ddau fod yn sensitif ac yn hyblyg i faterion lleol gyda golwg ar gynyddu eu heffeithiolrwydd wrth ddarparu penderfyniadau a chanlyniadau graenus. Dengys y darlun cyfredol amrywiad eang yn nhermau faint o geisiadau a elwir i mewn i bwyllgorau cynllunio gan aelodau, ac i ba raddau y mae aelodau'n ceisio gwrthdroi argymelliadau swyddogion. Eto, dylai cysondeb ac effeithlonrwydd weithredu law yn llaw, a'r allwedd i hyn yw hyfforddiant cadarn ac wedi'i rannu a wneir yn lleol ond mewn dull sy'n goresgyn rhwystrau adrannol yn ymarferol ac o ran cred ar draws awdurdodau. Yn bwysicach fyth, mae pwysigrwydd rôl y Cadeirydd angen hyfforddiant, cynhorthwy a rhwydweithio.

Mae tynnu'r themâu hyn at ei gilydd yn awgrymu pwyllgor cynllunio sy'n cynnwys grŵp llai o aelodau sy'n rhoi swyddogaeth benderfynu ddiduedd ac annibynnol ar waith. Dylai hyn gael ei gefnogi gan ddarpariaeth rhaglen hyfforddi sydd wedi'i ffocysu ar alluogi'r aelodau hynny i bwyso a mesur ystod o bynciau cynllunio. Ar y cyd â rhoi arfer da ar waith sydd wedi'i anelu at hybu eglurder a hygyrchedd y broses i'r cyhoedd, dylai'r swyddogaeth benderfynu hon ymwneud â dod i benderfyniadau strategol a phynciau a allent effeithio ar y cyd-destun polisi sydd ohoni ac ni ddylid ei defnyddio ar gyfer cynigion datblygu ar raddfa fach y gellir eu hystyried yn fwy effeithlon o dan drefniadau wedi'u dirprwyo.

Cynllun Dirprwyo Cenedlaethol

Argymhelliad 1: Cyflwyno Cynllun Dirprwyo Cenedlaethol i Gymru yn orfodol gyda chynlluniau lleol yn cael eu harolygu'n rheolaidd (o leiaf bob tair blynedd) a'u cymeradwyo gan Lywodraeth Cymru. Dylai'r cynllun wedi'i gytuno, gydag amrywiadau lleol, gael ei gynnwys yng nghyfansoddiad mabwysiedig y Cyngor. Dylai lle barhau i fodoli ar gyfer rhywfaint o ddisgresiwn a gweithredu cytundebau dirprwyo'n lleol ond dylai'r cynllun cenedlaethol gynnwys rhagdybiaeth y dylid dirprwyo pob pwnc i swyddogion gan ddiffinio eithriadau ar sail 'amgylchiadau eithriadol yn unig'. Dylai cynllun cenedlaethol o'r fath sicrhau fod y ceisiadau sydd i'w pennu gan bwyllgor yn cynnwys:

- **Y ceisiadau arwyddocaol hynny sy'n cynrychioli ymadawiad o'r cynllun datblygu os yw swyddogion yn argymell eu cymeradwyo;**

- **Ceisiadau a gyflwynwyd gan aelodau neu aelodau o'r staff (uwch ben graddfa benodol) o fewn yr awdurdod a'u perthnasau agos;**

- **Ceisiadau ar gyfer datblygiadau arwyddocaol (dylid gadael y diffiniad o beth sy'n arwyddocaol er mwyn iddo gael ei bennu gan gynlluniau awdurdodau lleol i gyd-fynd ag amgylchiadau lleol, er yn ddarostyngedig i gymeradwyaeth Llywodraeth Cymru bob tair blynedd).**

Dylai darpariaethau eraill yn y cynllun gynnwys:

- **Trefn o alw i mewn sydd i'w bennu'n lleol trwy'r hyn y gall aelodau lleol ofyn bod y pwyllgor yn ystyried cynnig. Dylai gweithdrefnau**

o'r fath ffocysu ar beth sy'n sbarduno rhesymau cynllunio materol mewn perthynas â chymhlethdod a phwysigrwydd (ac nid natur ddadleuol) y cynnig i ddatblygu. Dylai cynghorau fonitro'r nifer o geisiadau sy'n cael eu galw i mewn (gan gynnwys yr aelod a'u galwodd i mewn) sydd, yn y pen draw, yn cyrraedd y pwyllgor, er mwyn galluogi i'r pwyllgor ystyried dim ond y rheiny sy'n arwyddocaol neu sy'n gyfartal iawn.

- Cyflwyno lefel ddirprwyo o 90% (gyda tharged o 95%) o geisiadau'n cael eu pennu o dan rymoedd wedi'u dirprwyo fel canllaw i awdurdodau. Mae hyn yn gadael rhywfaint o ddisgresiwn lleol ynghylch y meintiau a'r mathau o ddatblygiadau sy'n dod gerbron y pwyllgor o fewn y cynllun dirprwyo cenedlaethol.

- Awdurdodau i adrodd am benderfyniadau wedi'u dirprwyo fel atodiad i agenda'r pwyllgor.

- Y cynllun dirprwyo i ddirprwyo penderfyniadau i swyddogion ar geisiadau bach Rheoliad 3 a wneir gan yr Awdurdod Cynllunio Lleol.

Awgrymir y dylid ymgynghori â chyfranddalwyr allweddol (gan gynnwys POSW a WLGA) ynghylch cynllun dirprwyo cenedlaethol drafft cyn ei roi ar waith.

Protocol Cenedlaethol ar gyfer Pwyllgorau Cynllunio

Argymhelliad 2: Dylid sefydlu Protocol Cenedlaethol ar gyfer Pwyllgorau Cynllunio y dylid ei adolygu'n rheolaidd. Dylai manylion y protocol, fel y cymhwysir ef i awdurdod penodol, gael ei gynnwys o fewn cyfansoddiad pob awdurdod. Dylai'r Protocol Cenedlaethol ar gyfer Pwyllgorau Cynllunio fynd i'r afael â phynciau penodol gan gynnwys:

- canllawiau i aelodau ynghylch cod ymddygiad gan gynnwys pryd yr ystyrir eu bod wedi tueddbennu cais yn hytrach na mynegi rhagduedd, gan gynnwys lobïo gan aelodau a chyflwyniadau a wneir yn y cam ymgynghori;

- faint y bydd aelodau'n ymwneud â cheisiadau mawr yn y cam rhag-ymgeisio neu mewn trafodaethau sy'n digwydd cyn dod i benderfyniad;

- gwahaniaethu rhwng rolau'r sawl sy'n penderfynu a chynrychiolwr lleol mewn pwyllgor (gweler Argymhelliad 4);

- rhwymedigaethau hyfforddiant cychwynnol a chyfredol (gweler Argymhelliad 3);

- gweithdrefn ymweld â safle (gweler Argymhelliad 6);

- rôl aelodau mewn apêl yn dilyn gwrthdroi argymhelliad swyddog;

- y broses o benderfynu (gweler Argymhelliad 4);

- **trefniadau siarad cyhoeddus (gweler Argymelliadau 8 a 9);**

- **gofal am gwsmeriaid (gweler Argymhelliad 10);**

- **cyfansoddiad y pwyllgor (gweler Argymhelliad 5); a'r**

- **weithdrefn ar gyfer gwrthdroi argymelliadau swyddogion neu ohirio penderfyniadau (gweler Argymhelliad 7).**

Awgrymir y dylid cynnal ymgynghoriad gyda chyfranddalwyr allweddol (gan gynnwys POSW a WLGA) ar brotocol cenedlaethol ar gyfer pwyllgorau cynllunio drafft cyn ei roi ar waith.

Hyfforddi Aelodau

Argymhelliad 3: Dylid sefydlu rhaglen genedlaethol o hyfforddi aelodau i gynnwys:

- **gofynion hyfforddi lleiaf gorfodol ar gyfer bob aelod o'r pwyllgor cynllunio, gan beidio â chaniatáu i aelodau eistedd ar y pwyllgor cynllunio nes bod hyn wedi'i gwblhau;**

- **dylai pob aelod dderbyn hyfforddiant cynllunio/pwyllgor cychwynnol, wedi'i ddarparu ar sail gyson yn genedlaethol;**

- **cyrff cynllunio cenedlaethol yn cydweithredu er mwyn sicrhau y darparir rhaglen effeithlon ac effeithiol o hyfforddiant cyfredol i aelodau;**

- **dylai isafswm o 10 awr o hyfforddiant CPD y flwyddyn fod yn ofynnol ar gyfer bob aelod o bwyllgor cynllunio ac un hanner diwrnod y flwyddyn o weithgareddau hyfforddi a ddarparir yn lleol o'r math canlyniad/myfyrio ac y dylai hyn fod yn orfodol i aelodau; a**

- **sefydlu rhwydwaith cenedlaethol o gadeiryddion pwyllgor/dalwyr portffolio i gynnwys darparu hyfforddiant cychwynnol gorfodol yn ogystal â diweddariadau hyfforddi cyfredol.**

Gweithdrefnau Penderfynu

Argymhelliad 4: Dylai'r protocol cenedlaethol ar gyfer pwyllgorau cynllunio gynnwys trefn rhaglen argymelledig cyfarfodydd gan gynnwys esboniad o'r broses, argymelliadau ynghylch datganiadau o fudd, penderfyniad aelod lleol i siarad neu i bleidleisio, y drefn o ganiatáu i'r cyhoedd siarad, trafodaeth o amgylch y bwrdd, pleidlais electronig a chofnodi pleidleisiau a phenderfyniadau.

Maint y Pwyllgor

Argymhelliad 5: Dylid cyflwyno deddfwriaeth er mwyn diffinio maint y

pwyllgor cynllunio:

- i isafswm o 11 o aelodau ac uchafswm o 21 aelod (ond heb fod yn fwy na 50% o aelodau'r awdurdod);

- er mwyn osgoi cael holl aelodau'r ward (ble mae gan wardiau fwy nag un aelod etholedig) yn eistedd ar y pwyllgor, er mwyn caniatáu i rai aelodau gyflawni'r rôl gynrychioliadol ar gyfer buddion y gymuned leol;

- cyflwyno cworwm ar gyfer dod i benderfyniadau a ddylai fod yn isafswm o 50% o'r pwyllgor (wedi'i dalgrynnu ble mae hynny'n odrif); ac

- ni ddylid caniatáu i aelodau sy'n ddirprwyon gael eu defnyddio.

Ymweliadau â Safleoedd/Gohiriadau/Achosion o Wrthdroi

Argymhelliad 6: Dylid cynnwys y weithdrefn ar gyfer ymweliadau â safleoedd o fewn Protocol Cenedlaethol ar gyfer Pwyllgorau Cynllunio er mwyn cynnwys sut y cynhelir ymweliadau o'r fath a phwy all fod yn bresennol. Dylai ddatgan y dylai ymweliadau:

- gael eu cynnal ar sail eithriadol ar gyfer ceisiadau mawr. Ble maent yn ofynnol, dylent gael eu nodi gan swyddogion mewn ymgynghoriad â'r Cadeirydd, a'u seilio ar feini prawf clir, cyhoeddedig. Dylai darpariaeth fodoli i aelodau ofyn am ymweliad â safle gan y pwyllgor, ond dylid gwneud hyn yn gynnar, cyn y cyfarfod o'r pwyllgor pryd trafodir y cais. Dylid caniatáu'r rhain dim ond ble disgwylir i'r budd fod yn sylweddol;

- gael eu cynnal cyn y cyfarfod cyntaf o'r pwyllgor pryd bwriedir pennu'r cais;

- beidio â chaniatáu i'r cyhoedd siarad;

- ddigwydd wythnos fan bellaf cyn y cyfarfod o'r pwyllgor pryd trafodir y cais;

Nid oes angen i'r holl bwyllgor fod yn bresennol mewn ymweliad â safle, a dylai pobl aelod sy'n mynychu'r cyfarfod o'r pwyllgor pryd adroddir am y cais allu pleidleisio p'un ai oeddent yn bresennol yn yr ymweliad â'r safle ai peidio.

Argymhelliad 7: Ble bo angen, dylai pwyllgorau ohirio ceisiadau trwy ddefnyddio 'cyfnod oeri' hyd at y cyfarfod nesaf o'r pwyllgor pan font yn bwriadu pennu cais yn groes i argymhelliad swyddog. Mae hyn er mwyn caniatáu amser i ailystyried, rheoli'r risg sy'n gysylltiedig â gwneud hyn, a sicrhau y gall swyddogion ddarparu adroddiadau ychwanegol a drafftio rhesymau cadarn dros wrthod neu amodau ar gyfer cymeradwyo.

Gadael i'r Cyhoedd Siarad

Argymhelliad 8: Dylai'r Protocol Cenedlaethol ar gyfer Pwyllgorau Cynllunio gynnwys safonau a gofynion ynghylch aelodau o'r cyhoedd yn siarad gan gynnwys pwy all siarad, trefn y siarad, hyd y siarad (argymhellir 5 munud) a'r hysbysiad o flaen llaw sy'n ofynnol.

Argymhelliad 9: Bod Llywodraeth Cymru a Chymdeithas Llywodraeth Leol Cymru'n ystyried cynhyrchu set o ddeunyddiau dros Gymru gyfan i gwmpasu beth y dylid ei anfon i'r rheiny sydd wedi gwneud cyflwyniadau ynghylch cais a'r rheiny sydd wedi gofyn i gael siarad mewn pwyllgor wedi hynny.

Gofal am Gwsmeriaid

Argymhelliad 10: Dylai cyngor arfer gorau nodi'r broses i'w dilyn yn nhermau gofal am gwsmeriaid a dylai rychwantu agweddau fel:

- **darparu agendâu ac adroddiadau ar-lein o flaen llaw mewn rhan gyfleus o wefan yr awdurdod gan gynnwys gwybodaeth gefndirol am y pwyllgor a'r broses o bennu;**

- **gosod arwyddion i'r cyfarfod, croesawu/cyfarch mynychwyr er mwyn eu diweddaru ynghylch eitemau a dynnwyd yn ôl ac er mwyn cyfarwyddo siaradwyr, ystafelloedd a lleoliadau hawdd eu cyrraedd;**

- **cynllun yr ystafell a lleoli aelodau er mwyn galluogi trafodaeth ond hefyd gan ystyried gallu'r cyhoedd i weld;**

- **cyflwyno ac enwi, mewn dull addas, y rheiny sy'n mynychu'r cyfarfod ac sy'n chwarae rhan yng ngweithdrefnau'r pwyllgor (gan gynnwys platiau enw gweladwy y gellir eu darllen);**

- **darparu papurau a deunyddiau perthnasol eraill ar broses y pwyllgor a hefyd ar ddarpariaeth agenda penodol y cyfarfod sydd ar gael yn y cyfarfod;**

- **defnyddio cymhorthion cyflwyno clyweled gan gynnwys darparu mynediad/pellter cyfartal i sgriniau ac ati ar gyfer y galeri cyhoeddus. Dylid cynnwys golygon arfaethedig adeiladau a hefyd cynlluniau lleoliad safle o fewn adroddiadau swyddog/pecynnau pwyllgor os nad ellir cyflawni hyn. Dylid darparu cyfleusterau cyfieithu cydamserol ble/pryd bynnag y bo'r angen; a**

- **nodi enwau'r carfannau gwahanol a'u cynnwys o fewn deunyddiau cyfarwyddo'r cyhoedd ac ar ddiwrnod y cyfarfod.**

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 Recommendation10);**

- **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.**

1 Introduction

1.1 Outline

RTPI Cymru commissioned Fortismere Associates with Arup to undertake research into the operation of planning committees in Wales. This follows the June 2012 Independent Advisory Group (IAG) report "Towards a Welsh Planning Act: Ensuring the Planning Service Delivers". This report included a wide number of recommendations for the improvement of the planning system in Wales which will be considered as part of the development of the Planning White Paper due to be published at the end of 2013. This piece of research has been commissioned to take forward recommendations 55 and 56 to study the operation of planning committees in Wales to determine whether there is a link between efficiency and effectiveness and committee size and to make recommendations for change in a report to the Minster for Housing and Regeneration.

1.2 Acknowledgements

The study team comprised:

Alison	Blom-Cooper	Project Director (Fortismere Associates)
Kieron	Hyams	Project Manager (Arup)
Dan	Evans	Arup
Jessica	Jones	Arup
Karen	Moore	Fortismere Associates
Allan	Pitt	Arup
Simon	Power	Arup

We are grateful to the input and advice of the Steering Group, which comprised:

Roisin	Willmott	RTPI Cymru
Rhun	ap Gareth	Gwynedd Council
Sue	Essex	Independent advisor
John	Evans	Trefnant Associates Ltd
Simon	Gale	Rhondda Cynon Taf County Borough Council
Marcus	Goldsworthy	Vale of Glamorgan Council
Chris	Potts	Savills

In addition, Jonathan Fudge and Dion Thomas of the Welsh Government attended the Steering Group in an observational capacity.

We are grateful to the case study authorities for their co-operation with this study. They included:

Cardiff Council

Flintshire County Council

Gwynedd Council

Pembrokeshire County Council

Powys County Council

Rhondda Cynon Taf County Borough Council

City and County of Swansea Council

In addition, our thanks also go to the stakeholders who spoke to us (given in Appendix B) and the discussion seminar attendees (listed in Appendix C) in addition to the planning service users who were interviewed by telephone.

1.3   Study Objectives

In exploring possible measures and improvements to inform the study, the objectives of the research set out in the brief were:

- to determine whether there is a link between efficiency and effectiveness, committee size and consistency of decision- making;

- to examine the size and make up of planning committees;

- to investigate the link between the development plan process and decision- making on development proposals;

- to consider good practice of the procedures used at planning committee meetings, including the speaking rights for all parties and measures to enable consistency in decision- making;

- to consider proposals for a national scheme of delegation of decision- making powers, including minimum requirements;

- to investigate compulsory training for members of planning committees, including procedures where training requirements have not been met by individuals; and

- to consider a code of conduct for members of planning committees.

In addition, issues explicitly identified to be addressed by the study brief include:

- how to maintain probity - predetermination, predisposition or bias in decision- making by members;

- how to deal with lobbying by applicants or communities;

- how members can be positively engaged in the planning process and in pre-application discussions;

- conduct at site visits;

- the role of democracy in planning decision-making;

- how to review decisions taken for quality and consistency; and

- ensuring a good relationship between members and officers.

1.4   Background to the Study

There have been a number of steps taken over the last decade in understanding and improving the Welsh planning system, both in terms of a strategic overview of the system as a whole and also looking at the various component stages of the planning process in more detail. The 2002 consultation paper 'Planning: Delivering for Wales' set out proposals to improve the operation of the plan preparation and planning decision-making processes. In 2010, the 'Study to Examine the Planning Application Process in Wales' produced on behalf of the Welsh Government examined all stages of the planning application process in Wales and the role it plays in fostering sustainable economic development.

The Independent Advisory Group report (2012)

The Welsh Government convened the IAG report as part of the first step towards a Planning Reform Bill for Wales. Focused on the delivery arrangements of the current planning system, the review included a call for evidence from a significant number of users of and actors within the planning system and represented a wide range of interests. The IAG report 'Towards a Welsh Planning Act: Ensuring the Planning System Delivers' noted that the planning committee is a crucial part of the Council's decision- making processes and membership of that Committee should be regarded as a key role with recognition for the accompanying responsibility. All Welsh LPAs have delegation schemes so that decisions on straightforward applications are taken by officers but rates of delegation vary (POSW survey for 2011/12 showed a variation between 76% and 94%). Planning committees generally make decisions on the most controversial, sensitive and often technically complex applications and commonly deal with applications involving major investment. The reason why decisions are called into committee by members that would otherwise be taken by officers should be examined to ensure that committees are indeed dealing with the difficult and controversial cases. The IAG report considered that all authorities should be able to delegate well over 90% of decisions and recommended that Welsh Ministers should have the power to specify by regulation a national model scheme of delegation so that applicants have the same type of application considered at the same level throughout Wales.

The IAG report also concluded that there should be a compulsory, consistent programme of training for members appointed to planning committees and this should be a statutory requirement with failure to undertake the training to be a member conduct issue. A separate national planning Code of Conduct overseen by the authority's standards procedures should cover:

- training obligations;

- conduct of pre-application discussions;

- conduct of hearing style meetings and site visits;

- the use of alternative dispute resolution / mediation; and

- the role members will be expected to play if a refusal against officer advice goes to appeal.

Both the scheme of delegation and the Planning Committee Code of Conduct should be required to be incorporated into each authority's constitution.

The report considered that the model of democratic decision- making envisaged is better suited to smaller committees in order to ensure consistency and suggested that if an independent study of the effectiveness and efficiency of various planning committee models supported this view the IAG would recommend that Ministers have the power to direct a maximum size for planning committees at around 20% of the Council members (with some flexibility). The report did not favour the use of substitute members. Further recommendations included a suggestion that there should be the power to make regulations governing the procedures at planning committee meetings to ensure consistency, transparency and accessibility, particularly for the public.

This study has been commissioned to consider the IAG recommendations by undertaking research into the current operation of Planning Committees in Wales.

1.5   Methodology

The following stages of work were undertaken:

- Inception meeting with Steering Group held on 25 March 2013;

- LPA survey, issued to all authorities in order to capture key data on the operation of committees. A copy of the survey is provided in Appendix A and Appendix G sets out the analysis, Stakeholder interviews, see list in Appendix B and a summary of the main themes emerging in Appendix F;

- A literature review, including examples from experience elsewhere in the UK, summarised in Appendix E;

- Visits to 7 case study authorities. Each visit included observation of a planning committee meeting and follow up interviews with lead members and officers; and

- A discussion seminar, held in Cardiff on 4 June 2013 (to coincide with the annual RTPI Cymru Wales Planning Conference) to discuss the preliminary results and findings of the study. Appendix C provides a list of attendees.

A copy of the standard pro forma used for observing what happened at the planning committee, how the business was handled, how it felt to be a

consumer of the process, and the quality and suitability of the information provided to members is provided in Appendix D.

2   National Scheme of Delegation

2.1   Introduction

The variation in practice and procedures relating to the delegation of powers to officers in Wales is stark. The study found that the delegation and call-in procedures for determining planning applications often appeared opaque to the outsider and overly complex.

The matter of the degree and nature of decisions delegated to officers is a critical aspect of both the effectiveness of committee operation, and the exercise of democracy in local government. A scheme of delegation must allow the planning committee to take the most significant and controversial applications in a public forum whilst ensuring that the majority of applications are dealt with by officers in the interests of efficiency, cost effectiveness and consistency of the service. It should also allow small scale applications and those in line with the development plan a straightforward route to determination since the Council's stance is already stated in the Development Plan, again both in the interests of efficiency and in consistency of decision-making.

However, the balance is not necessarily easy to strike, and the parameters open to interpretation. The committee should use its resources to deal with the major and controversial schemes which need to be the subject and not with a plethora of minor development proposals that present minimal impact to the locality and meet the standards/policies set out in the Development Plan. The case study visits revealed that often minor proposals reported to committee were nodded through without any debate. Any delegation scheme should ensure that the decision is made at the appropriate level given the conformity of the proposal to policy or, at times, how finely balanced the decision may be.

The content of the delegation schemes of Welsh authorities, and the manner in which they are operated, varies considerably and unsurprisingly results in a range of delegation rates. A significant impact upon the number of items considered by committee is the 'call-in' procedure for local or adjoining ward members operated by many authorities and by the threshold of objections which results in many minor proposals automatically being reported to committee.

One of the stated objectives of this study "to consider a national scheme of delegation, including minimum requirements", in the interests of effectiveness and efficiency of the system, is clear and justified by the evidence gathered. That evidence is set out below together with recommendations. It is considered that the weight of the evidence is in favour of a national scheme that allows a level of local discretion.

2.2   Delegation Rates

Delegation is a critical factor affecting the overall performance of development management services as noted by, among others, the PAS case studies on Area Based Decision Making in Development Control. PAS guidelines include ensuring that delegation means that decisions are

made at the appropriate level given the conformity of the proposal to policy. This is reinforced by the LGA Case study on The Culture of Development Management that reinforces the need to ensure that the service takes a proportionate approach so that the most attention is given to the most important schemes (see inset box, below). However, there are contrasting views as Norman Baker made clear in a House of Commons' debate in January 2008 noting that members of the public do not understand that when they elect local members to make decisions on their behalf and lobby them, an officer makes the decision based out of the public eye. This does somewhat simplify the process given the need to make decisions only on the basis of material planning matters and not political perspectives, however, the need to ensure that there is an opportunity in the system for members to call applications to committee that would not otherwise have been considered there under a delegation scheme, is a critical balance to seeking high delegation rates to officers. This reflects the anecdotal finds of the House of Commons Note on members accepting or rejecting officer recommendations (see Appendix E).

The Culture of Development Management (LGA Case Studies)

The cases draw on the work of the PAS and POS and outline examples of the changing culture of services from Development Control to Development Management and its meaning in practice for authorities. It emphasises the facilitation of place making, and positive planning, partnership and collaborative working, problem solving and customer focus required in a modern service. In implementing the elements of development management the studies reinforce the need to take a proportionate approach to the management of member and officer resources so that:

- greater attention can be given to the most important schemes, including taking into account delegation and committee arrangements;

- attention can be focused on the real costs of the service for the applicant and the authority; and

- ongoing review and improvement of the service for the customer and financial savings can take place.

The survey results show delegation rates of between 70% and 95% which is not dissimilar from the information in the POSW survey for 2011/12 that showed a variation between 76% and 94% delegation. The service targets for delegation to officers also vary and include one as low as 70%.

The IAG Report 2012 clearly set out its views in considering that all authorities should be able to delegate well over 90% of its applications – particularly bearing in mind that less than 3% of applications submitted to local planning authorities overall are major applications. This study demonstrates the same view, that authorities should be able to delegate between 90-95% of their applications and that this would still allow scope for local discretion in the drafting of delegation arrangements and the applications to be determined by committee. It is recommended that with

the introduction of a national delegation scheme and targets for delegation that the actual rates being met by authorities is monitored by the Welsh Government in order to ensure that it is, and continues to be fit for purpose.

2.3　　Age and Status of Schemes

Delegation schemes in place at the time of this study range from being last updated in 2008, to being recently adopted or currently under review. It is good practice to review the schemes on a regular basis and update them, since development pressures and patterns do change over time and the delegation schemes need to keep up with the characteristics of the local development scene.

Some delegation schemes are included within the Council's constitution whilst others appear to stand outside of the constitution. Given their importance it is considered prudent to include adopted delegation schemes within the constitution of the authority, where it is clearly stated as part of the official rules and *modus operandi* of the Council. This supports the conclusion set out in the IAG report.

A national delegation scheme as a framework would provide the structure for local planning authorities to review their schemes regularly (3 years is the suggested timeframe) and inclusion in their Council's constitution would ensure that the scheme was kept up to date and reflected current best practice.

2.4　　Content of Schemes

Many Welsh authorities' schemes are quite confusing to the lay person and despite the LGA/POS guidance published by ODPM in 2004 some do not operate by exception but use a more comprehensively prescribed approach whereby all the uses where applications are to be determined by officers are listed. The current schemes range from strict and clear schemes that confine the work of the committee to a very limited number of key applications, to those that extend the work of the committee to many types and sizes of development proposals.

This complexity is compounded in some cases by the approach toward requests from members asking that an application is decided by the committee, and the differing thresholds of objections that are frequently used to trigger committee determination.

The variation in the content of schemes between authorities in Wales is found to hinge on a number of factors. Examples of the criteria for delegation 'down' to officers or 'up' to Cabinet and full Council which vary between authorities include:

- The approach to determination of applications contrary to policy – this ranges from officers determining all proposals contrary to policy except where there is a major departure, to any that are contrary to policy coming to committee regardless of whether the recommendation is to refuse or approve.

- The size of development or sites - e.g. new build residential thresholds range from 5 dwellings or more to over 10 dwellings that go to committee, whereas non-residential proposals thresholds range from 500msq up to 2,000msq or 15 metres height or site size for non-residential of over 2Ha. It is recognised that these variations may reflect the nature of the local area, one would expect cities to have higher thresholds than extremely rural areas in order to account for the local development scene.

- The type of development - e.g. some authorities delegate all householder applications to officers whilst others require committee to consider a sub-set of such applications.

- The management of applications made by the authority or on its land - e.g. some delegate minor applications, some treat the application the same as others within the delegation scheme, other committees take authority applications that will not be developed by the authority, whilst the others go to delegation panel to make the decision about who will determine them. In some cases authorities take all Regulation 3 applications to committee in the interests of transparency yet this involves very minor developments being considered at committee, such as sheds in school grounds.

- The importance given to statutory objectors or objections received from a community council – some authorities take applications with unresolved objections or where a contrary view to the recommendation has been expressed by statutory consultees or community councils to committee.

- The presence of an EIA report - which at least one authority has as a separate criteria for taking a proposal to committee – presumably as a measure of the impact or potential impact of a development proposal.

- The presence of matters regarding Section 106 agreements or developer contributions – some authorities delegate to officers and others do not.

- Chair and head of service powers – the Chair can also call-in applications as can the Head of the Planning Service in authorities. The Chairs in some authorities have the power to sign off delegated items so that they do not all reach committee if called-in. Others have a public delegation panel meeting where members consider whether the applications proposed by ward members for referral should be put forward to committee for determination.

- In nine authorities the level of objections received on an application can trigger it either going directly to committee or to a panel that will recommend where the application is to be considered. Often these items are householder applications, do not attract any public speakers and appear towards the end of the agenda and are nodded through without any presentation or debate perhaps as a result of so many being on the agenda. Some make provision for applications where there is a petition containing 30 or more signatures and an indication of a desire to address the committee are put on the agenda. The use of objections as a trigger certainly involves some very straightforward

cases going to committee that should really be delegated. Some authorities make this provision subject to the discretion of the Chair and so the number reaching committee relies upon the degree to which the Chair exercises this discretion.

- The use of cabinet and council powers – some authorities take applications involving significant departures to policy to the Cabinet if committee wishes to grant, or where the authority is likely to be awarded costs on appeal in the event of refusal, others take applications by members of the planning department staff and close relatives. In one authority where committee is minded to approve an application contrary to policy then the views of the cabinet must be obtained. If the cabinet supports the officer view it goes to full Council for determination.

The variation and complexity of the delegation schemes studied and the significant differences in the manner in which these, together with call-in arrangements, are managed lead the study team to conclude a national clear and straightforward scheme is needed.

2.5   Call-in Procedures and Objection Thresholds

All of the authorities in the study responding with information have some form of notification to ward members setting out the applications received by the authority usually by way of a weekly list. Although the provision made for members to call-in applications to committee varies, all authorities have a mechanism for this to happen. Most procedures require the member to give planning reasons for the request and many require members to make their request within a set time period from the receipt of the weekly list ranging from 14 to 21 days. In some authorities there is an additional process of consultation with relevant ward members on the officer's recommendation, and if the ward members consider the application should go to committee this is only put on the agenda following consultation with the Chair or Vice-Chair.

The survey data indicates that around a third of committee agendas items are as a result of member call-ins. The survey revealed that at least 18 of the 25 of Welsh authorities operate a delegation scheme with an objection threshold where applications are automatically referred to committee. On the basis of the information provided this ranged from as low as one objection to 5 objections. This together with member call-ins seem to be the most significant factors in the large percentage of applications which would normally be determined under delegated powers being referred to committee.

The data available from the study is partial and inadequate to draw conclusions upon the relationship between the objections threshold for applications to be reported to committee and the proportion of items found on agenda that were member call-ins. Many authorities operate a provision whereby members are notified if objections have been received and allowed a period to call such applications to committee. Torfaen has recently reviewed the reference of all applications with objections to go to committee and made changes to their delegation scheme so only major

applications are reported to committee if there are valid planning objections.

Some authorities make provision to manage the flow and nature of called-in applications actually reaching committee. This is sometimes by the use of the Chair and/or Vice-Chair having the final decision on whether an application goes to committee, in at least one case this also applies to minor applications subject to objections with recommendations for approval. In theory the inclusion of the Chair is a good practical way to avoid every application that has an objection being called-in to committee. However in practice this depends upon the perspective and confidence of the particular Chair. In at least one authority there were conflicting views between officers and members about whether the Chair uses the discretion he has in relation to these called-in applications

However, the ability of members to request that an application be determined by committee and ensuring that this request is considered carefully is a key aspect of the exercise of democratic control in the planning system. The Killian Pretty Review found that elected member channels for expression of views about prospective development management decisions do need to be retained as an essential component of local accountability including the content and operation of schemes, and in interviews for this study it is clearly something considered to be very important to members.

Call-in provisions should be exercised with care and an acknowledgement of the impact on the time taken to determine applications, its timing should not hamper the ability to reach a decision within target time as far as is feasible. It is therefore recommended that subject to meeting certain criteria e.g. sound planning reasons, that a call-in provision is retained in a national scheme of delegation. If there is to be an objection threshold for taking items to committee it is recommended that this is a minimum of 3 objections from different properties so that there is a wider public issue at stake rather than merely private interests.

2.6   Reporting Delegated Items to Committee

The reporting of delegated items to committee appears to be rare – Powys and Vale of Glamorgan do this as a matter of course by attaching a schedule of decisions taken to the planning committee papers and affords an opportunity for members to raise questions. This practice makes the officer decision- making more transparent to the public and members as well as readily accessible by the public and is considered to be good practice. It is also increasingly viewed as good practice for officer reports on delegated items to be available on the website.

2.7   Time/Cost Associated with Delegation and Call-In

Analysis has found an indication of a positive correlation between the levels of delegation and the proportion of decisions made within the target period for determination, (see Figures 13-15 of the survey analysis)

reinforcing the impact that low delegation rates has on the speed aspect of efficiency of decision- making.

This is to be expected given the lead in times for taking items to committee and reinforces the Barker Review findings that where a decision is not delegated there can be additional delays to the system as a result of coinciding with committee cycles and the lead in times for papers. It follows therefore that greater delegation would ensure that members' time is targeted.

Unsurprisingly, the costs to Councils of taking items to committee in England has been found to be significantly higher than decisions by officers during PAS/CIPFA benchmarking of planning services. For the November 2012 cohort of 65 planning authorities who took part in the benchmarking exercise the average cost of dealing with a planning application under delegated powers was £103.60 whereas the average cost of taking an application to Committee for determination was £1,137.68 or roughly ten times as expensive. This is without taking into account the additional costs of report writing or the democratic costs. This cost factor was also commented on by at least one officer in the study and would apply to the additional administrative costs of managing committee including site visits as well as meetings. Clearly it is important to ensure that committees are appropriately resourced to support their operation both during the running of the committee and in the preparation in advance.

There was no clear relationship between the number of member call-ins and the number of applications on the agenda, nor between the length of meeting and the proportion of agenda items that are call-ins has been found in this study. However, there is a clear positive correlation between the numbers of items on the agenda and duration of meeting (see Figure 7 of the survey analysis). It follows that by reducing the number of items on the agenda this should reduce the length of meetings and the cost of committees.

2.8   Perspectives on Practice

The types of applications going to committees were not something that particularly taxed the case study interviewees and was not a matter that raised many suggestions for improvements. Some officers appeared sanguine stating that many of the proposals were actually finely balanced.

There was a general agreement between the members at the seminar that a national scheme of delegation was not needed but there was a need for some good practice guidance and criteria. The response to the idea by officers was more positive although with the caveat of not wishing to make people 'worse off'. This suggests that minimum requirements applying to a national scheme of delegation may be suitable whilst allowing some local discretion and flexibility to reflect the different profile of applications / projects in different parts of Wales.

Officers at the seminar also agreed that strong guidance was needed regarding when call-ins are/are not appropriate. This was in line with officer views expressed that thresholds of objections are a blunt tool and

simple household extensions should not go to committee since the members are not in a position to be able to better determine issues such as overlooking than officers.

Also officers observe the fewer items on the agenda the better the debate. However, officers noted that the committees need a certain amount of applications to be considered to give them experience and trust in the officers that they are making some of the decisions themselves, at committee.

However, it was suggested that the provision for member call-ins should remain with the use of categories that are exempt from call-in would be sensible.

A stakeholder theme was that it is difficult to understand the rationale behind delegation schemes. Perhaps some delegation schemes reflect the level of trust between particular officers and particular members at the time of the agreement of the scheme rather than what is suitable for the effective and efficient decision-making process. An example of this is in the approach to applications that depart from the development plan. A frequently expressed view that the Development Plan is not perceived to belong to members is likely to give rise to failure to delegate in practice in relation to the development plan. Officers would not be trusted to make decisions in line with the development plan if the members will readily argue the case against the development plan.

The experiences in practice of the current schemes suggest that whilst it is possible to set clear parameters regarding delegation and call-in, the discretion that is a necessary part of the democratic system will still enable local planning authorities to operate their schemes as they choose locally.

2.9   Conclusions and Recommendations

Delegation of decision- making to officers has benefits for all stakeholders in terms of simplifying procedures, minimising costs and freeing up committee members to concentrate on major or controversial cases. It removes applications which typically elicit no member discussion and evaluation at committee whilst clarifying the system and protecting member involvement. Where there is no need to await a committee decision time can be saved in dealing with a planning applications. Delegation is therefore a positive process that gives benefits not just in terms of streamlining internal procedures but also in terms of improved responsiveness for applicants.

The following recommendations aim to address the findings of this study and IAG concerns. The implementation mechanisms are largely through secondary legislation.

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 them 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.

3   National Planning Committee Protocol

3.1   Introduction

Legislation (updated by the Localism Act 2011) requires all local authorities to adopt a Code of Conduct for members. That code applies at all times, not just in relation to planning matters, to all members. The code of conduct is set out in each Council's constitution and deals with the declaration of interests both personal and pecuniary. Any member with a pecuniary interest or a personal and prejudicial interest must declare it and depending on the nature of the interest may take no part in the consideration of an application. Any person can make a written complaint to the Council's monitoring officer that there has been a failure to comply with the Code and the Public Services Ombudsman for Wales can look into complaints that local planning authority members have broken their authority's code of conduct.

Some provisions of a general Code of Conduct are of special importance in the planning process. In particular in dealing with planning matters members must avoid the appearance of predetermination or bias. The Localism Act 2011 has sought to clarify the position so that there is a distinction made between interests arising from the personal and private interests of the member from those arising from the member's wider public life. A distinction is also made between predisposition and predetermination bias or a 'closed mind' approach with the idea being to enable members to be more engaged with the planning process prior to an application being presented formally to the committee.

In order to ensure that members act 'safely' the Local Government Association (LGA) recommends that councils should adopt local planning protocols of good practice to supplement the statutory Code of Conduct and to assist members in ensuring all planning decisions are well founded and are reached impartially.

In keeping with the overarching themes of efficiency, effectiveness and consistency this research recommends the introduction of a national planning committee protocol.

3.2   Current Practice

Almost all of the authorities provided a copy of their code of practice or planning protocol. The codes of conduct are embedded in the Council's constitutions – those who have adopted specific codes for planning or parts of the planning process e.g. public speaking arrangements or site visits do not always include these aspects or cross refer them with the substantive code of conduct for the Council. Some of the adopted codes are now quite old dating from 2003 onwards and many are in need of updating following the introduction of the Localism Act 2011 which brought in a requirement for a local code to be adopted by August 2012. Section 25 of the Localism Act 2011 expressly provides that a member shall not be taken to have had a closed mind just because he or she has previously done anything that directly or indirectly indicated what view that he or she

took, or would or might take, in relation to a matter. Therefore a member will not have predetermined merely because he or she has made statements about a planning application in the past. Those that have updated have stressed the need for members to take account of all the relevant material planning considerations. There were varying degrees of information and detail provided for members. Key features of the more comprehensive protocols relating specifically to planning included:

- role of members and officers in relation to dealing with planning matters;

- member/officer contact;

- registration and declaration of interests;

- procedure for calling-in applications to committee;

- lobbying of members;

- training requirements;

- site visits;

- procedure at committee;

- decisions contrary to officer recommendation;

- regular review of decisions; and

- public speaking arrangements.

All of these vary in detail to a greater or lesser degree. Some of these matters are covered elsewhere in this report. This section deals with the role of members and officers in the planning application process and the registration / declaration of interests.

3.3 Role of Members and Officers

Planning is a complex area for anyone to engage in. Members have an essential role to play in delivering a planning system that if engaged with effectively can deliver the needs of the current and future communities in their area. It is not assumed that members engaging with the planning process should become experts in technical, legal and policy matters, indeed to do this would be to usurp their officers' role. Members and officers have different but complementary roles. Elected members are responsible to the electorate while officers are responsible to the Council as a whole. Members (including those appointed to national park authorities) in making a decision must act fairly and openly, approach each case with an open mind, refer to the Development Plan and material considerations, weigh up all relevant issues, determine each case on its own merits and ensure that there are clear and substantial reasons for their decisions and that those reasons are clearly stated.

Officers advise and assist members in matters of planning policy and in their determination of applications by providing impartial and professional advice, making sure that all the information necessary for the decision to

be made is given and give a clear recommendation. A successful relationship between members and officers will be based upon mutual trust, understanding and respect of each other's positions.

Both members and officers are guided by codes of conduct. For members this is contained in the code of conduct for the authority and the standing orders which set down rules which govern the conduct of authority business. Whilst members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community and should vote in the interests of the whole Authority. The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved. Members should take account of those views but should not favour any person, company group or locality or put themselves in a position where they appear to do so. They should not put pressure on officers to put forward a particular recommendation.

Staff who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct. Employees must always act impartially and in a politically neutral manner. Both officers and serving members must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision-making on it.

3.4 Involvement of Members in Pre-Application Discussions

Very few Welsh authorities involve members in the pre-application process and the study revealed that none had prepared a detailed protocol to deal with members' involvement in pre-application discussions. Indeed most caution against any involvement by members. Councils have historically been concerned about probity issues raised by involvement of members in pre-application discussions and worried that members could be accused of predetermination when the subsequent applications came in for consideration.

The Localism Act 2011 has sought to clarify member involvement at the pre-application stage. With the increasing emphasis and encouragement on frontloading the process and the seeking of advice at a pre-application stage there are distinct advantages in involving members. Provided that members avoid expressing an overall view and indication of how they intend to vote and limit their questions to an understanding of the proposal or asking questions they could not be viewed as having a closed mind. However, without an agreed protocol member involvement may unnecessarily open any member on the planning committee to avoidable risks of challenge on apparent pre-determination.

Constructive pre-application discussions between potential applicants and planning officers has been recognised, and becoming increasingly the norm in authorities, as helping to ensure all relevant considerations are addressed when an application is submitted and to potentially speed up the determination of an application and bring more certainty into the

process. In the past members and officers identifying different issues when an application is being considered by a planning committee has caused concern. Thus private sector stakeholders are looking to reduce uncertainty and ensure any additional members' issues are identified to be dealt with in an application submission.

As 'Constructive Talk 2007' explains good pre-application advice removes as much uncertainty as possible for the developer, allowing the proposal to proceed with more confidence and reduces the risk of abortive costs arising from failed applications. Nevertheless in order to avoid perceptions that members might have fettered their discretion such discussions should take place within clear published guidelines.

Some authorities have started to provide informal briefings to the committee on major schemes so that members know what schemes are in the pipeline. This is usually done using the applicant's materials approximately 3 months before an application comes to committee so that members are familiar with the contents and issues of the application. It is recommended that there is national guidance best practice produced and each authority should be required to include within its planning protocol mechanisms for the involvement of members in line with such guidance. This would facilitate members' involvement in relevant public meetings, pre-application discussions and policy production without taking risks which would question the integrity of the decision- making process. This guidance should draw on the practice elsewhere e.g. PAS guidance and practice in many English authorities and could include interim committee reports; developer presentations to committee and development management forums or enquiry by design workshops.

3.5 Registration and Declaration of Member Interests

Three of the case study authorities have distinguished the roles of the Decision-Maker and the Local Representative at the committee in order to safeguard members and ensure there are no predetermination / probity issues. In these protocols it is set out clearly that as a member of the committee the member should not make representations on behalf of their constituents or a community council unless they step down from the committee for the item and undertake the local representative role. These protocols provide that a member of the committee can decide not to be a decision- maker if they intend to attend a meeting and make representations about the application on behalf of their constituents. These protocols also state that members acting as local representatives should not sit with members of the planning committee nor speak to members of the committee. Where a member of the planning committee makes a request to call the matter into committee the member needs to consider carefully the role they are able to play when the committee determines the application.

In all case study authorities the code of conduct for members was followed and generally raised no predetermination problems. The legal officer was available to give advice to members on when an interest should be declared and whether the interest was prejudicial. However in most of the

committee meetings observed, members' interests were declared up front at the beginning of the meeting and so it was not always clear who could / couldn't vote or debate by the time the item came round. Two of the case study authorities asked members to declare interests at the start of each item and that made them more open and transparent. Where this did not happen it was quite possible that members declared an interest at the beginning and still spoke/lobbied on an item in a way which is not very transparent – and indeed this was observed at one of the meetings where the member both spoke on the item and moved the recommendation having declared an interest at the beginning of the meeting rather than immediately before the item. It therefore appeared that this declaration had been forgotten.

The seeking of advice from legal officer to help determine the materiality of a member interest or whether it would be prejudicial to determining the planning application made it feel to the observer like appropriate action was being taken. Good practice however would suggest that members should seek this advice from the legal officer prior to the meeting as doing so at the meeting could lead to disagreements in public which can cause delay and deflect from the business of the meeting to determine the applications. By making a declaration at the beginning of an item it ensures transparency and ensured it was clear when members had left the room during the discussion on an application the reason for the departure. In observations this was not formally announced or declared, so it was not apparent whether the member was leaving as a result of an interest or for a comfort break. Particularly at the larger committees it was difficult to keep track of who was in the room at any one time. Some clearer guidance in a planning protocol of the circumstances when members might be considered to have predetermined an application e.g. lobbying / supporting their constituents in a campaign, making representations at the consultation stage would be beneficial.

Where applicants/agents were known to members (e.g. former Council officers) this was not always made clear and did not present well. Proposals to the Council as local planning authority by serving and former members and officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is vital that they are handled in a way which gives no grounds for accusations of favouritism. One of the authorities observed had ensured that an application by a non-planning officer of the Council was handled by an area team in a different part of the district. This is good practice.

In all the authorities observed there were pre-committee meetings between the planning officers and the Chair and Vice-Chair in order to ensure the smooth running of the meeting and to enable the Chair to be briefed on public speakers and any late issues arising. There were not always pre-agenda meetings to discuss the agenda for a forthcoming meeting – in most authorities this was determined by the officers in accordance with the delegation scheme. Although there were no formal party political meetings held before the committee meeting it was clear that in some places voting followed party lines / alliances and some 'horse trading' on applications was alluded to by those interviewed.

Those authorities with a prescriptive protocol felt that it worked well because it gave clear guidance to members.

The recommendation from this study is that there should be a national planning committee protocol which sets out the role of members and officers in the planning application process and the registration/declaration of interests but also picks up the other recommendations set out in this report. This would ensure that the same provisions (subject to some local variation) operate across Wales and that the process and procedures operated by planning committees are clear and transparent.

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 Recommendation10);**

- **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.

4   Member Training

4.1   Introduction

Members are not officers, and officers are not members. Members are elected or appointed representatives who have decision-making powers over planning decisions. In the majority of planning applications these are delegated to professional, trained and experienced officers to make on members' behalf. It should be remembered that planning is not a member's sole remit and that each decision-making power of other member responsibilities comes with a competing time and knowledge requirement of its own.

Planning applications that are determined through delegated powers are, generally, smaller, less complex and/or less controversial. Members are therefore the decision-makers for the most significant minority component of an authority's caseload. Officers have a duty to brief and prepare members to make these decisions. A lot of that effort takes place through the development management

> **"Just because the LDP says we have to hop this way or that way doesn't mean we have to. Our job is to scrutinise decisions."**
> (Member in Committee, asserting their right to go against the LDP if they wish)
>
> **"You are not a scrutiny committee… You have a legal duty to determine applications in accordance with the LDP unless material considerations indicate otherwise."**
> (Head of Planning, in response)

process in terms of officer reports, meetings and the committee itself. Some of it comes through engaging members in plan-making and other policy activities in setting a shared vision for an area that members and officers jointly deliver. And the final component is training (or arranging training) to ensure that appropriate technical and procedural skills and knowledge are in place.

4.2   Training Committee Members

Training members to serve on the planning committee was universally important and recognised by all stakeholders. It is also reflected in current practice, where all authorities that provided information on member training said that they provided member training, albeit to varying degrees, subjects, methods and so on. In short, member training is already happening.

The case study visits to committees highlighted a range of experience and knowledge levels. This included strong chairing to keep focused on planning issues, members clearly aware of technical issues around renewable energy and good examples of members weighing up competing interests and considerations. Many authorities have comprehensive induction materials for newly-elected members serving on the planning committee and the WLGA has an excellent introduction to planning publication to assist members in regard to planning matters. There was

also evidence of political tensions around debating and voting, some poor understanding around committee processes and procedures and a disjoin between policy- and decision-making. In short, there was evidence of good and bad practice by members.

A key issue for this study is how much training can and will help to sustain the good practice and resolve the bad practice. Training is happening and yet there were the previously-mentioned observations. It would be almost naïve to stop at recommending compulsory training for members, or to treat training as a technical or academic challenge. Some of the practice observed might be fixed by training, whilst others may not. And the effect will vary based on the underlying member culture and the individual natures of members. These themes are explored further in Section 7.4 on the delivery of training.

> **"I'd like to recommend two conditions… but I'll wait until after the vote to introduce those."**
> (Member in Committee)
>
> **"This would be housing a local family; I assume that it will be affordable. The [newly adopted LDP rural dwelling] policy is just bedding in."**
> (Member in Committee, reasoning their right to go against the LDP if they wish)

Notwithstanding the issues already identified, there were some clear areas where increased training would be beneficial:

- **Initial training:** newly serving members serving on the planning committee have very little time from being elected / appointed to their first committee meeting. There are often very good training materials but they are conveyed at a fast pace and in a short amount of training time. At the same time, members have other roles on other committees and so are also undergoing similarly intense training for those.

- **Ongoing training:** beyond the initial introduction to the planning system, there will be ongoing training requirements around new legislation or guidance, recent case law or topics or specialist knowledge about upcoming applications. This is probably the part of training that is currently best addressed.

- **Outcome training:** A number of authorities that were involved in this study aim to and / or do go out to visit previously determined applications to discuss, reflect on and learn from real-world outcomes. All authorities saw the value of doing this, and most wished they could do more of it. It can involve going out on site or going back to reconsider the officer report and committee minutes on applications that were lost on appeal, or that are considered to represent good decisions and good developments. It is important to highlight both good and bad as the emphasis is on improving future decision-making.

- **Personal reflection:** it is recommended that some learning emphasis should be assigned to members (individually, in small groups or as a committee as a whole). This should not be seen as 'training' per se but a chance to go over challenges and experiences of recent committees. If an issue or matter of procedure has arisen then it should be reflected on in the appropriate way – recognising that this could be both difficult

for officers and members alike, hence the flexibility to deal with issues individually or across the whole committee. Examples observed include a lack of understanding of the relationship between the LDP and committee decision-making, and consistent call-in requests by certain members on applications which, when discussed and determined at committee appear straightforward to the extent that other members actually question why they are being asked to determine it.

There is little benefit from training that is poorly attended. Estimates of anecdotal average training attendance rates varied from 'about a third' to 'almost all'. Introductory training is almost completely mandatory across all authorities, but not universally enforced in practice. It is recommended that it should be mandatory on a national basis – all newly elected members should receive training on the planning system, and member should receive more detailed training when they join a planning committee (accepting that these events could, but might not, occur at the same time following an election). However, recognising the difficulties of competing members demands it should be delivered across multiple sessions across shared (authority) areas to enable flexible attendance. It should be based on a single, national set of materials to avoid unnecessary effort and duplication by 25 authorities all preparing the same training materials.

Ongoing training is a more complex area; it is recommended that such training should be mandatory in general terms but that members should not be compelled to attend every session. This accepts that some members with long-standing planning experience might not gain from some sessions – although it is important to distinguish between experience and capability. It is recommended that the WLGA, RTPI Cymru, POSW and the proposed PAIB collaborate to identify a training 'syllabus' for the year ahead and ensure efficient timing and coverage, avoiding overlap. This group should engage with the Welsh Government to collectively plan new training materials as new policy emerges, e.g. so that a training note for members can be prepared and issued as the same time as a new TAN for example. The overall approach to training should be mindful of both the current and emerging needs or topics to be addressed and the potential range of different formats that training could take including workshops, seminars, interactive sessions, online or self-taught materials and so on.

As part of each committee member's Continuing Professional Development (CPD), members should be required to engage in a minimum of 10 hours CPD and a minimum of one half-day outcome / reflection type training each year. Local authorities should be encouraged to ring-fence monies for member training and part of the Chair's responsibility should be to monitor training attendance. It is expected that, in reality, members will exceed the 10-hour CPD requirement. However, members that do not meet this minimum requirement should be removed from the committee until this requirement has been met.

4.3   Training Committee Chairs

The role of planning committee Chair is hugely influential. The Chair drives the meeting, sets the tone for debate, and thus overall creates the space

within which planning decisions are made. But there is no single style of chairing or single mode of operation which is the 'ingredient' for success. Each Chair needs to adjust to their personal attributes, the corporate culture and the committee membership. Some Chairs operate with very formal arrangements, others less so, there are varying degrees of activeness or passiveness in leading and managing debate. Indeed, the Planning Advisory Service elected members skills framework identifies a very diverse skillset including:

- community leadership;

- regulating and monitoring;

- scrutiny and challenge;

- communication skills;

- working in partnership;

- political understanding;

- understanding the spatial planning system;

- development management; and

- the development process.

The quality of chairing in evidence through the case study work appeared high, often due to the level of experience the member in question held. It also served to emphasise the 'dynamic' between the Chair, the lead planning officer and the legal officer who together must ensure legally sound planning decisions are made.

It is recommended that a national network of planning chairs be established, including a mandatory initial training programme and ongoing training updates focusing on practical skills. Vice-Chairs should be encouraged to attend some of these meetings or events as part of their CPD requirement.

4.4   Training Delivery

The two emerging (and conflicting) themes apparent from the case study visits were (a) the level of inconsistency between committees and (b) that each authority felt that what they did/how they operated was 'normal'. Each authority is, to varying extents, operating in an inward-looking silo in terms of committee practices and corporate culture. During the interviews, some members were surprised to hear the variation in committee size, delegation rates, attendance levels, number of applications determined by committee per session, site visit rates and so on.

If the objective of a consistent, effective and efficient committee is to be realised then the inter-authority 'barriers' around day-to-day practice need to be eliminated. It is recommended that the best route to achieving this is through a move towards shared training delivery:

- At the moment there are 25 authorities all preparing training materials in relation to similar issues. It would be more effective to centralise (or bring together) this to reduce overall national administrative burden.

- Several members said that training was not always held at convenient times. A shared approach would enable multiple sessions to be held jointly at a sub-regional level and offer a choice of dates and locations.

- There was limited, but still present, tension between members 'being told by officers what to do' and members 'not listening to their officers' around wider views of an authority being 'member-led' or 'officer-led'. Such views are counterproductive and self-reinforcing. However, there is considerable practical merit in making appropriate use of external training providers from outside the authority. This should include consultants (i.e. with a viewpoint from applicants), members, planning inspectors and officers from other authorities and specialisms.

- Bringing members together would enable them to share experiences and views across administrative boundaries and organically promote more consistent implementation of planning policies.

This approach could inconvenience those members used to receiving training either prior to, or following, a committee meeting. If all members attend, such approaches are a convenient way of delivering small topic-based updates or short presentations of no more than half an hour. For longer training or more complex topics, they risk extending the meeting and impacting on availability, concentration and decision-making. Overall, the benefits of a shared approach to training are felt to outweigh any inconvenience.

> **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.**

5   Decision-Making/Procedures

5.1   Introduction

A considerable proportion of previous research and operational improvement effort has focused on improving delegation arrangements, considering the impacts of overturns, relating decisions back to prevailing planning policy, public speaking arrangements and so on. Little direct consideration has been given to the actual *way* in which decisions are made. This includes the typical 'running order' of consideration of a planning application at committee and the way in which decisions are made (via voting) and recorded.

This section assesses the mechanics and process of moving from information to a decision. Since this is a largely qualitative area it was not covered by the survey and was one of the main reasons for undertaking the case study visits. As with other aspects of the study, the evidence highlights significant variation in approaches and practice.

5.2   The Role of the Local Member

There are obvious and understandable tensions associated with being the local member for an application being discussed at committee. Members are elected or appointed to represent their entire district, to create and implement policy, and to act in the wider public interest. However, where there are controversial development plans or other situations resulting in their lobbying by the local electorate there is an expectation that it is their job to support and represent those local views, even though those views can sometimes conflict with the prevailing policy or wider public interest.

In some cases the local member expectation to represent local views is fulfilled through the member (who is not on the planning committee) appearing at the committee to speak on an application. Where the member is on the planning committee there is no consistent approach to dealing with this sort of challenge.

Tensions associated with the role of acting as a local member at the same time as being a decision- maker were clear through the interviews undertaken and the observations of planning committees. Members were often reluctant to relinquish the ability to vote but also wanted to be able act to represent the local interests presented to them. As noted in the themes drawn from the stakeholder interviews there currently exists in a number of authorities a culture of local member representation by members of the committee, rather than committee members taking decisions on behalf of the local planning authority as a whole. This is borne out by the case study interviews. The view was also raised in at least 3 of the 7 case study authorities and cited on a number of occasions that there is a tendency to vote at committee in line with the ward member's views. It is therefore unsurprising that there are instances where the checks in place to reduce the number of minor applications coming to committee are not used so much i.e. the decision by the Chair and Vice Chair running with all call-ins going to committee, in effect this leaves the

decisions to the overall influence of the local member (a *de facto* 'committee of one'). This is clearly not appropriate in planning decisions that should be made in terms of the wider interest.

One committee observed clearly placed undue emphasis on the views of the local member; following the public speakers the Chair would go to the local member to ask them to move a recommendation prior to any debate. For some applications there would be no debate and the vote would be taken. Where there was debate it was clear that the other members of the committee took a great deal of cognisance from the view of the local member. As was commented in interview it is the local member who has the knowledge of the site and the area and members clearly saw the role of the local member as giving a steer to others. However the boundary between being a local representative and an objective decision- taker is clearly blurred.

This influence of the local member also exists in much subtler forms, often steered not by deliberate intent or malice but by the poor structure of the committee running order which makes appropriate protocol difficult to observe. Numerous committees take members' interests at the very beginning of the meetings in almost a 'shout out' format which is hard for members of the public (who in many cases have not been told, cannot see, cannot read name plates, or which don't say which member is elected to which ward etc.) to clearly observe proper protocol being followed. There were two instances observed where members who had declared a prejudicial interest at the beginning of a meeting later spoke on the application they had declared an interest in. In one case the member spoke to the item, moved the recommendation and voted on the application.

Chairs (and the legal support) need to be strong in ensuring that members can express the views on behalf of their constituents but remain an impartial decision- maker. In particular there is a need to enforce impartiality against the common 'wily' tactic of both expressing an open mind but also lobbying a view at the same time, such as use of a statement such as "*I haven't decided yet which way I am going to vote, but it seems to me that…*". Some authorities do not allow members to vote on applications within their own ward, but do allow them to speak.

There was anecdotal hearsay around 'horse trading' for support to approve or refuse applications along party lines, but this review found no evidence of political pre-meeting to discuss applications in advance, although some committees were observed to vote broadly on party political lines, albeit without any identified formal whip to do so.

The recommendation of this review (set out below in Section 8.6) is that local members who are not on the planning committee should be able to speak at committee on applications within their local area. However, they should form part of the public speaking element of the decision- making process and should not appear to be part of the committee. Further, members that are on the committee should be asked to make a conscious decision as to whether they wish to act as a local member or remain as a decision- maker on the committee. If they wish to act as a local member in order to speak on behalf of their constituents or vote. When acting as a

local member they should 'step down' from the committee 'table' and join the public gallery for those applications where they wish to address the committee on their constituents' behalf.

5.3 Debate

Debate during committee meetings appeared to fall in to two main groupings – those that led with a motion and those that arrived at a motion.

Some committees were observed to begin 'debate' with a member making a recommendation (notably also then being able to sum up and conclude the debate to the angst of some members) and then all following discussion either framed by that motion or proposing a new motion. The sort of phrases that typify this approach are "*Well, I will be supporting the motion because….*" Or "*…and therefore, I will oppose the motion.*" Some interviewed felt that this provided clear structure and ensured debate was relevant and on track. Others felt that it restricted discussion and enabled some members to try and restrict input from others. This approach seems to encourage members to go from hearing the views of the public, to airing their decision, effectively 'internalising' the debate to each member (in order to speak they have to express their view as to how they intend to vote) and not enabling members to explore issues and / or weigh up arguments collectively.

Other committees were observed to have a more 'roundtable' approach which enabled members to offer a view without committing to a voting preference. The strength of this approach is that is allows the committee members to explore ideas together, to ask questions of each other and to move towards a consensus. The

> **"I don't want to be a rubber stamper, I want to use my judgement."**
> (Member in committee, asserting their right to go against the LDP if they wish)
>
> **"Sometimes you don't want to admit that you're a bit lost to be honest."**
> (Member interview, on following the discussion of technical issues on applications)

weakness is that it can be a 'rambling' approach which requires efficient chairing to get to a decision. The risk is that every decision is discussed at length even when there is a clear consensus early on in the debate. On balance, this model for debate is the preferred approach as it 'externalises' the debate and, if chaired effectively, enables decision-making on a collective basis as a single committee rather than as a series of individual voting preferences.

Where this style of debate results in a difference of approach, such as the approach to debate adopted by other committees within an authority, it might be useful to implement the recommended approach in conjunction with support such as training and inclusion of the recommended running order within planning committee agendas or in hard copy on the table in front of members.

5.4   Voting

The job of the committee is to make a decision on the planning applications put before it. The decision is a binary thing – deferrals aside, the recommendation in the report is agreed or not agreed and an application either gets planning permission or it does not. It is accepted that there may be modifications to the recommendation through the addition of additional conditions or reasons etc. This 'yes' or 'no' answer is arrived at through a majority vote and this review in no way contests this fundamental approach to decision-making. Alternatives would be to require a higher level of vote (i.e. unanimous, two-thirds majority etc.) in order to overturn the officer recommendation. This would represent a fundamental shift in the power and balance of the planning system and its democratic accountability. This is not recommended.

The case studies showed that, by and large, voting was carried out in a comparatively informal way through a show of hands. Even in case study locations where an electronic voting capability was installed it was not used. This resulted in a number of observed 'side effects' including:

- Some votes hidden from public view: where committee layouts do not offer a clear view of members from the public gallery it is not always possible to see which members have voted and when. One committee room had a semi-circular layout with the public gallery at the back of the room. Members sat with their back to the public. When voting some members would raise their hand above their head, whilst others would only raise it in front of their chest. The latter could not be observed from the public gallery.

- Changing their mind: some applications are clearly almost unanimous, others can be much closer. Observations through the case studies identified two types of behaviour whereby members appeared to change their mind whilst voting. The first is a 'late hand raising' – when members are asked to vote, a member will look around the room and gauge the level of support and then raise their hand later than other members. Second, a number of instances of changes to votes (a 'preference switch') were observed when a recount was taken. If a vote appeared to be close or if a clerk was unable to determine if a member was indicating a voting preference they would ask members to once again (and more clearly) indicate their voting preference running through the options again. Some members were observed to change their mind on this second vote.

- Unclear recording: with the informality and confusion over some votes (as set out above) the record of the vote is often spoken between the clerk and the Chair. It was often inaudible from the public gallery. The combination of being unable to see some members voting and not hearing the final vote count is clearly unsatisfactory. Vote recording (and thus committee minutes) tend to not record which member voted which way unless a member specifically requests their vote to be recorded.

All of the above behaviours serve to undermine the very voting behaviour with which members are being tasked.

Finally, members are able to abstain when voting, whilst voting is carried on a 'simple' majority basis, that is to say that a motion is passed if more members vote in favour than against. Consider the (theoretical) scenario where one application is passed with 11 members in favour and 10 against (with no abstentions), compared to another scenario where an application is refused with 1 member in favour, 2 against and with 18 abstentions. Abstentions have a distorting effect on decision-making. In practice, abstentions run at a low level but they are not recorded (against individuals) and observations suggest that they are not always appropriately or consistently used. If a member has a declared interest and has removed themselves from the vote, they should be recorded as outside the vote and unable to speak unless occupying a speaking slot ahead of the debate. Currently, it is irrelevant as only the overall decision is recorded, i.e. there is no transparency that due process has been followed.

One case study committee involved an application where a member had recommended the introduction of additional conditions to the decision notice. Some members wished to vote on the principle of the application (what they saw as 'the main vote') before considering the acceptability of the proposed conditions (which would be a secondary issue to be considered once, or if, the principle of development had been approved). This seems initially logical from a non-planning perspective, however the vote on the application needs to be a 'yes or no' as to what is being approved (including conditions) therefore members were asked to vote on the acceptability of the conditions ahead of being asked to vote on the main application itself. Members did not understand (and officers struggled to convey) the need to vote for these items in isolation from each other, e.g. if the application could be made acceptable in principle would members wish to see these conditions imposed. A significant number of members abstained from the vote on the conditions that subsequently voted against the approving of the main planning application.

5.5   Recording and Monitoring

Where applications are determined in line with the officer's recommendation, generally it is these reasons that are used to justify the decision. Where members overturn the officer's recommendation, they are asked to provide their planning reasons for doing so. In some instances, this results in a consequent deferral and a new report to the next committee setting out those reasons particularly where members wish to refuse an application recommended for approval – this is in order to make sure reasons for refusal can be supported on appeal.

Stakeholders expressed a range of views over the recording of decisions and whether reasons for approval should be noted, whether they should be contained with the minutes or referred back to in the committee agenda pack / report or whether there should be a separate summary of decisions as part of or alongside the minutes. On balance, aiming to achieve complete consistency and transparency, it is recommended that committee minutes should include both reasons for approval and refusal, and that these should be drawn forward from the agenda or offered by

members as appropriate. There is only minimal administrative burden in recording and / or repeating this information.

Similarly, reasons for deferral should also be noted where an application is deferred. It is reasonable for the Welsh Government to monitor the level and proportion of applications which are deferred, as one metric which might be considered in the round along with other information (such as committee size and delegation levels) to assess the ongoing efficiency, effectiveness and consistency of planning committees across Wales.

Section 5.4 dealt with voting issues. In terms of recording and monitoring votes it is strongly recommended that electronic voting be implemented to avoid the issues (and potential issues) already identified.

Where electronic voting is not practicable, consideration should be given to alternative means of 'blind voting' (see box, below) to ensure that a delay in instigating electronic voting does not have the effect of sustaining current voting practices.

"Blind Voting" – where electronic voting is not available

Where electronic voting is not in place, another system of blind voting should be instigated. This should include characteristics such as:

- requiring those voting to pre-select their vote;

- ensuring the pre-selected vote in some way identifies the voter; and

- ensuring that the pre-selected vote contains the preference so that the vote cannot be altered by 'revealing' it at a different stage in the vote.

This could be achieved by issuing planning committee members with a uniquely numbered (1 to 21, for example, for each member of the planning committee) set of 'in favour' and 'against' cards.

When a vote is held, members would be asked to pre-select an 'in favour' or 'against' card, previously placed face down slightly out of reach or on the floor.

The pre-selected card would be raised when called for those voting in favour of or against a motion. The pre-selection would ensure that the member voting has not changed their mind.

The person recording the individual voting preferences can quickly and accurately record the vote by noting down the numbers in to a table with columns for those for, against and abstaining.

Committee minutes should record detailed voting including which members voted for and against, those that abstained and those that (where they were the local member) elected to speak rather than vote.

5.6   Running Order

All case study authorities were operating broadly in accordance with their committee protocol. Where there were variations these were where the

protocol was out of date (and changes had formally been agreed but the protocol not yet updated to reflect these) or more discretionary measures made by the Chair, such as a more flexible interpretation of public speaking time where people were quickly asked to sum up / finish rather than cut off at the exact end time. There were only limited overt definitions of the item running order (and the reasoning for it) within protocols; rather the protocols implicitly defined the running order by virtue of the order in which the protocol was set out. There was *in situ* information (such as leaflet, poster or notice) to explain what was happening.

There were observed variations in the mechanics of the running order and can be summarised as:

- **Member declarations:** most member declarations took place at the beginning of the meeting (often forgotten by the time the application came up) whilst others took them item by item.

- **Public speaking:** the placement of public speaking within the agenda was generally consistent. However, the order of speakers (for, against, members, right of reply etc.) varied. The Chair did not always clearly name who was speaking. Public speaking is covered in more detail within Section 11.

- **Debate:** in some cases debate was centred around an initial motion proposed by a member, in other cases the debate was more free-flowing and led to a motion.

There was clearly acceptance that the broad running order should enable members to be firstly informed about the application, then to hear the (contrasting) views of others (public speakers including where relevant the local member), then for committee members to debate the application, consider a motion on the recommendation and arrive at their own decision. Based on the desirability of consistency and fairness, the following item running order is recommended for inclusion within a national planning committee protocol:

Order	Description	Lead
1. Introduction		
a	**Announce application and give description** *Clearly defining the agenda item moving on and announcing the site, development applied for and the applicant.*	Chair
b	**Name the public speakers** *Setting out who will be speaking, in what order, and by name and interest, i.e. agent, neighbour etc.* *Advising those who will be speaking where they should go/sit and any other necessary information such as how to activate any microphone, who will be timing etc.*	Chair/Clerk
c	**Declarations of interest** *Inviting members to clearly state their interest and whether they believe it to be personal, prejudicial or pecuniary. To include whether they will leave, stay, refrain from debate and whether they will vote.*	Chair/Legal
d	**Local member declaration to represent or vote** *Where the local member sits on the planning committee, they should state whether they intend to vote on the application or instead to speak on the application representing the views of their electorate. If speaking, they should move to the area reserved for speakers in order to later address the committee and to remain there until voting has concluded.*	Member
2. Presentation of application		
a	**Oral update** *If required, a short update of any late representations received and any new issues raised. Should avoid giving undue emphasis to late representations.*	Officer

Order	Description	Lead
b	**Presentation of application** *A stand-alone short presentation covering the development and policy context, application proposals, officer interpretation and reasons for officer recommendation – with visual aids to show site plan, proposals, site surroundings etc. to minimise the need for site visits.*	Officer
1. Speaking arrangements		
a	**People speaking in opposition of the application** *('Against')*	Chair/Clerk
b	**People speaking in support of the application** *('For')*	Chair/Clerk
c	**Local Authority Member** *If the local member wishes to speak and not vote.*	Chair/Clerk
	The same procedure should be used for each speaker: • *Welcome by the Chair, including reminder to keep to planning issues and stating the time limit.* • *Speaking, with the Clerk timing (reference may be made to a presentation if supplied in advance).* *Clarification questions from members through the Chair – these should be points of fact and only refer to issues raised by the speakers. It is expected that most speakers will require no clarification.*	
4. Debate		
a	**Indication of members who wish to speak** *An initial indication to ensure all committee members are able to have their say or ask for additional information / clarification. Does not preclude another member speaking later during the debate.*	Chair/Clerk

Order	Description	Lead
b	**Debate (members, through Chair, support from officers/legal)** *Member debate on the planning issues for the application. To be framed by (but not restricted to) the issues identified in the officer report and the resulting recommendation. Clarification available from officers. The aim is to have a roundtable debate on the pros and cons of the application in order to arrive at a decision.*	Chair / Members/ Officers
c	**Invite moving and seconding of the recommendation/alternative recommendation (if applicable based on debate)** *If the debate appears to be contrary to the officer recommendations (i.e. decision to overturn or revision to conditions etc.) then the Chair should invite a proposal for alternative recommendation. If the debate appears to support a vote in line with the officer recommendations, no action is required.*	Chair
5. Vote		
a	**Checking that the committee is ready to vote** *The Chair should ask the committee as a whole whether it feels it is now ready to vote on the application, leaving a pause for any member to either request that the debate should continue or to seek clarification on a matter of fact, policy or other technical aspect.*	Chair
b	**Summing up** *Short conclusion, returning to the main issues raised by the officer report, the way in which members have explored these and other issues. Clear reminder of the motion and the implication of a vote in either direction.*	Chair

Order	Description	Lead
c	**Vote** *Preferably electronic voting, but otherwise a clear show of (pre-selected, i.e. blind) voting cards raised above the head and held in place until the clerk acknowledges the count. Voting first in favour of the motion, then against, then for abstentions. Anyone not voting is subsequently deemed to have abstained.*	Clerk/Legal
d	**Explicitly record decision** *The clerk to announce the number of votes in each direction. Individual member voting to be recorded as part of the decision through noting voting card numbers. Confirmation of vote from Clerk to Chair. Chair to clearly announce the decision and included in the minutes*	Chair/Clerk

If officers or members believe that a deferral is the appropriate course of action then this may be introduced at any point in the proceedings.

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.

6 Committee Size

6.1 Introduction

In a democratic system certain powers and privileges are entrusted to elected representatives and as representatives they will be required to take decisions differently to the way they would act as individuals. Members of an authority when taking decisions on its behalf are required to act in the interests of the community as a whole and not in their own self-interest or those of only the constituents they represent in their ward. They must take a strategic approach to decision- making which means that they will at times need to put the desires of local people second to the need to work within the authority's overall policy framework. As described before there is therefore a difference between the role of a member acting as a local representative and a decision- maker. Planning committees need to be scrupulous in the way they make decisions and to act reasonably and fairly in a way that ensures public confidence that the law is not only administered justly but their administration is seen to be just. Planning is a particularly complex area as the Committee is charged with a 'quasi-judicial' role with the need to operate within the law and to give considerable weight to policy both local and national. It is often difficult for members to be required to adhere to planning policies set out and adopted in a development plan that remains in force but for which the current administration were not responsible. Decisions taken contrary to policy may be the subject of expensive and time consuming challenge (either through an appeal or judicial review) and where there is an abundance of technical expertise and detail.

It is for these reasons that the IAG considered that the model of democratic decision- making envisaged is better suited to smaller highly trained committees in order to ensure consistency and recommended that the maximum size for planning committees should be around 20% of Council members.

6.2 Current Practice

The survey results showed that planning committees in Wales varied in size considerably between 11 members in Merthyr Tydfil (out of 33) and Newport 11 out of 50) to all 75 members in Rhondda Cynon Taf and all 72 in Swansea. However, the survey data indicated that in the latter two authorities attendance is lower than in those with smaller membership at around 60% and in general the larger the committee the lower the average attendance. This means there is often no continuity of membership and thus consistency in decision- making.

A recent review of the planning committee structure in some authorities (including the case studies of Powys and Gwynedd) has led to a move away from area based decision- making to one committee. Only one authority Swansea still operates an area committee structure with two area committees (containing members of all the wards within that area) and a strategic Development Management and Control Committee containing all 72 members. One of the reasons cited by the authorities for moving away

from area based committees was that such structures are associated with inconsistencies in planning decisions and questions about probity in relation to competing pressures on members to be both impartial arbiters and community advocates. The three National Park Authorities currently have all members of the authority on the planning committee (currently 24 members in Pembrokeshire Coast NPA, and 18 in both Snowdonia NPA and Brecon Beacons NPA). Clearly their position is slightly different in that they consist of both elected and non-elected members and that their primary function is to act as local planning authority. However, there is no more reason why all members of the authority should be on the committee than any other authority. The English National Park Authorities operate with smaller planning committees e.g. South Downs NPA (the newest of the national parks) has 11 out of its 27 members on the planning committee.

The IAG report suggested that 20% of the total Council membership would be an appropriate size for a planning authority. Only one authority (Cardiff) is currently operating below that threshold.

6.3   What Size Committee is Efficient and Effective?

The practice of a small number of authorities who place all of their members on a planning committee raises the concern identified in the PAS Elected members' planning skills framework (2006) and the potential waste of scarce member resources, demanding attendance at committees and time to be familiar with agendas, but also extinguishes the valuable role which non planning members can play in the process. Members who are not planning committee members can become involved in planning issues without the particular constraints which accompany planning committee membership including ward member activities, community leadership or taking up a campaigning role on planning issues affecting their constituents. Members acting as community representatives are in many ways just as vital to the planning process as planning committee members and large planning committee structures overlook this to the authority's disadvantage.

Officers generally agreed that committees would be better with a smaller size and more round table discussions. Those authorities who had reviewed the size / structure of the committee generally felt that a smaller committee made them less parochial, enabled members to be better trained and that decisions were more consistent and based on planning criteria. Where there had been area committees with all members on the committee there had been inconsistencies in decision- making on similar applications and a lot of personal likes and dislikes of people exercised. One committee rather than an area committee structure could be more specialist and get more on the job training. It was estimated in one of the case study authorities that moving from three area committees to one had saved the authority approximately £100,000 per annum.

Pragmatically members could see the case for a smaller well trained committee yet those who operate with a large or all member committee would generally prefer to retain a large committee and felt that smaller committees were undemocratic and would not allow sufficient members to

have their say – playing a part and having a vote is important. A large committee was viewed as beneficial because it makes the best use of local knowledge and everyone has their say, although in these cases the vote tended to be in line with views expressed by the local member. However this would not necessarily be lost by a smaller committee - those authorities who have separated out the role of members as local representative and decision- taker felt that they could better represent their communities and speak to committee. A large committee was felt by some to be unwieldy and did not allow for the full engagement of all committee members in the debate.

> **"You don't always trust your fellow members to put your views across."**
> (Member, on needing larger planning committees)
>
> **"Members need to be able to demonstrate that they are playing a part, making a contribution."**
> (Member, on needing larger planning committees)

There is clearly a balance to be struck in terms of size of committee. Too small and it may result in a very few members of the local planning authority making important strategic decisions and does not allow for occasions when members are absent and / or need to declare an interest in a particular item. Membership of 20% of members on the local planning authority would be too low in some areas (where there are only 33 members this would result in a committee of 7) and result in too small a committee. A minimum / maximum range might be better to reflect the differences in size of authority and to allow for apportionment to reflect political composition with a maximum of 50% of members of the authority on the planning committee. On the basis of this study a minimum figure of 11 members and a maximum of 21 would seem appropriate.

6.4 What is an Appropriate Quorum?

If the overall committee size is to be stipulated it is important that there should be a quorum so that where the committee was small there are sufficient members taking important decisions. One of the case study authorities had a quorum of 3 (25% of the committee membership) and whilst this was easy to achieve (even with absences or members declaring interests on particular items) it left a very small number of members making decisions. As meetings run on later into the day – people often drift off so maintaining a quorum gets more difficult and this makes it important to make sure it is the major / controversial items that are considered. Clearly a higher quorate number would be beneficial in terms of the public's perception of the committee.

One of the case studies had recently reviewed the size of the committee and increased the membership from 15 to 21 members as it was felt that too often decisions were being made by too small a group of members. With only 15 members there was a danger that sometimes only half would be in attendance for a debate (taking account of absentees and those with an interest) and that would be problematic on the major items. Too small a committee could lead to rogue decisions. This slightly larger committee was felt by members to work better although officers thought that 15

members provided for a more focussed committee. On balance it is considered that a quorum of 50% of the size of the committee to be present when taking decisions seems about right.

6.5   The Use of Substitute Members

There were varied views on the use of substitute members. Some authorities allowed it whilst others did not. At one of the committees observed a substitute member had attended in order to maintain a full committee – but this was not made clear as no apologies were offered in the absence of the original member and so this substitution would not have been clear to the public. The use of substitute members can be difficult because it could potentially be open to abuse so that members deliberately send a substitute to vote for or against a case in their ward rather than because the regular member is away. It can also pose problems where applications are deferred to the next meeting as it leads to inconsistent membership of the committee. Substitute members would need to be trained in the same way as committee members are trained and should have attended the approved training during the previous twelve months to be eligible to attend as a substitute. On balance it is recommended that there should be no substitution of members at committee. If committees are operating on the basis that non-committee members are allowed to address the committee the fact that a committee member is absent should not prejudice their wards.

> **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.**

7   Site Visits/Deferrals/Overturns

7.1   Introduction

The differing practice in relation to the use of site visits, and frequency of deferrals and overturns of officer recommendation by committees are another set of factors that make the experience of the decision- making process on planning applications variable depending upon locality. Neighbouring authorities operate very different approaches to these matters.

The IAG report noted that a national code of conduct should include site visit practice and the Study to Examine the Planning Application Process in Wales 2010 suggested the use of cooling off periods for applications that committee are minded to refuse against officer recommendation. These practices are considered here and the recommendations on site visits, deferrals and overturns arise from the best practice observed.

7.2   Site Visits: Need, Frequency and Cost

The matter of inconsistency in the approach to site visits across Wales was raised as an issue in the member's seminar discussion group.

The purpose of the site visit was expressed, in all cases studied, as a fact finding exercise during which no debate about the merits of the case is to take place. Most authorities operate similar arrangements on site with an officer introduction, public (e.g. objectors) speaking only through the ward member, fact finding questions being asked of the officer or applicant through the Chair, and no discussion / debate on the merits of the application. This recognises that the proper place for debate of the proposed scheme is at the committee meeting where the decision will be made.

In spite of the recognition that the visits are for fact finding only there was recognition in interviews that at times, in some authorities, the desire for members to discuss the application and not follow protocol had to be strictly managed.

The study found, unsurprisingly, that there is wide variation in the reasons for site visits being held and the frequency with which they are requested. Figure 8 and the accompanying text of the survey results (see Appendix G) highlight these variations in practice.

Drilling down there are some authorities who visit sites only by absolute exception and this is strictly controlled by the Chair e.g. Powys and Cardiff. The Chair and the Head of Planning decide on whether a site visit will be held in other cases. The protocol for Neath Port Talbot is clear on the matter that requests for site visits should only be acceded to where the expected benefit is substantial.

However, some authorities act on frequent requests when it is clear that a local member doesn't like the officer recommendation and a deferral for a site visit is requested at committee, and accepted without reasons needing

to be given – essentially this is using the site visit mechanism as a tactic to defer the decision- making and causes unnecessary delay in the process. In at least one authority the call for such site visits was said to be used as a first step to making a decision contrary to the officer recommendation.

Other authorities expect the ward member to explain clearly to committee their reasons for a request for a site visit and the committee votes on it. The committee does not always agree to the site visit if the information available, including photographs, is considered to be enough to make a decision e.g. Cardiff.

The timing of site visits is key to decision-making and in general should thus occur prior to the committee considering the application, but close enough for the visit to remain memorable. One authority changed the timing of visits to a week before in recognition of this.

> **"Site visits used to be granted automatically, but this doesn't happen anymore. It's not fair on the applicant and just causes delays."**
> (Member, on the response to member requests for site visits)

A wide variety of practice exists in respect of who is permitted to attend site visits. Some authorities have a panel or sub-committee drawn from the committee, others have the Chair and/or Vice-Chair attend together with the local member and member of the opposition. In some authorities the whole committee is expected to attend (although a large proportion of the committee do not necessarily attend in practice) whilst others allow the public. In at least one case the authority may send the whole committee or a panel.

Many authorities do not allow the public on site visits, but the applicant or agent usually attends as do objectors who have submitted written objections. In one case a site notice is erected to inform and effectively invite the general public to the site visit. The attendance of the general public on site visits appears to contradict the stated intent of it being a fact finding exercise. Other authorities undertake site visits in private and have only committee members and officers attend.

In some cases if the members do not attend the site visit they are not permitted to vote on the item at the committee meeting. In the view of the authors, given that the site visit is a matter of fact finding, the results of the site visit can be discussed at the committee meeting and this should not preclude members who did not attend from voting. The committee is the place for all of the information regarding the proposal to be considered in one place at that time.

Undertaking committee site visits is another quite costly aspect of the decision- making process when one considers the member and staff time associated with travelling what can be long distances to review a site. Interviewees reported varying lengths of site visits for committee meetings ranging from a few hours to a whole working day depending upon the agenda. The costs of site visits were not calculated by authorities but some viewed them, logically, as considerable.

In theory it is possible for committees to never need to visit a site, the current digital technology allows for the site to be filmed and photographed and these images shown in committee rooms. The alternative of digital photography is recognised in the Cardiff site protocol. However, it is acknowledged that this may be seen as a step too far and in some cases perhaps the only way that one can really imagine a proposal is to stand *in situ*.

7.3 Deferral and Overturn of Officer Recommendations

The matters of deferral and overturn of officer recommendation are considered together as they are frequently very closely linked.

The fact that on some occasions members make a decision against officer recommendations is not a negative aspect of the operation of the planning system. Many planning decisions are finely balanced and it is the prerogative of the committee to come to its own conclusions regarding a proposal as long as these decisions are backed by sound, clear and logical planning reasons following a proper debate. There should, in particular be very clear reasons for making a decision against an officer recommendation that is in line with the Councils' Development Plan which is a statement of the Council's policy.

The levels of overturns of officer recommendation gathered from the survey show that for some authorities this reaches above 20%. This is felt to be a high level and that anything in excess of 10% is likely to require monitoring or review to understand what is behind this.

> **"In spite of a core of officers on the committee that were engaged in the (albeit long) UDP process, they (members) choose to challenge their own policies on a regular basis…. There is a perception that policies are for officers"**
> (Officer, reflecting on overturn of officer recommendations)
>
> **"Some members have confidence in the importance of policy and others are not familiar with it – some display a lack of knowledge despite being trained."**
> (Officer, reflecting on committee meetings)

The pattern of overturns varies between authorities. For example there were 43 decisions made against officer recommendation in one case study authority last year, more from a refusal to an approval than vice versa and generally relating to domestic extensions and houses in the countryside. Such decisions are naturally not challenged by the applicant. In contrast, in another case study authority there were 13 such decisions and these tended to be refusals against officer recommendation of approval, although those that have been challenged on appeal have not all been allowed.

Perspectives on overturns appeared pragmatic in some authorities – that these tended to be the more finely balanced decisions, in others that the success of overturns at appeal was not high. Perhaps of most concern are the instances where the decision is one that is based on the adopted policy of the authority and is a clear cut case, which is said to happen.

A deferral of decision to a later committee meeting, is often a result of a situation where the committee is minded to refuse a proposal against officer recommendation. Officers or members will suggest that the item is moved for deferral in order for officers to prepare the reasons for refusal such as in Cardiff. It is also used as a clear and effective period for reflection in Gwynedd, Flintshire and other authorities such as Caerphilly and Pembrokeshire NPA. Such a formal cool off period to the next meeting is reportedly used at Gwynedd at a rate of about one application a year. These can have a significant impact on decision time and more so in the instance of Gwynedd, combined with the use of three rotating locations for committee and desire to bring the application back to the same location. But, they are seen as a valuable tool in these circumstances by officers and this view was supported by members in the seminar discussions. The use of a cooling off period was a recommendation of the Study to Examine the Planning Application Process in Wales 2010, and is supported by this study's findings.

Deferral of applications for further information should be exceptional as all of the information required to determine the decision should be presented (through a complete officer report) to the committee on the first hearing and site visits flagged earlier than the day of committee. There was evidence that deferrals for site visits were used as a delaying tactic on unpopular proposals (or as the starting point to overturn officer recommendations). This is considered poor practice.

> **"The ink is barely dry on our new LDP. If you start today making decisions such as these…."**
> (Head of Planning, in response to members wishing to grant several applications contrary to officer recommendations and newly adopted policy)
>
> **"Why are we being asked to discuss something that is against our plan?"**
> (Member, confused as to why another member had called-in an application)

> **"Overturns are always deferred so that officers can draft reasons for refusal. Sometimes applications come back to committee and members change their minds and approve them. The deferral offers a cooling off period."**
> (Officer, on the arrangements regarding members seeking to make a decision against officer recommendation)
>
> **"Applications are deferred so that the officers can go away and interpret the members' reasons for refusal, sometimes the applicant amends their application or withdraws it."**
>
> (Officer, on the consequences of deferral due to intent to refuse against officer recommendation.)

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.

8   Public Speaking

8.1   Introduction

The chance for applicants and members of the public to attend the planning committee and to directly address members in relation to an application is widely held to be good practice. It has not always been part of planning decision-making but is now well integrated having overcome concerns over its effect on decision- making and the length of meetings.

For the applicant (or their agent), it is the only chance to comment between the officer report (and thus the authority's interpretation of the original planning submission in the local policy context) and the decision being taken.

Similarly, for those in opposition to an application speaking is the chance to come face-to-face with members and express their views in light of the authority's interpretation of their original representation(s) on an application. Though this does need to be weighed up against the right to make written representations on applications, and the need to strike a balance in terms of the number of applications that go to committee, and the recommendation that committees should focus on strategic issues / applications.

Perhaps more than any other aspect of committees considered by this study, the issue of public speaking is the more significant element in terms of seeking consistency across Wales. If it can be agreed that speaking should be allowed, it logically (and democratically) follows that for the same type of application, applicants and the public should be afforded the same speaking rights irrespective of administrative boundaries.

8.2   Current Practice

The local planning authority survey highlighted a general acceptance and inclusion of public speaking rights, although with significant inconsistency in their design and structure. In overview:

- overall, 22 of 25 local planning authorities have speaking arrangements in place;

- of these 22, 10 had a 3-minute time limit and 10 had a 5-minute time limit with the other two having more complex arrangements;

- some allowed other (non-committee members to speak) for 3, 5, 8, or 10 minutes, with some increasing the length of time for major applications;

- eight LPAs allowed applicants a right of reply, whilst another eight instead placed the applicant/agent speaking after objectors. There is thus variation in the order of speakers and the number of times that they could speak; and

- some allowed only one speaker for and against each item (a nominated spokesperson or the first person to register to speak) some

allowed all those who expressed an interest to speak. Some authorities applied the time limit to *each* speaker, for most LPAs it was an aggregate limit.

- Eight authorities placed public speaking ahead of the officer presentation on an application.

There is also significant inconsistency in the application and implementation of public speaking in practice. For example:

- some authorities adhere strictly to time limits for speaking whilst others (normally at the discretion of the Chair) will ask speakers to quickly conclude. One authority said that they would simply award the same time extension to the opposing speaker;

- depending on the set up of the room, and/or the way in which the meeting is administrated public speakers might address the committee from a podium/lectern, from a stand-alone table, from part of the committee table or from the public gallery. In the case of the latter, the public gallery was situated at the back of the committee chamber which was in a semi-circular layout. The public speakers thus spoke and addressed the backs of the committee members (those members nearest were observed to make significant effort to turn around but were hindered by fixed seating);

- all committees required advance notice of those who wished to speak, however two of the case study committees addressed the observers and offered them the chance to speak on an application if they wished. One Chair said that he felt it was important that people that make the effort to attend the committee be able to speak and be heard; and

- some committees have some fairly intricate caveats around public speaking. For example, in one authority, the applicant agent has to register to speak by 10:00am on the morning of committee. However, if there is no objector scheduled to speak, then they are not allowed to speak e.g. there is a requirement that public speaking be 'balanced'.

Finally, whilst most authorities provide information on their web site about their speaking arrangements, only one of the case study authorities provided information on the day. The material that was available online tended to also be quite factual about the

> **"I'm not sure I want to speak now… is it alright if I write a letter?"**
> (Applicant, during Committee)
>
> **"[Name of applicant], this meeting is to determine your application."**
> (Chair, in response)

rules and usually did not offer advice or support. Section 12 deals with customer care issues in more detail. In some authorities, the full explanation of the public speaking procedure is provided in writing (or linked to via email) in advance of the planning committee in response to a request to speak.

8.3   Who Can Speak

The overwhelming majority of stakeholders spoken to throughout this study agreed that public speaking was both desirable and important. Whilst a number of members and officers were reluctant to lose the power to set these arrangements locally they tended to be sympathetic to the 'post code lottery' counter argument that it is unfair that such variations exist. Section 8 includes recommendations for the running order of an item, and this section should be read in conjunction with those recommendations, which included the following public speaking slots:

- people speaking in opposition to an application ('Against');

- people speaking in support of an application ('For'); and

- the local elected member (or substitute member) speaking.

It is recommended that public speaking should run in this order, with no right of reply and with no requirement for speaking to be 'balanced' if there is no requested speaker in a certain slot. Speaking slots should be strictly limited to five minutes per slot, with the only exception being for very large applications (subject to a suitable definition), which should have eight minutes per slot in recognition of a greater volume of public interest and desire to participate in decision-making.

Where more than one speaker wishes to speak for or against, then they should be requested to nominate a single representative or agree a time split to be monitored by the clerk. If this cannot be achieved then they will be required to split the time evenly between all those who wish to speak. There would be no preference for the first person registering an interest in speaking that currently exists in some authorities. In order to action this approach, it will be necessary to require advanced notification of a request to speak.

8.4   Notification to Speak

All authorities that had formalised public speaking protocols required advance notice to speak although this varied significantly typically between three days in advance and on the morning of the meeting. It is helpful for the committee secretariat to have sufficient advance warning of speakers to gauge the likely overall public attendance, to prepare enough copies of agendas and to offer support and advice to those unsure of how to proceed. Further, requiring those wishing to address the committee to share a time slot will require advance notification if those persons are to have a reasonable timeframe to co-ordinate their response. Conversely, having such a lead-in time makes it more challenging for LPAs to determine applications that go to committee within the target 8 (or 16) week timescale. Only seven planning committees determined more than a quarter of their planning application at committee within the target timescale. The greater performance achieved by a committee was 46% of applications determined within the target timescale.

It is recommended that committee agendas (showing the applications to be considered, and the officers report and recommendation for each)

continue to be published no less than one week in advance of the committee meeting, and that this take place alongside (via a clear link) to the authority's public speaking arrangements. The same should occur in consultation letters sent to neighbours and community and town councils.

Requests to speak should be received no later than three working days ahead of the committee, along with agreement for their contact details to be used and circulated for the purpose of co-ordinating public speaking in the event that more than one party wishes to speak in the same slot. Local planning authority members and community council members should respond in the same way and to the same timescale.

The day after this deadline, all those who have requested a speaking slot should be contacted (ideally via email, but by phone for those without email or with specific needs) with a link to more detailed advice on speaking protocols (and advice on what constitutes planning reasons) and passed the name and contact details of all those who have also requested to speak including elected members. This should include the applicant / agent. It is important that this information stresses the need to share the respective time slots, to avoid duplication of content and the need to keep to time as they will be stopped at the end of the allotted time period.

If an application is deferred at a committee meeting, this should be because there is more information and / or analysis required. Accordingly, public speakers should be allowed to also be able to reflect on emerging information and speak again at the subsequent committee meeting(s).

8.5   Submission of Additional Materials

It was observed at one case study authority that the applicant distributed and presented a PowerPoint presentation (in hard copy) to guide and complement their public speaking time slot. Whilst far from common, this does happen across many authorities and is somewhat of a grey area. The material is not screened in advance by officers for its accuracy or planning focus, a copy is not given to the opposing speaker(s) and it could thus be argued to be 'unfair'.

Pragmatically, there is nothing stopping people lobbying, emailing or physically posting items to members ahead of a planning committee and elected members are contactable so that people can indeed contact them when they wish. Therefore, it is recommended that presentational material be allowed so long as it is submitted alongside the request to speak with the three working days before the committee date deadline. It should be provided electronically and placed online with the link being sent out to all those who requested an interest to speak as part of the communication sent out the following day. This should also be sent to the applicant/agent and members, including the local member/community council member if they have expressed a wish to speak.

Bringing in a unified and clarified approach to the submission of additional materials ensures consistency of access to members for the public and provides certainty and confidence to members worried about reading and being influenced by such materials. Advance notice also ensures that officers are also able to review materials ahead of the committee and so

empowers officers to be able to advise members on the day (if they seek such advice) as to the validity or weight of planning (and non-planning) arguments contained within such materials.

The use of presentational materials does not affect the length of time for which someone is entitled to address the committee. Additional materials should be given to committee members by the secretariat in the same format (e.g. hard copy) that they receive all other committee papers. If the person who prepared the materials wishes, they should be able to present the materials using the same technology that officers use to make their presentation (i.e. PowerPoint, projector/screen etc.) subject to a reasonable view on the software required.

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.

# 9	Customer Care

## 9.1	Introduction

The case study committee visits enabled the planning committee to be observed from the perspective of a member of the public. The public often have little technical understanding of the planning system, and only come into contact with planning committees rarely, in conjunction with their application or an application nearby that they feel might affect them.

Attending (or speaking at) a planning committee should be a straightforward experience. Whilst the process might seem complex, it should not be unclear. This section sets out the experiences from the case study visits and makes recommendations about the 'committee experience' from the public perspective.

## 9.2	Information Available Prior to Committee

In all cases, the committee agenda and report were available on the Local Authority website. However, in many authorities, this information was difficult to find as in most cases, the Committee information was separate from the planning service information. In one case, there was a link on the LPA's planning web-page to the committee section, where the report and agenda were easy to locate. However, in many cases navigation on websites was cumbersome and required many clicks to find the information. Interviews with applicants suggested that professional users, such as agents, did not have any great difficulty in finding Committee reports for their applications, but considered that members of the public would find this more difficult.

Access to information on the procedure at committees was also sparse. Some websites provided clear notes on the right to speak at committee, the committee procedure and the delegation procedure, guidance on member probity, the committee protocol and so on but this was not the same for each authority and not together in the page/place/document and was sometimes hard to find.

## 9.3	Meeting Times

The local planning authority survey results indicate that the majority of planning committees take place during the week and during working hours, both in the morning and afternoon. Traditional good practice encourages planning committees meetings to be held at times when the public are most likely to be able to attend, i.e. in the evening.

Members of the public spoken to as part of this study did not highlight the timing of meetings as an issue, whilst members and officers generally preferred day-time meetings and felt that these results in a higher quality of decision-making and less rushed meetings.

9.4 Information Available on Arrival

Locating a committee room was generally straightforward on arrival at an authority's offices. Some committee rooms (and the planning committee meeting taking place that day) were signposted from reception and in most cases, the receptionist was aware that the meeting was being held and was able to provide directions. Finding the committee room was particularly difficult in two authorities, with researchers having to ask the way several times due to the lack of signposting.

Some authorities provided a reception desk outside the committee room where copies of agendas and committee reports were available and where members of the public were asked if they were speaking at the meeting. One authority asked people attending the meeting to sign in so that the number of people attending for each application could be monitored and the agenda re-arranged accordingly. One authority also posted applications withdrawn from the agenda on the door of the committee room so that members of the public would not have to attend the beginning of the meeting unnecessarily.

The provision of copies of the agenda and the committee reports was variable: one case study authority did not provide copies of the agenda, two case study authorities did not provide copies of officer reports, one authority ran out of copies of the papers as there were fewer copies available than attendees – no additional copies were provided, one authority tabled additional observations but only provided copies to members and so on.

It is clearly important that members of the public can find the committee and are provided with information relevant to that meeting.

9.5 Committee Room Layout

There was considerable variety in the layout of Committee rooms ranging in size from partitioned meeting rooms opened up for the meeting, through to full Council Chamber rooms. In all cases, it was difficult to see all the members on the Committee and in several authorities the committee room layout was such that the members had their backs to the public gallery and it was very hard to ascertain who was speaking. In one case, the public gallery was separated by a glass partition that made it difficult to hear what was being said and to identify who was speaking.

9.6 Introduction to the Meeting

Some Chairs introduced the officers and members at the start of the meeting, but this was not always the case. Most committees provided name plates for members and officers. However, these were invariably difficult to see from the public gallery and did not always state the area the member represented (relevant from an interest or probity perspective). In some cases, the public seating area was not clearly labelled or signposted.

The approach taken by Chairs to the start of the meeting was quite variable. The most comprehensive introductions included a welcome to members of the public, the personal introduction of all officers and members, information on the fire drill procedure, emergency exits, toilet locations, the rules for site visits and declarations of interests, as well as public speaking arrangements. Some Chairs also checked that the public gallery could also hear well. However, at the other extreme, introductions were either made poorly or not at all, with Chairs moving straight to declarations of interest with no explanation of the process. In one case, it was almost impossible to follow who was speaking and it was not always clear what was happening. One meeting began by electing a new Chair and Vice-Chair, but there was no opening introduction to the public to inform them what was going on. Although the election was listed on the agenda, it provided a very disjointed opening to the meeting.

In some cases, the agenda was re-ordered and the meeting did not follow the applications as listed in the report. In some cases, authorities re-ordered the agenda to allow applications where there were public speakers appearing, where the ward member had requested a site visit or if large numbers of people were attending. There was no explanation of this process when it occurred. Invariably, as soon as one item had been dealt with, the next application was called out rapidly. This was often difficult to follow from the public gallery, with members of the public appearing confused about which page or application the committee were looking at. When interviewed following the committee, one member commented that they were did not fully understand the reasons for re-ordering the applications themselves.

9.7   Audio Visual Equipment and Use of Technology

All the authorities visited as part of the research used audio visual equipment at committee. This usually took the form of a projected power point presentation with slides showing plans and photographs of application sites. In most cases, a single presentation screen was used in the committee room. This was generally for the benefit of members and was often hard to view from the public galleries. At one authority, a number of television screens had been installed in the Committee room facing both members and the public gallery. At another authority, there were additional screens for members but not the public.

In all cases, plans and elevations were difficult to see from the public gallery. The images were often too small or indistinct to be able to discern areas of detail referred to by officers in their presentations or during the members' debate. For instance, site location plans were sometimes not marked out in red to make it easy to identify the site. It was often difficult to distinguish between the existing and proposed developments.

In many cases, officers pointed to plans and photographs with the mouse cursor. This was almost impossible to follow from the public gallery – being a black and white arrow moving across a black and white plan. In one authority, a coloured laser pointer was used during the presentation, which was beneficial.

Microphones and audio equipment were available in all the committee rooms that were visited as part of the research. Hearing loops were available in some of the meetings rooms visited. However, the use of microphones was variable, with members often forgetting to switch them on, having them too far from their mouth, or speaking so quietly that the public gallery struggled to hear what was being said. In some cases, members were observed whispering or talking to other members during the debate and officer presentations. This was generally not audible, but was distracting from the discussion that was taking place. A small but significant number of members made use of laptops, smart phones or tablet devices to view the agenda and officer reports. One member was observed from the public gallery using a social networking website during the debate on a planning application.

Two authorities made explicit announcements advising that no audio or video recording of the meeting was permitted. No on-line streaming or webcasts of the proceedings were made at any of the authorities visited although one authority did state that they used webcasting for some major applications. There was one observed instance of a member of the public recording the planning committee but this was not detected by officers or members.

Lights, camera, democracy in action

In June 2013, the Department for Communities and Local Government published a guide for local people explaining how they can attend and report their local council meetings. New guidance explicitly states that councils should allow the public to film council meetings.

The new how-to guide gives practical information for the public to attend meetings of a council's executive and how to obtain council documents. The government has changed the law to allow citizens to report, blog, tweet and film council meetings in England.

Source: www.gov.uk/government/news/lights-camera-democracy-in-action (retrieved 9 July 2013)

The box above refers to recent guidance by DCLG in England to enable filming, blogging and the use of social media by citizen journalists during authority meetings. However, pressure for such action is also present in Wales. The Daily Post in North Wales launched a 'right to tweet' campaign following a reporter being prevented from tweeting at a meeting. This has resulted in some authorities reviewing and revising their relevant policies and protocols.

9.8 Accessibility

In many cases, the committee rooms were located on the upper floors of the authority buildings. Access was available by stairs and lifts. At one committee meeting, access to the public gallery (having got to room via accessible means) was via stairs and a narrow corridor. There were no obvious arrangements advertised should a member of the public with

accessibility needs attend. It is important that planning committees are held in accessible venues.

9.9 Welsh Language

The study included case studies where planning committees were conducted in Welsh. In all the case study authorities, there were arrangements in place for people to be able to present or follow proceedings in Welsh, usually in the form of simultaneous translation and the use of appropriate headset technology.

The interviews with members, officers and the public highlighted widespread satisfaction with the current arrangements made by authorities across Wales.

9.10 Overall Experience

The overall experience of attending a planning committee as a member of the public can be quite confusing. Technical knowledge aside, it can be hard find the meeting, to see and hear what is going on and to know who it is that is speaking. Making decisions (and voting, as covering in Section 8) is not clear; in one instance a member of the public asked one of the research team what had happened to the application that they had come to speak against (it had been deferred pending further officer information). It is recommended that the National Planning Committee Protocol contain good practice on the customer care aspects of the planning committee.

> **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.**

Appendix A– Local Authority Survey

RTPI Cymru Planning Committee Research:
Local Planning Authority Committee Datasheet

RTPI Cymru has commissioned research into the operation of planning committees in Wales. The research is commissioned in response to a recommendation for such research contained within the Report prepared by the Independent Advisory Group. See letter/email from WLGA accompanying this datasheet.

Please enclose/attach the following documents with your authority's response where they are available (if not please state this is the reason for no document)

- Information on committee procedures
- Public speaking arrangements
- Details of member training
- Protocol for planning committee members/code of conduct
- Site visit arrangements

Please complete the tables below and email the datasheet, along with the attachments set out above, to dan.evans@arup.com no later than 17 April 2013. Thank you in advance for your co-operation.

1. Planning Committee(s): numbers and structure

Planning committee(s) (2012/13 - as at 31 March 2013)	Committee name	No.mtgs held (in 2012/13)	Normal frequency in weeks (i.e. 4.33)	No. members on cttee
Main planning committee				
Area / Sub Committee 1				
Area / Sub Committee 2				
Area / Sub Committee 3				

Please enter the names of your main committee/area or sub committees. If committee details or arrangements (as provided above) have changed within the last year please also provide details of previous structure(s) e.g report or separate note.

2. Overall planning decisions (for all planning applications)

	2012/13	2011/12
On hand at start		
Received		
Determined		
Approved		
Refused		
Withdrawn		
Delegated		
On hand at end		
Major decisions		
...% in 13 weeks		
Minor decisions		
...% in 8 weeks		
Other decisions		
...% in 8 weeks		

3. Development management service costs and income

	2012/13	2011/12
Gross planning expenditure		
Fee income		
Other income		
Net planning expenditure		
Core and democratic costs for planning		

Note:
Development management service costs should include determining planning applications, pre-application discussions, enforcement, duty planner advice etc. Costs should include salary, employee on costs/superannuation and other overheads such as accommodation, IT, training, central services and recharged or bought in services such as highways or legal. Other income should include income from charges for pre-application advice etc but exclude land charge searches. Core and democratic costs should be in addition to the planning expenditure and should include the costs of servicing the planning committee, i.e. secretariat, expenses, training and other costs where apportioned.

5. Ombudsman complaints about the planning service

	2012/13 FY ending 31 March 2013	2011/12 FY ending 31 March 2012
Total complaints made to the Ombudsman		
... of which member complaints		
... of which about development management		
No. ombudsman complaints formally investigated		
No. ombudsman complaints upheld		

4. Planning appeals

	2012/13 Committee	2012/13 Delegated	2011/12 Committee	2011/12 Delegated
Total decisions				
No dismissed				
No upheld				
No split decisions				
No. appeals with costs awarded against LPA				
Amount (£) of costs awarded against LPA				

(Continued below)

6. Planning Committee meetings (all meetings in 2012/13 FY starting 1 April 2012 and ending 31 March 2013)

Meeting No.	Committee name (as per Table 1 above)	Meeting date (DD/MM/YY)	Start time (HH:MM) (24hrs)	Duration (mins)	No. members in attendance for all or part	No. officers attending (please provide number)								No. planning applications on agenda	of which included in a site visit		of which member call-ins	No of applications deferred	Please list reasons for each deferral (i.e. site visit, more info)	No. decisions	No. decisions within target timescale (8/13/16 weeks)	No. granted	No. refused	No. overturns of officer recommendations
						Total	Cttee secretariat	Translators	Planning	Legal	Highways	Econ Devt	Other		before mtg	after mtg								
1																								
2																								
3																								
4																								
5																								
6																								
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26																								

7. In process terms, how do your planning committees deal with resolution to determine an application contrary to officer recommendation (an 'overturn')?
(i.e. cooling off period, deferral to subsequent meeting, call in to another committee etc) Please describe.

8. In process terms, how do your planning committees deal with deferrals (i.e. for a site visit, for additional information, for negotiation etc). Please describe.

Thank you for your assistance and co-operation. If you have any queries related to the requested information you can contact Dan Evans via dan.evans@arup.com or 020 7755 4544.
Any queries in relation to the overall research on planning committees should be directed to Roisin Willmott via roisin.willmott@rtpi.org.uk or 029 2047 3923.

Appendix B– Stakeholder Interview Organisations

Organisation
Design Commission for Wales
Independent Advisory Group
Natural Resources Wales
One Voice Wales
Persimmon Homes (via Home Builders Federation)
Planning Aid Wales
Planning Officers Society for Wales
Public Service Ombudsman for Wales
Taylor Wimpey (via Home Builders Federation)
United Welsh Housing Association (via Community Housing Cymru)
Welsh Association of Planning Consultants
Welsh Government
Welsh Local Government Association

Appendix C – Discussion Seminar Attendees

Name		Organisation
Rhun	ap Gareth	Gwynedd Council
Jim	Bailey	Rhondda Cynon Taf County Borough Council
Kate	Bingham	Monmouthshire County Council
Eifion	Bowen	Carmarthenshire County Council
Martin	Buckle	Brecon Beacons National Park Authority
David	Carter	Caerphilly County Borough Council
Aled	Davies	Gwynedd Council
Richard	Duggan	Ceredigion County Council
Peter	Geraghty	Royal Town Planning Institute
Marcus	Goldsworthy	Vale of Glamorgan Council
Ros	Gwyn	Torfaen County Borough Council
Eirlys	Hallett	Blaenau Gwent County Borough Council
Gethin	James	Ceredigion County Council
Fred	Johnson	Vale of Glamorgan Council
Anthony Wyn	Jones	Carmarthenshire County Council
Gareth	Jones	Gwynedd Council
Clive	Jones	Merthyr Tydfil County Borough Council
Judith	Jones	Merthyr Tydfil County Borough Council
Rob	Jones	Neath Port Talbot County Borough Council
Hywel Wyn	Jones	Pembrokeshire County Council
Jane	Lee	Welsh Local Government Association
Rob	Lewis	Pembrokeshire County Council
Richard	Lewis	Torfaen County Borough Council
Andrew	Matheson	Royal Town Planning Institute
Paul	Mead	Denbighshire County Council
Chris	O'Brien	Powys County Council
Nicola	Pearce	Neath Port Talbot County Borough Council
Tim	Stephens	Caerphilly County Borough Council
Aled	Sturkey	Snowdonia National Park Authority
Ryan	Thomas	City and County of Swansea
John Wyn	Williams	Gwynedd Council
David	Wisinger	Flintshire County Council

Members of the **RTPI Cymru Policy and Research Forum** were observers:

Name		Organisation
Mike	Cuddy	Royal Town Planning Institute
Mark	Harris	Bridgend County Borough Council
Neil	Harris	Cardiff University
Peter	Lloyd	PL Planning
Lesley	Punter	Royal Town Planning Institute
Clare	Taylor	MWH
Jan	Tyrer	Consultant

Appendix D– Committee Observation Pro Forma

RTPIW/WLGA Planning Committee Observation Pro Forma

Review of the operation of the Planning Committee
Authority Name
Observations of the Planning Committee: **Name of Committee**
Date   **Date**

Topic/practice	Observations	Issues for the study
Pre committee observations – information available on the website e.g agendas, procedure of committee etc		
Availability of information/agendas etc		
Committee room layout		
Composition of Committee		
Top table		

Fortismere Associates with Arup

RTPIW/WLGA Planning Committee Observation Pro Forma

Topic/practice	Observations	Issues for the study
Position of members		
Time of meeting		
Officers attending		
Participants – applicants/agents etc		
The public gallery		
Number of members		

Fortismere Associates with Arup

RTPIW/WLGA Planning Committee Observation Pro Forma

Topic/practice	Observations	Issues for the study
Introductions and explanation of the process		
Agenda setting		
Site visits		
Presentations		
Use of technology		
Public representations/speaking arrangements		

Fortismere Associates with Arup

RTPIW/WLGA Planning Committee Observation Pro Forma

Topic/practice	Observations	Issues for the study
Chairing of meeting; debate; discussion; summing up; reaching decisions;		
Moving recommendations		
Debate		
Officer contributions; quality of advice given		
General behaviour of councillors, officers and public		
Political appearances		

Fortismere Associates with Arup

RTPIW/WLGA Planning Committee Observation Pro Forma

Topic/practice	Observations	Issues for the study
Format of reports		
Contents of reports		
Probity issues		
Training		

<u>Other observations</u>

<u>Key Interview Points</u>

Fortismere Associates with Arup

Appendix E– Literature Review and Rest of UK Experience

E1   Introduction

There is an increasing level of expectation by the Government, members, stakeholders and the local community of what planning can and should deliver. As a service it has to be increasingly efficient and effective, to provide better quality customer care, produce faster and higher quality schemes that address issues from design to responding to climate change. This has an impact on the skills required at member and officer level, the procedures needed in place and the level of resources applied. Planning committees are particularly important as they are the public face of the planning system and must take the most controversial, sensitive and often complex decisions in the public interest.

This section provides a review of relevant policy, guidance and protocols that contribute to the operation of planning committees in the UK and Wales. This review identifies how different local authorities have developed specific planning protocols, based on policy and guidance, which shape how they operate the planning committee process. In particular, this review explores how policy and guidance influences:

- member role and limitations;

- member engagement with stakeholders;

- member engagement in planning particularly as ward members or on decision-making bodies;

- member-officer relations and how they undertake pre-application discussions;

- site visits;

- speaking arrangements at committee; and

- the standard of performance.

E2   Localism Act 2011

Following the UK government's publication of the Localism Bill, a Written Statement was published by the Welsh Government, detailing aspects of the Bill as they related to Wales. Through what is now the Localism Act, the Welsh Government powers enable Wales to consult and bring forward proposals for legislation in relation to development management. Whilst most of the provisions in the Act apply in England only, some provisions also apply in Wales, in particular Chapter 7 on Standards which confers legislative competence on the National Assembly for Wales in relation to aspects of town and country planning, including the processes for deciding planning applications and enforcement.

The Localism Act sets out a duty for each local planning authority to promote and maintain high standards of conduct by members and to adopt a local code of conduct. All Councils had to adopt a local code by August 2012. The adopted code should be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It should embrace the standards central to the preservation of an ethical approach to authority business, including the need to register and disclose interests, as well as appropriate relationships with other members, staff and the public. Many local authorities have adopted their own, separate codes relating specifically to planning although these need to be cross referenced to the substantive code of conduct for the Council.

Chapter 7 of the 2011 Act places requirements on members regarding the registration and disclosure of their pecuniary interests and the consequences for a member taking part in consideration of an issue in the light of those interests. The provisions of the Act seek to separate interests arising from the personal and private interests of the member from those arising from the member's wider public life. Members should think about how a reasonable member of the public would view the matter when considering whether the member's involvement would be appropriate. Each Council's code of conduct should establish what interests need to be disclosed.

Members of a planning committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application. The Act sought to clarify predetermination or bias on the one hand and predisposition on the other so that Section 25 provides that a member should not be regarded as having a closed mind simply because they previously did or said something that directly or indirectly indicated what view they might take in relation to a particular matter. The intention was to give members more freedom to engage in pre-application discussions subject to doing so within clear published guidelines.

E3   Recent reviews of the planning system

The following section looks firstly at reviews of the planning system in Wales and then draws on work undertaken in England. The latter have been included because they have direct relevant lessons or evidence which has helped to inform this study.

Reviews of the planning system in Wales

Independent Advisory Group Report (2012)

The Welsh Government convened the IAG report as part of the first step towards a Planning Reform Bill for Wales. Focused on the delivery arrangements of the current planning system, the review included a call for evidence from a significant number of users of and actors within the planning system and represented a wide range of interests. The IAG report 'Towards a Welsh Planning Act: Ensuring the Planning System Delivers' noted that the planning committee is a crucial part of the authority's decision- making processes and membership of that committee

should be regarded as a key role with recognition for the accompanying responsibility. All Welsh LPAs have delegation schemes so that decisions on straightforward applications are taken by officers but rates of delegation vary (POSW survey for 2011/12 showed a variation between 76% and 94%). Planning committees generally make decisions on the most controversial, sensitive and often technically complex applications and commonly deal with applications involving major investment. The reason why decisions are called into committee by members that would otherwise be taken by officers should be examined to ensure that committees are indeed dealing with the difficult and controversial cases. The IAG report considered that all authorities should be able to delegate well over 90% of decisions and recommended that Welsh Ministers should have the power to specify by regulation a national model scheme of delegation so that applicants have the same type of application considered at the same level throughout Wales.

The IAG report also concluded that there should be a compulsory, consistent programme of training for members appointed to planning committees and this should be a statutory requirement with failure to undertake the training to be a member conduct issue. A separate national planning Code of Conduct overseen by the authority's standards procedures should cover:

- training obligations;

- conduct of pre-application discussions;

- conduct of hearing style meetings and site visits;

- the use of alternative dispute resolution / mediation; and

- the role members will be expected to play if a refusal against officer advice goes to appeal.

Both the scheme of delegation and the Planning Committee Code of Conduct should be required to be incorporated into each authority's constitution.

The report considered that the model of democratic decision- making envisaged is better suited to smaller committees in order to ensure consistency and suggested that if an independent study of the effectiveness and efficiency of various planning committee models supported this view the IAG would recommend that ministers have the power to direct a maximum size for planning committees at around 20% of the authority members (with some flexibility). The report did not favour the use of substitute members. Further recommendations included a suggestion that there should be the power to make regulations governing the procedures at planning committee meetings to ensure consistency, transparency and accessibility, particularly for the public.

City Regions Report (2012)

An advisory Task and Finish Group was set up by the Welsh Government to consider and report on the potential role of 'City Regions' in future economic development in Wales. The City Regions Final Report published

in July 2012 is relevant in that it identifies improvement of the planning system as one of the main drivers behind the city region approach. The report states that the Welsh government should adapt or replace the Wales Spatial Plan to ensure the economic development framework is fit for purpose and does not hinder the success of city-regions; and calls for the establishment of an over-arching city-region strategic planning tier to ensure city-region hinterlands benefit from the growth of their cities and have a voice in cross-boundary development. It recommends spatial planning must be organised at city-region rather than local planning authority level.

Inquiry into the Planning System in Wales (2011)

The Sustainability Committee of the National Assembly for Wales published its report and recommendations for its Inquiry into the Planning System in Wales in January 2011. The inquiry focused on issues of national planning policy and did not directly consider the planning application process. It recommended that clear guidance on the development management approach be issued by government, including the identification of those functions and activities that complement the planning applications system. The inquiry recommended that the Welsh Government should consider providing a compulsory national training programme for local planning authority members sitting on planning committees with the aim of ensuring that they are equipped to make informed decisions. The training would cover the national policy framework, development plan preparation, assessment of development viability and the planning application process.

Study to Examine the Planning Application Process in Wales (2010)

The 2010 study recognised the need for greater certainty for developers and criticised inconsistent processing times for decision-making. The preparation of an Implementation Plan following the study led to debate around the clarity, amount and process of preparing new guidance, in addition to calls for greater consideration of consultation arrangements and those involved in both statutory and non-statutory consultation. The Welsh Government went on to publish new guidance on pre-application discussions in May 2012. The responses to the consultation highlighted cultural differences between Authorities in relation to the size and age of members and the different level of training that members are expected to undertake. The study recommended the production of a guide for LPAs on the organisation of planning committees, focussing on standardising procedures between LPAs, measures to improve performance (including mandatory training for members) and the introduction of cooling-off periods where decisions go against the advice of officers.

Planning: delivering for Wales (2002)

The programme 'Planning: delivering for Wales' launched in 2002 and was a wide-reaching agenda of change, seeking to ensure an improved

delivery of the planning service. As well as making many improvements to the planning system, it aimed to drive forward a cultural change in the delivery of the service. The vision for the programme was to ensure that the planning system in Wales is open, fair and transparent, inspires public and business confidence, delivers improved quality and speed, integrates with other plans, processes and actions, and meets the Government's overall objectives. The programme helped to deliver the Planning and Compulsory Purchase Act, consultation on 'Delivering Better Development Plans for Wales', providing guidance on guidance on Strategic Environmental Assessment, introducing e-Planning and rolling out a programme of Member Briefing in Wales to help them in their decision-making roles.

Reviews of the Planning System in England

Councillors on the Frontline (2013)

The UK Government Response to the House of Commons Communities and Local Government Select Committee Report: 'Councillors on the frontline' was published in March 2013, following an inquiry into the role members play in their communities, from which The Communities and Local Government Select Committee made specific recommendations. The report sets out that in the Government's view, the core principles of being a member are those of community service and volunteering. The aim and motivation of every member should be to make things better for the people they represent, and the UK Government's reforms to establish localism are designed to give those wishing to serve their communities the best possible opportunities for improving their local areas.

The Select Committee recommended all authorities consider how best to provide support to their members and assist them to ensure they have an active role in their communities. The Select Committee encourages political parties, local authorities and other bodies to review the training they offer to ensure it meets the needs of members. In particular, training should reflect the changing roles of members, and ensure that members understand the implications of the Localism Act 2011 and other new legislation. However, members themselves must ultimately be responsible for ensuring they have the skills they need to carry out their duties. Furthermore, wherever possible, authorities should be seeking to devolve power and resources to members at the local level, to enable them to fulfil this role. This devolution could take a number of forms: enabling members to become - "mini mayors" - at the ward or community level; delegating budgets; or establishing area committees with decision-making responsibilities.

The report suggests that it is important that, irrespective of how services are being delivered or by whom, authorities and members are able to influence the provision of these services so that they might better reflect the needs and priorities of local people. In addition, local authorities should be actively promoting democratic engagement and explaining to the public what the role of the member entails.

Penfold Review (2010)

Following the recommendations from the Killian Pretty Review in 2008, the Penfold Review was set up and reported in 2010 to explore the end-to-end development journey to identify any elements of the process that cause avoidable delays or impose unnecessary burdens or costs and identify options to overcome these. The Review also identified ways to improve co-ordination between agencies granting consents in order to streamline the process of meeting relevant requirements. The Review recommended simplifying the non-planning consents landscape by removing some individual consents and rationalising other groups of related consents; delivering greater certainty for developers and removing duplication by improving the way planning and non-planning consents operate together; and strengthening the service culture of decision-making bodies by, for example, setting timetables for the determination of non-planning consents.

Killian-Pretty Review (2008)

The Killian-Pretty Review (2008) identified five main areas of concern relevant to planning reform in England, including proportionality, process, engagement, culture and complexity. The Review suggested that the involvement of elected members and some statutory and non-statutory consultees in decision- making was not effective, whilst the current target regime is having some harmful, unintended, effects on behaviours and outcomes. The complexity of the national policy framework and the legislation governing the consideration of applications were also criticised.

The Review states that elected member political channels for the expression of views about prospective development management decisions do need to be retained as an essential component of local accountability: developing appropriate channels to raise issues relating to the availability of planning information to elected members; the content and operation of schemes of delegation; the means by which elected members can become involved in discussions of a proposal at pre-application and application stage; the circumstances in which non delegated development management decision- making should take place and particularly the role of committees in taking decisions. The Review also identifies that irrespective of the provisions of a scheme of delegation, there is a need for clarity around the circumstances in which members can become directly involved in pre-application or application discussions. The study found that there were divergences in practice, with the need to avoid apparent bias or prejudice ensuring that some authorities limit the role of members on planning matters; in some cases beyond what is strictly necessary to ensure propriety, lawfulness and good administration. Members and applicants value the ability to transparently communicate about policies and proposals for an area. What is critically important is to ensure that when they do so, they understand the limits that must apply to such conversations. The Review recommended that members in particular must receive training in this aspect of their role.

The (Second) Barker Review (2006)

The (second) Barker Review in 2006 looked broadly at land use planning. The main themes were around creation of a more responsive planning system, with local authorities delivering 'a framework for positive planning' (an early form of development management) and policy objectives in terms of ensuring that the planning system is more responsive to the market while delivering sustainable development; enabling the effective delivery of necessary infrastructure; streamlining the planning system to increase certainty, reduce delays and cut costs; and improving the appeals system to reduce lengthy delays. In particular, the Review suggests that current practice could be improved through training planning officers and committee members to understand better the imperatives of business, particularly the locational needs of businesses and business planning. It also suggests that planners, committee members and third parties should be able to access high-quality information on the range of issues that are likely to affect a development, in order to come to a decision on whether or not the development should proceed.

In terms of delegation to officers, the Review outlines that where a decision is not delegated, there can be additional delays to the system, largely because the case will need to coincide with committee cycles and related lead-in times for circulation of papers. Greater delegation will not undermine the important democratic legitimacy of decision-making within local authorities; it will simply ensure that members' time is appropriately targeted. Where members' views are genuinely required it is important to ensure that they are engaged as early in the process as possible.

E4   Guidance on the planning system and planning committees

The following includes UK, Welsh and English published guidance relating to the operation of planning committees and which has helped inform the study and its recommendations.

Committee on Standards in Public Life (the Nolan Committee)

The Committee on Standards in Public Life promotes high standards of behaviour in the public sphere through the Seven Principles of Public Life enunciated by the Nolan Committee. The Annual Plan was adopted in April 2013 and the principles apply to anyone who works as a public office-holder. The principles also have application to all those in other sectors delivering public services. They include:

- Selflessness: Holders of public office should act solely in terms of the public interest.

- Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their

family, or their friends. They must declare and resolve any interests and relationships.

- Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- Honesty: Holders of public office should be truthful.

- Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Probity in planning: the role of councillors and officers (2013)

A guidance note on good planning practice for members and officers dealing with planning matters was published by the Local Government Association in 2009. The Planning Advisory Service (PAS) published revised guidance in 2013, which clarifies how members can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way taking on board Part 7 of the Localism Act 2011.

The advice suggests that the planning system works best when officers and members involved in planning understand their roles and responsibilities, and the context and constraints in which they operate. It recommends that members should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters. All authorities should have a code of conduct and a local code on planning should also address specific issues about lobbying.

The guidance outlines the general role and conduct of members and officers, setting out that members and officers have different but complementary roles; both serve the public but members are responsible to the electorate, whilst officers are responsible to the authority as a whole.

The note sets out that whilst members must take account of opposing views in making decisions, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.

Do councillors have to follow the advice of officers in taking planning decisions? (2012)

This House of Commons Library Note sets out the risks associated with committees going against officer recommendations within the backdrop of the reduction in advice from government in England and the abolition of the Standards Board regime in England. However, it usefully rehearses the occasions where the relationship between officer and member can be difficult. In particular it noted that members can feel pressurised by officers into making decisions through threat of costs at appeal, whilst officers can feel that members are not taking sufficient account of their advice.

It notes that planning law is silent on this matter, and planning policy guidance says little. The paper draws on a range of references including those from the LGA and Nolan Committee, noting that the roles of the officer are to advise (and highlights guidance on officer reports to committee) and the committee is entitled to reach their own decisions by attaching different weight to planning criteria which are relevant to an application. The factor of national and local planning policy as clear guidance to decision are highlighted, as is the balancing mechanism of the appeal system, and call-in procedures by the secretary of state (Welsh Government in the case of Wales) which are explained. The role of the ombudsman is outlined along with potential areas of costs arising including where applications are supported by members against officer recommendation.

Finally, two cases are highlighted of members allowing schemes for development against officer recommendation for refusal – North Cornwall (1993), in the granting of permission for houses in the countryside and in Ceredigion (2008) relating to an inspector finding that a grant of planning permission solely or largely on the grounds that the applicant is Welsh speaking is discriminatory.

Realising the potential of pre-application discussions (2012)

This Practice Guide was published in 2012 by the Welsh Government and provides advice to applicants and local planning authorities on how to make the most of pre-application discussions. The guidance sets out how pre-application discussions can help prospective applicants understand the application process. Discussions can identify the relevant planning policy framework against which a proposal would be assessed and specify the information that would be required to support a planning application. The guidance advises that early discussions offer the opportunity for informed amendments and improvements to schemes prior to the submission of a formal application. They can also help identify community groups, consultees and other stakeholders that are likely to be involved in the application process. These discussions can result in a better planning application and deliver a higher quality development.

Connecting Councillors with strategic planning applications (2011)

This member involvement best practice guide is primarily focused on strategic planning applications for London Boroughs but some of the good practice discussed in the guidance is also applicable to authorities outside of London and for smaller, routine planning applications. It has three key messages:

1. It is good practice for members to have formal contact with the applicants for planning permission for strategic schemes during the pre-application and determination periods.

2. Planning committee members can comment on the details of schemes provided he or she is clear that they will listen to all material considerations presented at committee before deciding how to vote.

3. Involving members early and throughout the application and determination process leads to better planning decisions and better developments.

Positive engagement: a guide for planning councillors (2009)

Launched in 2005 and updated in 2009, this pocket guide for planning members was published by PAS to help them navigate the probity risks in developer meetings and pre-application discussions. This guide aims to help give an easy reference for members to support them in engaging positively in the delivery of their planning service.

The guidance sets out that members can involve themselves in discussions with developers, their constituents and others about planning matters and difficulties can be avoided if the following useful general principles are applied:

DO		DON'T	
✓	Hold discussions before a planning application is submitted to the authority not after	X	Meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a "friendly" private discussions with a developer could cause others to mistrust your impartiality
✓	Preface any discussions with a disclaimer – make clear at the outset that discussions are not binding	X	Accept gifts or hospitality
✓	Keep a note of meetings and calls	X	Expect to lobby and actively support or resist an application and still vote at committee (or even stay in the room during discussions)
✓	Recognise the distinction between giving advice and negotiation	X	Seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application
✓	Structure discussions and involve officers	X	Invent local guides on probity which are not compatible with the current national guidance
✓	Stick to policies included in adopted plans but also pay heed to any other considerations relevant to planning		
✓	Use meetings to show leadership and vision		
✓	Encourage positive outcomes		
✓	Seek training in probity matters		

Constructive Talk: investing in pre-application discussions (2007)

This PAS guidance (2007) urged local authorities to act corporately in their negotiations, integrating the Council's different interests and responses, and advocates the preparation of policies, plans and site briefs to clarify its requirements. It suggested that by working together on a project from the outset, developers and local planning authorities can achieve better outcomes and save on costs.

The guidance sets out that whilst it is accepted as good practice to delegate the majority of planning decisions to officers; major applications are usually determined by members in committee. It is therefore advisable to introduce members to a major project well before they are asked to take their formal decision on the application. Considerable nervousness surrounds the involvement of members, especially members of

development control committees, in pre-application discussions. It is often held that members cannot act impartially in making planning decisions if they have previously met with developers and/or interest groups. Unfortunately, this has generally led to a withdrawal of members from any engagement with projects before they are considered by the committee. However, government advice is that members should involve themselves in discussions with developers, constituents and others about planning cases.

The guidance also suggests that interim committee reports are an effective way of building a degree of certainty into pre-application negotiations. At an appropriate stage in negotiations, planning officers may prepare a committee report that sets out the key issues that have emerged during discussion, and seek member endorsement to the approach that is being pursued, or simply to present the scheme as an information item to members. It also provides the opportunity for committee members to raise questions of their own or seek further information regarding the proposed development. In general, it is important that members (and particularly the committee Chair) are kept informed through regular information briefings about progress on key projects so that pre-application discussions are conducted in a politically aware environment.

Planning Officers Society – Development Management Practice Project: Practice Guidance Note 3 - Councillor Involvement in pre-application discussions (2007)

As part of the Planning Officers Society Development Management Practice Project a practice guidance note was published in 2007. The guidance sought to assist local planning authorities in establishing procedures for involving members in pre-application discussions on major proposals. This saw the benefits of member involvement as:

• Keeping members better informed on major applications

• Engaging members on issues to be dealt with in a formal submission

• Taking account of emerging or existing community concerns at a formative stage

• Obtaining initial member guidance for officer negotiations on major applications

• Reinforcing members' roles in their communities

The note recognises that there is a risk that early engagement could lead to an appearance or suspicion of member pre determination and suggests that any discussion with members should therefore not be used for negotiations. A good way to avoid any appearance of predetermination is to seek to conduct the pre application discussion with members in as public and transparent way as possible. It found that authorities use a range of options to engage members but the best methods were:

• Interim committee reports

• Developer presentations to a committee

- Development management forums or enquiry by design workshops

Current English examples of the ways in which authorities have sought to involve members in pre-application discussions

Bromsgrove District Council – Adopted a protocol for involvement in pre-application discussions in October 2011 – this sets out the threshold for the type of applications that members should be invited to participate in pre-application discussions; and gives advice on conduct.

London Borough of Camden – Has established a Development Management Forum to consider large scale development proposals at a pre-application stage in order to understand the aims and any constraints as early as possible and see how proposals can be adapted to better reflect community aspirations. The forum enables local residents, business and organisations to comment on proposals at an early stage and supplements any developer consultation. Members and officers attend but do not express any opinions on the merits of the proposal.

London Borough of Croydon – Created a Strategic Planning Committee that both determines major planning applications and receives presentations on them at the pre-application stage. At key points in the pre-application process the developer has the opportunity to present their scheme to the committee and then members ask questions and give their opinion on aspects of the scheme. This is a minuted public meeting. Although there are clear probity pitfalls by encouraging members to comment on aspects of a development (its design, impact on neighbours etc.) but to avoid stating a view on the scheme as a whole these are comfortably avoided. The authority has found that members appreciate being involved at an early stage in the development management process and in this way obtain a detailed understanding of the strategic developments. When the applications are formally submitted they are much better placed to deal with their constituents. Their view is that pre-application member engagement is best done openly in public, probity risks can be managed quite easily and this approach can significantly speed up the process by ensuring that inputs occur at the right stages and that it progresses in an efficient and effective way.

Darlington Borough Council - the adopted protocol (May 2011) provides that officers can convene a meeting to allow potential developers to present their proposals for major developments at the pre-application stage in initial draft format to planning committee members, ward members, interested local residents and any relevant statutory consultees or organisations. Members are expected to ask questions at these meetings rather than express a view. Date, time and venue of the meetings are publicised on the Council's website.

London Borough of Lambeth – Has established a strategic panel whose purpose is for members and senior officers to be briefed on major development proposals at pre-application stage so that all concerned can be made aware of pending schemes and the issues and opportunities generated. The protocol sets out that the panel will have no decision-making powers, nor will views expressed be binding or influence the way

in which applications may be reported to and determined by the Planning Applications Committee.

Wycombe District Council – A guidance note on member and officer involvement in the pre application stage includes the facility for developer presentations to members and stakeholders immediately before the planning committee's main meeting. Invitees include all members of the Council, relevant officers, representative of the Highway Authority, Chairman of the Parish/Town Council and a deputy, members of local associations and residents groups. The presentation has a standard format. Although there are no formal minutes of the meeting, applicants are required to submit a Statement of Community Involvement with the planning application and note in this that a developer presentation took place.

Area-based decision making for development control (2007)

This PAS case study looked at area-based decision-making through interviews with senior planning officers at authorities with such arrangements. It details issues that need to be resolved in order for authorities to meet the requirements of the planning agenda and includes a number of guidelines that authorities should follow to ensure that area-based decision-making works well for development management.

The case study identified that in England in 2007, 14% of planning authorities use an area committee model for determining planning applications (this is called area-based decision- making). Use of area committees is designed to bring decision- making 'closer to the people'. In some Councils it is used for a range of authority services; some committees decide on planning issues as part of their remit, others do not consider planning at all, still others only deal with planning matters. Each area committee deals with one district within the authority's geographic jurisdiction.

The critical issues affecting the overall performance on development management were found to be:

• Frequency of meetings;

• Democratic structures and delegation;

• Public participation;

• Member roles in planning; and

• Training and Resources

Considering these issues the guidelines produced for area based committees suggest:

• Ensuring the committee cycle facilitates the 8/13 week targets;

• Ensuring effective use of delegation;

• Ensure delegation means that decisions made at the appropriate level given the conformity of the proposal to policy;

- Amalgamating areas to produce agendas of a reasonable length to complement the frequency of meetings;

- Avoiding having all ward members on the area committee so that some can perform the representative role for local community interests;

- Reduce or eliminate the right of call-in or referral to improve performance and responsibility for the decision made;

- Reduce the number of meetings to match the capacity of officers to adequately support them;

- Provide regular, robust and compulsory training for members on planning committees and reserves; and

- Keep the business of determining planning applications separate from other authority business in area committees, preferably a separate meeting.

Elected members' planning skills framework (2006)

The PAS guidance suggests that elected members have an essential role to play in delivering a planning system that, if engaged with effectively, can deliver both the needs of the current and future communities in their area. The Planning Advisory Service has developed a set of competencies to recognise the skills that local elected members in all roles within the planning system use to deliver the best outcomes from the new spatial planning system. The planning member competency framework has, as far as possible, been built around the Skills Framework for Members produced by IDeA:

- Community leadership: acting as advocate for the authority in planning and wider environmental matters; acting as champion of the service and ambassador, externally and internally; credibility; determination; committing personal resources (time) to achieve success.

- Regulating and monitoring: understanding protocols and performance measures and monitoring compliance.

- Scrutiny and challenge: ability to challenge and analyse information coming from a number of sources; reality check.

- Communication skills: articulate; interpersonal skills, listening skills; commanding respect; assertiveness; -"selling"- skills and persuasion, ability to work positively with the media.

- Working in partnership: balancing the interests of many stakeholders within and outside the authority; responding calmly to pressure; securing equity for the service (e.g. in resolving budgetary issues); finding common ground whilst winning resources; developing trust, maintaining a good network of contacts

- Political understanding: carrying forward political principles whilst working with a team; political skills; ability to focus, possessing an independence of mind and ability to seek consensus using influencing and negotiating skills.

- Providing vision: identifying priorities and strategic linkages; providing leadership in articulating the vision; capable of long term thinking; able to make and sustain decisions; using judgement; capturing optimism.

- Managing performance: understanding and setting targets and working with others to maintain them.

- Excellence in leadership.

The PAS guidance recognised many from the above list as key competencies for local planning authority elected members exercising their planning responsibilities, and added the following:

- Sound understanding: of the spatial planning system and process, as a positive and proactive activity, which exists to deliver sustainable development.

- Development management: encourage elected members to take a - "management" - as opposed to a - "control"- approach when sitting on planning committees.

- Possess an understanding: of the development process, need for elected members to understand how the development process operates and how the planning system can influence its activities to deliver high quality outcomes.

Delivering Delegation (2004)

ODPM published the Local Government Association's Guide to Delegation Schemes in 2004. Making the best use of delegated powers had been identified as one of a number of ways to reduce delays in making decisions on planning applications without compromising the quality of those decisions. Maximising the number of decisions made under delegated powers allows members to focus on those applications that require additional scrutiny and where they can add value in balancing conflicting pressures. Drawing on the experience of planning stakeholders the guide recommended some key principles and in particular the move towards a 'by exception' approach where only applications that cannot be determined by officers are determined by committee. This model suggests that all applications may be deemed as determined under delegated powers – unless they fall into defined exceptional categories. It noted that the presumption of automatic referral rather than delegation of applications with objections should be continually challenged and suggested that the applications called-in or referred to committee should be limited to those with substantive justification. It is quality rather than quantity of objections that should support referral to committee. An effective scheme of delegation will ensure economical use of time and allow focus on the more complex or contentious applications but it is important that schemes are regularly reviewed so that any concerns that delegated applications may remove members' opportunity to ensure Council policies are reflected in decisions can be picked up.

E5   RTPI members

All members of the RTPI are bound by a Code of Professional Conduct which applies to all of their professional activities. The Code dictates that every member whether a corporate member, a student member or any other kind of RTPI member acts with competence, honesty and integrity, and exercises independent professional judgement at all times. It is the purpose of this Code to ensure that in all their professional activities members of the Royal Town Planning Institute:

a)   shall act with competence, honesty and integrity;

b)   shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;

c)   shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;

d)   shall not discriminate on the grounds of race, sex, sexual orientation, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity; and

e)   shall not bring the profession or the Royal Town Planning Institute into disrepute.

E6   Welsh Local Government Association: Planning Handbook – A guide for local authority members (2012)

Chapter 7 of the handbook sets out guidance on the planning system and the Members' Code of Conduct. This advises members in relation to planning matters and contains a section on involvement in pre application discussions. In particular it refers to the Welsh Government encouragement (in a 2011 consultation) that the involvement of members at this stage can bring benefits.

Appendix F– Stakeholder Engagement

F1   Introduction

Interviews with stakeholders explored the participants' general perceptions and experiences of planning committees, as well as more specific questions including those regarding site visits, meeting protocol and speaking arrangements, relationships with officers including powers of delegation and overturns of recommendations, information available on planning committees, and areas of training required. Participants were also encouraged to share examples of good or poor practice and experiences as case studies. As part of the case study process, interviews were undertaken following the planning committee observation with the following people in each authority:

- Planning Committee Chair;

- Planning Committee Backbencher;

- Head of Planning;

- Head of Development Control / Development Management;

- Legal Officer to the Planning Committee; and

- Clerk to the Planning Committee.

Appendix B lists the stakeholder organisations involved in the research and Section 1.2 lists the case study authorities.

F2   Common Themes

A summary of common themes identified by stakeholders during the interviews is outlined below. These represent the views of the stakeholder organisations who took part in the study rather than the views of individuals.

Member outlook and decision- making

The stakeholders agreed that the quality of decision-making varied across Wales. In summary:

- There are significant variation between committees in terms of culture and outlook towards development. Often, development is viewed as a problem rather than a positive contribution towards economic growth and meeting housing needs.

- Many members see their role to represent the views of their ward, rather than to make decisions as part of the local planning authority as a whole. This distinction is rarely explained to them, and makes a significant difference to the outlook of the committee. There is also a difficulty in managing public expectations of members with regards to decisions.

- Members need to understand the role of the committee in the planning system as a whole, rather than seeing it as isolated.

- The demographic make-up of committees influences decision-making – many members are middle-aged, well-off and own their own homes.

- Some Councils put new members on planning committees because it is seen as easier to reach decisions than on other committees.

- The quality and consistency of decision-making varies across Councils, but also over time as more capable members leave committees.

- Decisions are not always based on planning considerations, but instead the views of the members or their constituents. Some members seem to relish the opportunity to overturn officer recommendations as a way of 'playing politics'.

- Similarly, some members are happy to make decisions which are very likely to be overturned on appeal, because it allows them to 'pass the buck'.

- A couple of participants raised the idea of introducing a 'personal surcharge' on members where blatantly political decisions that go against recommendations are subsequently lost at appeal.

- In relation to the issue of predetermination, there should be an emphasis on pre-application, and the Statement of Community Involvement should be strengthened to state who the developer should involve. This is to ensure that when an application is submitted it has already been considered by the relevant parties. However, predetermination cases are very rare.

- Complaints about planning committees or individual members are reducing – this is partly the result of the effect of the recession on the total number of applications, but also down to an increasing number of precedents.

Training

There was a general consensus that, whilst member training was important, the general outlook of the individual member and committee influenced the effectiveness of training. In summary:

- Training is needed for specific issues, including: affordable housing; Code for Sustainable Homes; viability; climate change; design; and SUDS.

- Training is especially important after an election or reshuffle – training should occur before joining the planning committee.

- Members do not always understand the authority's requirement to deliver a certain amount of houses each year, or the consequences for not doing so. Improving their knowledge on high-level targets would improve decision-making.

- Commercial training on housebuilding, costs of development etc. would allow committees to understand the costs of getting planning permission and how it fits into the wider development process.

- Training should be mandatory, regular, and provided by a central source such as the Welsh Government. In the past, organisations such as One Voice Wales and Planning Aid Wales have teamed up to provide training to town and community councils; this sort of arrangement could be rolled out. However, even when training is arranged by an external body, such as the Design Commission for Wales, currently attendance is low because it is not prioritised by the authority's support services.

- Training would not reduce the amount of cases that are investigated or upheld by the Public Services Ombudsman for Wales – in these cases, members are usually undertaking deliberate contraventions of the code rather than simply misunderstanding it.

- Training should challenge mindsets and behaviours, rather than simply be an update of relevant legislation or a 'therapy session'.

- Good practice could be shared across Wales, to improve the knowledge and competencies of all members.

Officer relations and powers of delegation

Stakeholders perceived that the quality of the relationships between officers and members were generally good at meetings, but that in some cases there may be frustrations, particularly surrounding overturns of recommendations. In summary:

- Where committees wish to overturn an officer recommendation, it can fall to the officers present to find the planning considerations. This can be counter-intuitive to the process.

- Committee reports are often very technical, and not always best placed to inform members. Committee reports are also important for auditing purposes. Planning officers should aim to avoid superfluous jargon and make use of illustrative/visual material submitted as part of the planning application. Training could be provided for officers to help them to prepare well-structured, easily understood reports.

- Committee reports should be given to committees with enough time to properly read them. A best practice minimum of a week before the meeting was suggested.

- The quality of the officers attending committee, particularly the Chief Planning Officer and legal officer, have an effect on the decisions made. It can sometimes be appropriate for the Chief Planning Officer to point out planning or legal issues, or 'remind' of the danger of appeal. However, this can be viewed by some members as being undemocratic.

- There were a variety of views surrounding the levels of overturns of officer recommendations; some felt it happened too regularly, whereas others saw it as an inevitable part of decisions made at committee.

- Powers of delegation vary across authorities and it is difficult to understand the rationale behind delegation. Nationally-set powers of delegation (perhaps akin to the Scottish approach) could improve consistency across authorities.

- One stakeholder felt that, where an adopted plan is in place or a site has been allocated, officers should have increased powers of delegation as it has already been through democratic scrutiny.

Speaking arrangements

Stakeholders suggested speaking arrangements were one issue which was particularly contentious. In summary:

- Speaking arrangements varied across Wales, including the time given and whether objectors had to be present for the applicants or their agents to be given the right to speak. Standardisation would make the process more transparent for those wishing to be involved.

- Many authorities only let applicants speak where there is an objector speaking. This is unfair in itself but also allows only a short amount of time to prepare.

- Speaking at planning committees is viewed by some applicants as unfairly biased – the officers often speak for up to an hour, so their questions cannot be addressed in a few minutes. The time taken by officers is not always warranted as the committee is provided with the report prior to the meeting.

- The right to speak for a matter of minutes was seen by some to be 'tokenistic', with little chance of influencing decisions. More time could be given, or a hearing-style arrangement could be used where the committee could ask questions to the applicant or objectors.

- Some committee charters include the right for representatives of town or community councils to speak without being either the applicant or an objector.

Site visits

Site visits were generally viewed to be a necessary and useful, though carry the risk of delaying decisions or being used tactically by opposition to the application. In summary:

- Site visits are an important way of allaying fears that members might otherwise have. It is seen as an important part of the decision-making process.

- Site visit protocol is generally good, and upheld in the most part. One participant knew of an instance where the decision was made on site

rather than being taken back to the Chamber, but felt this was rare. Robustness in upholding the protocol is important.

- To reduce delay, cases where a site visit is necessary should be decided and undertaken before the planning committee meets.

- Occasionally, site visits are used by members as a delaying tactic, by forcing the decision to be deferred. They may also be a way of bringing issues to the table which have already been dealt with in the application / committee report.

- Neither the applicant nor the public should be able to use the site visit to lobby the committee.

Committee information and organisation

Stakeholders felt that it was important that information on committees – including upcoming dates, speaking protocols, decisions and so on – were important but varied between authorities. A variety of views were given surrounding the size and organisation of committees and committee meetings. In summary:

- The quality of information varies across authorities. Some publish meeting dates, agendas, minutes and so on in an easy-to-find location on their website; for others, this information is harder to find.

- Information such as upcoming committee dates, agendas, decisions, etc. often comes via case officers rather than more formal channels. However, this arrangement largely works well.

- Technologies such as webcasts, automatic email updates and public-facing Geographical Information Systems are being used by some authorities to share information, and could be utilised further.

- On the whole, it was thought that committee meetings were well organised and structured, but that occasionally a greater sense of proportionality was needed. For instance, a single storey residential extension might be debated for longer than a multi-unit scheme.

- The role of Chair is crucial – they need to be prepared to challenge behaviour they see to be inappropriate.

- It was felt by some that small committees worked best as they were quicker to make decisions and more easily managed by the Chair and Chief Planning Officer. Others felt that larger committees were more likely to be representative and less likely to be influenced by the personalities of individual members. Some felt that the number could be standardised.

Committees' place within the wider planning function

Finally, some stakeholders considered the role of planning committees within the wider planning function. In summary:

- Whereas some felt that involving members in pre-application discussions would improve decision-making, others felt this would confuse the system. However, most agreed that members should be more involved in the process as a whole, rather than just reading the report at the end.

- If members are involved in the pre-application process, this should be based on sound principles, recorded, and only alongside appropriate officers.

- Involvement in the pre-application process might not affect the outcome of many decisions, but it would result in a more robust system and improve relationships between members and officers and applicants.

- Committees should have regular liaison meetings with statutory consultees.

- Having a robust strategic planning policy framework helps committees make better decisions. Members are more 'aloof' where plans have not been adopted. The relationship between plan-making and the planning committee is very important in creating 'buy-in' to adopted policies.

Where town councils cover a sizeable population, they could be afforded more planning powers such as a role in the planning committee.

Appendix G– Local Planning Authority Survey/data sheet results

Introduction

Local planning authorities were asked to provide data for the years 2011/12 and 2012/13 through the return of data sheets. The data sheets covered the following topics:

- Numbers and structure: committee names; number and frequency of meetings; number of members; and any sub-committees, area-specific committees or site visit panel committees which might exist.

- Planning decisions: Number of decisions received, approval, refused, withdrawn, and delegated; and the proportions of decisions made within the target determination timescale.

- Development management service costs and income: gross planning expenditure; fees and other income; and core and democratic costs associated with planning (including the costs associated with servicing the committee such as the secretariat, expenses, training and other costs where appropriate).

- Appeals against planning decisions: numbers and outcomes of appeal decisions and details of costs awarded, broken down into decisions made by the committee and those made under powers of delegation.

- Complaints to the Ombudsman: total complaints; complaints made about members or development management; the number of which formally investigated; and the number which are upheld by the Ombudsman.

- Planning committee meetings: details of every planning committee meeting in 2012/2013, including duration, number of members and officers in attendance, total number of applications on agenda, site visits, call-ins, deferrals, decision outcomes, and overturns of officer recommendations.

Responses were received from all 25 local planning authorities. However, in some cases it was not possible for the authority to provide a full answer to a question due to the various local accounting practices and / or methods for recording and archiving applications, decisions and committee activity. Where appropriate, the number of authorities providing data for a particular question is identified in the analysis. A copy of the survey is provided within Appendix A.

Survey Analysis

Table 1 (overleaf) provides a summary of the data, and key aspects are covered in more detail below. Data from site visit committees has been excluded to avoid skewing the overall picture. Swansea's three committees (two area-based committees and an overall Development Management & Control Committee) have been kept separate, as all three make decisions in their own right.

Table 1: Planning Committee meetings by local planning authority 2012/13

Authority	Committee name	No. meetings	Average duration (mins)	Average no. Members in attendance for all or part	No. Members on committee	Attendance rate (%)	Average no. officers attending	Applications on agenda Total	Average per meeting	...of which included a site visit Total	Average per meeting	%	...of which member call-ins Total	Average per meeting	Call-in rate (%)	...of which deferred Total	Average per meeting	Deferral rate (%)	Decisions made Total	Average per meeting	Decision rate (%)	% granted	% refused	Decisions made within target timescale Total	%	Overturns of recommendations Total	Average per meeting	Overturn rate (%)
Blaenau Gwent	Planning Committee	8	n/d	11.9	15	79%	7.1	37	4.63	1	0.13	3%	4	0.50	11%	3	0.375	8%	34	4.25	92%	82%	18%	3	9%	0	0.00	0%
Bridgend	Development Control Committee	13	111	15.1	18	84%	10.1	62	4.77	19	1.46	31%	20	1.54	32%	5	0.385	8%	57	4.38	92%	96%	4%	25	44%	0	0.00	0%
Caerphilly	Planning Committee	12	70	15.8	21	75%	5.5	144	12.00	52	4.33	36%	n/d	n/d	n/d	54	4.5	38%	95	7.92	66%	77%	16%	9	9%	8	0.67	8%
Cardiff	Planning Committee	13	211	10.0	12	83%	6.2	181	13.92	47	3.62	26%	n/d	n/d	n/d	31	2.385	17%	179	13.77	99%	63%	14%	0	0%	8	0.62	4%
Conwy	Planning Committee	11	115	20.0	20	100%	5.5	95	8.64	36	3.27	38%	3	0.27	3%	7	0.636	7%	88	8.00	93%	80%	20%	33	38%	19	1.73	22%
Denbighshire	Planning Committee	10	156	27.6	30	92%	9.3	96	9.60	21	2.10	22%	10	1.00	10%	8	0.8	8%	86	8.60	90%	86%	14%	17	20%	7	0.70	8%
Flintshire	Planning and Development Control Committee	10	214	19.4	21	92%	11.1	87	8.70	45	4.50	52%	44	4.40	51%	13	1.3	15%	73	7.30	84%	75%	25%	13	18%	13	1.30	18%
Gwynedd	Planning Committee	15	145	12.3	15	82%	7.6	124	8.27	n/d	n/d	n/d	n/d	n/d	n/d	19	1.267	15%	104	6.93	84%	83%	17%	n/d	n/d	10	0.67	10%
Isle of Anglesey	Planning and Orders Committee	12	78	13.8	14	98%	7.3	176	14.67	38	3.167	22%	66	5.5	38%	47	3.917	27%	128	10.67	73%	88%	12%	59	46%	9	0.75	7%
Merthyr Tydfil	Planning, Regulatory and Licensing Committee	12	32	8.9	11	81%	4.7	98	8.17	3	0.25	3%	0	0.00	0%	5	0.417	5%	92	7.67	94%	99%	1%	26	28%	0	0.00	0%
Monmouthshire	Planning Committee	12	127	13.8	16	86%	4.8	100	8.33	78	6.50	78%	18	1.50	18%	17	1.417	17%	83	6.92	83%	81%	19%	3	4%	15	1.25	18%
Neath Port Talbot	Planning and Development Control Committee	16	93	31.2	46	68%	4.7	44	2.75	10	0.63	23%	38	2.375	86%	7	0.438	16%	36	2.25	82%	86%	17%	0	0%	0	0.00	0%
Newport	Main Planning Committee	13	102	8.5	11	78%	7.0	65	5.00	13	1.00	20%	31	2.3846	48%	15	1.154	23%	50	3.85	77%	84%	14%	16	32%	1	0.08	2%
Rhondda Cynon Taf	Development Control Committee	21**	103	47.5	75	63%	6.3	401	19.10	113	5.38	28%	n/d	n/d	n/d	118	5.619	29%	283	13.48	71%	84%	16%	n/d	n/d	43	2.05	15%
Pembrokeshire	Planning and Rights of Way Committee	11	115	15.7	15	105%***	8.4	57	5.18	5	0.45	9%	3	0.2727	5%	9	0.818	16%	46	4.18	81%	89%	9%	0	0%	3	0.27	7%
Powys	Planning, Taxi Licensing & Rights of Way Committee*	22	174	16.0	21	76%	6.7	232.3	6.32	17	0.77	7%	19	0.8636	8%	8	0.364	3%	131	5.95	56%	82%	18%	n/d	n/d	9	0.41	7%
Swansea 1	Area 1 Development Control Committee	11	64	22.0	35	63%	7.0	58	5.27	24	2.18	41%	51	4.6364	88%	15	1.364	26%	41	3.73	71%	83%	17%	17	41%	7	0.64	17%
Swansea 2	Area 2 Development Control Committee	11	125	24.3	37	66%	6.4	168	14.00	77	7.00	46%	146	13.27	87%	25	2.273	15%	112	10.18	67%	78%	22%	22	20%	17	1.55	15%
Swansea 3	Development Management & Control Committee	7	126	44.9	72	62%	8.7	22	3.14	8	1.14	36%	12	1.7143	55%	n/d	n/d	n/d	21	3.00	95%	90%	10%	0	0%	10	1.43	48%
Torfaen	Planning Committtee	10	73	11.2	16	70%	6.7	69	6.90	16	1.60	23%	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d
Vale of Glamorgan	Planning Committee	12	n/d	14.7	19	77%	4.0	176	14.67	59	4.92	34%	n/d	n/d	n/d	41	3.417	23%	135	11.25	77%	92%	8%	0	0%	3	0.25	2%
Wrexham	Planning Committee	12	106	17.6	20	88%	5.5	194	16.17	19	1.58	10%	n/d	n/d	n/d	5	0.417	3%	151	12.583	78%	88%	12%	57	38%	5	0.50	4%
Brecon Beacons NPA	Planning and Rights of Way Committee	8	240	16.6	24	69%	11.0	44	5.50	2	0.25	5%	2	0.25	5%	4	0.5	9%	40	5.00	91%	95%	5%	4	10%	0	0.00	0%
Pembrokeshire Coast NPA	Development Management Committee	11	132	15.7	18	87%	3.1	87	7.91	14	1.27	16%	n/d	n/d	n/d	12	1.091	14%	67	6.09	77%	73%	27%	n/d	n/d	9	0.82	13%
Snowdonia NPA	Planning & Access Committee	11	102	14.1	18	78%	9.6	114.5	9.55	18	1.64	16%	1	0.0909	1%	39	3.545	34%	59	5.36	52%	75%	24%	9	15%	12	1.09	20%

* previously known as the Regulatory Committee
** excluding 2 cancelled meetings
*** figure may include Ward Councillors

Size of Committee/Meeting

Figure 1 shows the variation in numbers of members sitting on planning committees in Wales, ranging from 11 in Merthyr Tydfil to 75 in Rhondda Cynon Taf. The average number of members on each committee is almost 25, although 19 of the committees had between 11 and 21 members. Figure 2 shows the number as a proportion of full Council, excluding National Park Authorities (where planning committees automatically include all members). Whereas Rhondda Cynon Taf and Swansea include all members on their planning meetings, most other authorities have far lower proportions represented. On average, 42% of the Council are included on the planning committee.
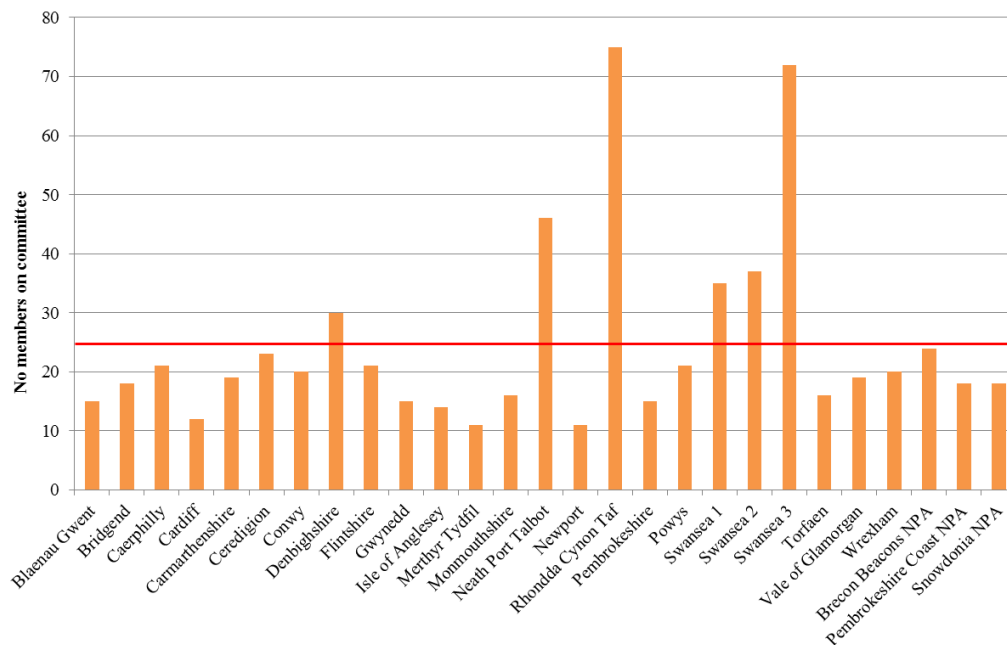
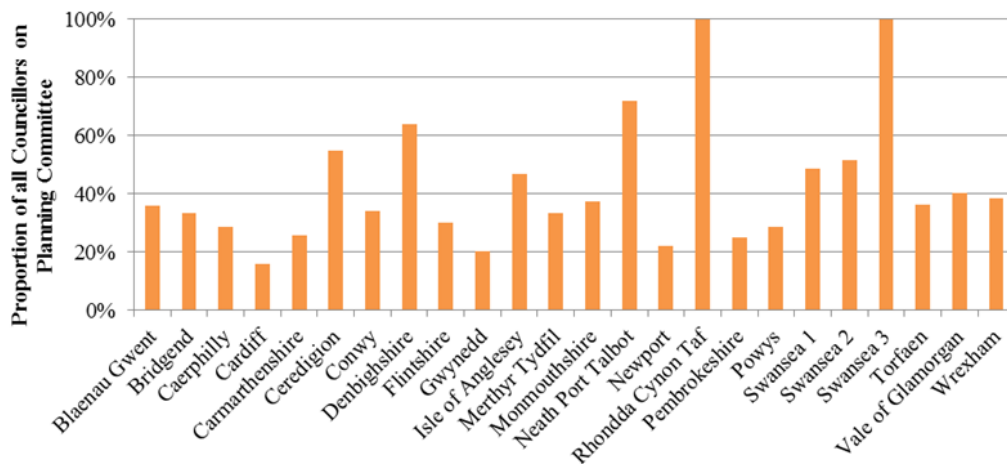**Figure 1: Committee size: Number of members on committee**

Figure 2: Committee size: Number of members on committee as a proportion of all authority members (Full Council). The table excludes the national park authorities.

Figures 3 and 4 show the variation between average numbers of committee members and officers in attendance across authorities. Rhondda Cynon Taf and Swansea's Development Management & Control Committee are significantly higher than all other authorities, with an average of almost 48 and 45 members in attendance. However, Figure 5 shows that the 'attendance rates' (calculated by dividing average attendance by total number of members on the committee) of these two authorities are lower than many others at 63% and 62% respectively. The average attendance rate across all meetings held in 2012/2013 was 80% with a low of 62% in one of Swansea's area committees, and highs of over 90% in six committees. It is unclear if this is a result of the use of substitute members sitting in the absence of others. The 'attendance %' figures are provided as a column within Table 1, above.
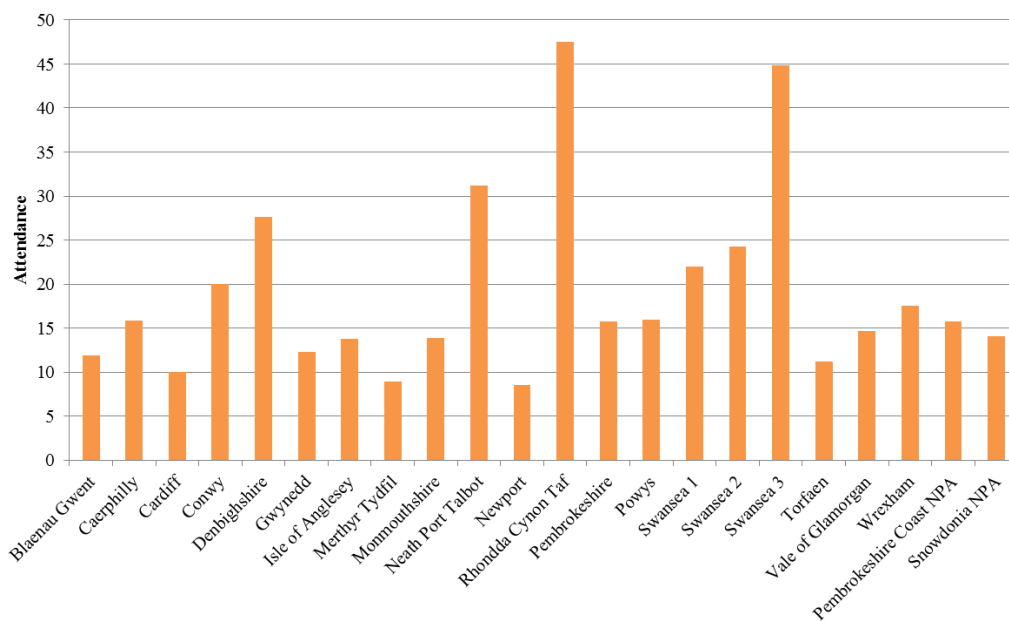

Figure 3: Average number of members in attendance for all or part of committee meetings in 2012/2013
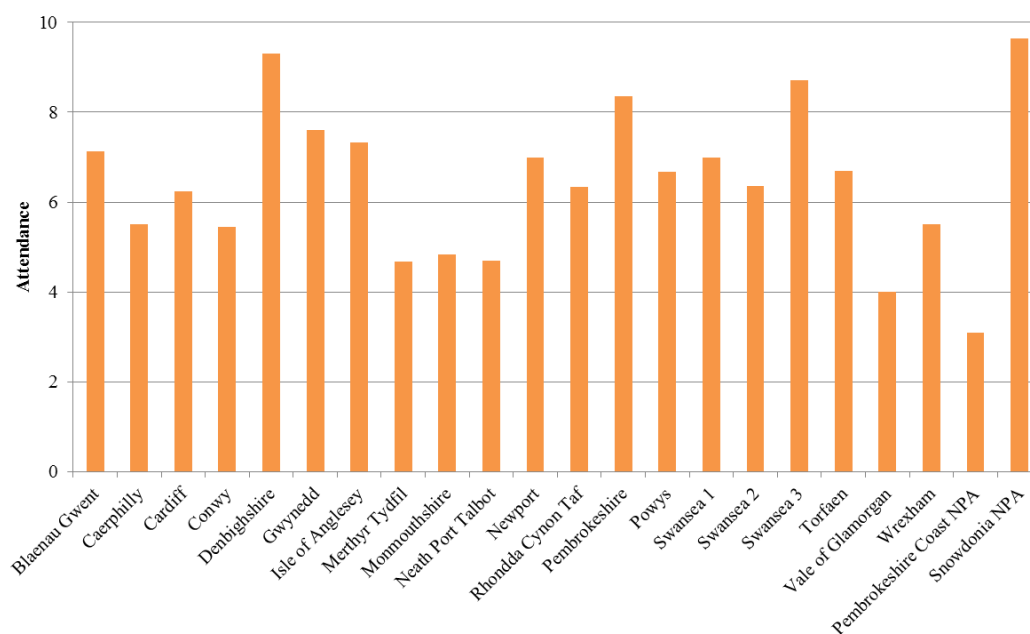
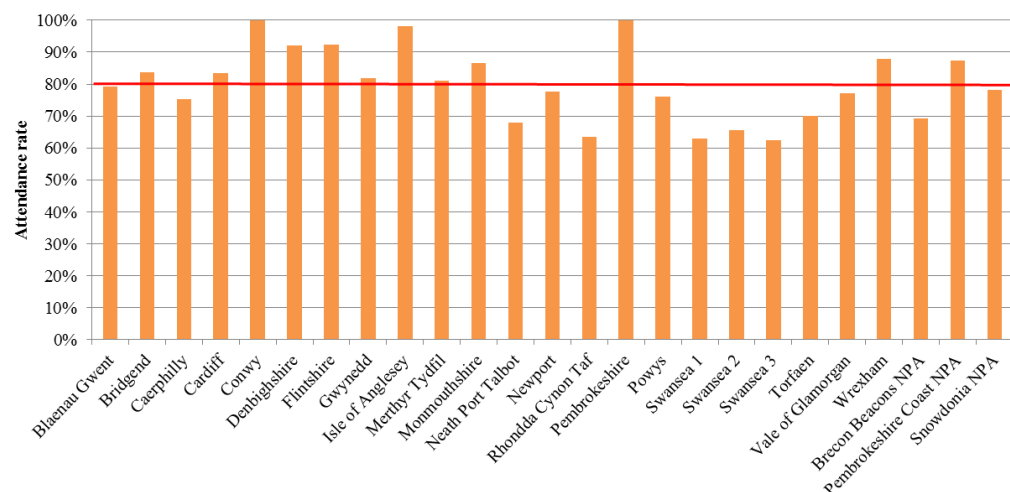**Figure 4: Average number of officers in attendance for all or part of committee meetings in 2012/2013**

Figure 5: Average member attendance rate for all or part of committee meetings in 2012/2013

Meeting length and attendance

Twenty-one authorities provided detailed data on the meeting length of committees. The length of meetings devoted to planning applications varied enormously, from an average of 32 minutes for Merthyr Tydfil to an average of 240 minutes across the year for Brecon Beacons National Park Authority.

Figure 6 illustrates this variation in meeting length across the authorities. Not surprisingly, there is a positive correlation between the number of applications for determination on the agenda and the duration of the meeting, as shown in Figure 7. However, there does not seem to be a relationship between the numbers of members in attendance for all or part of the meeting and the duration. The average number of applications included on the agenda for each meeting was almost ten, though there were many examples of meetings where the number was much higher than this; one meeting of Rhondda Cynon Taff's Development Control Committee included 44 items on the agenda.
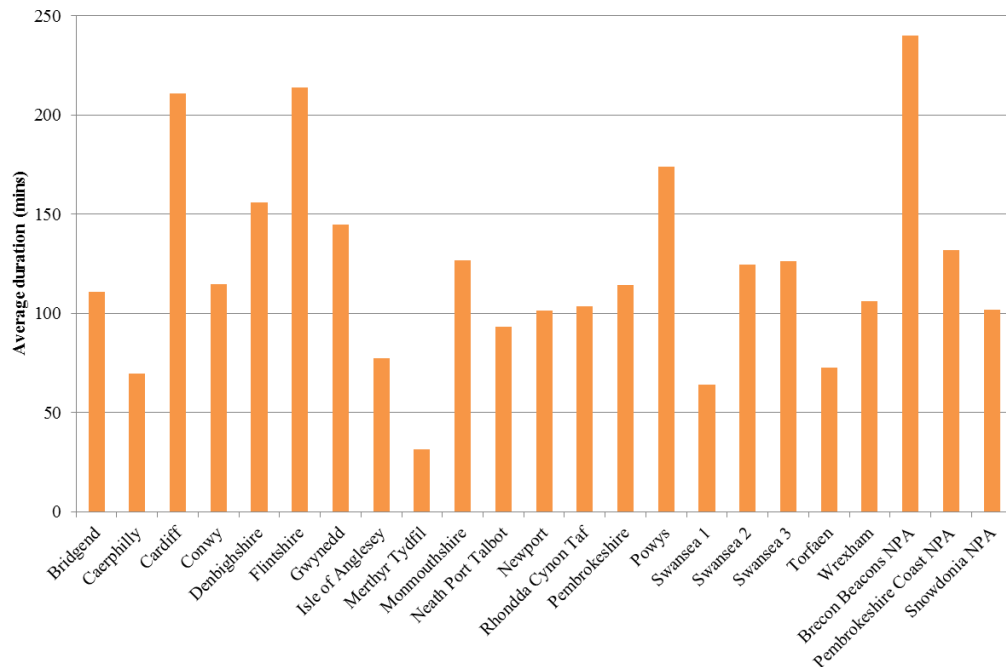

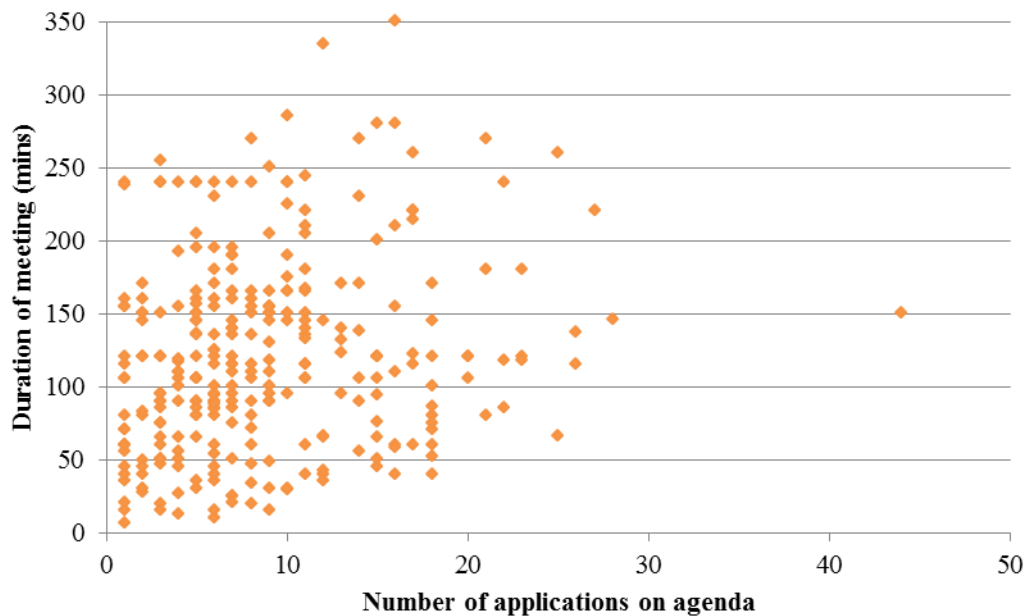**Figure 6: Average duration of planning committee meetings in 2012/2013**

Figure 7: Relationship between number of applications on the agenda and duration of committee meeting in 2012/2013

Figure 8 shows a possible relationship between the number of planning applications for determination on the agenda and the number of members in attendance for all or part of the meeting. However, it is unclear whether members are more likely to attend when more applications are being considered, or whether committees tend to be bigger in those authorities with higher application levels (either through call-in or as part of the standard committee-delegation arrangements).
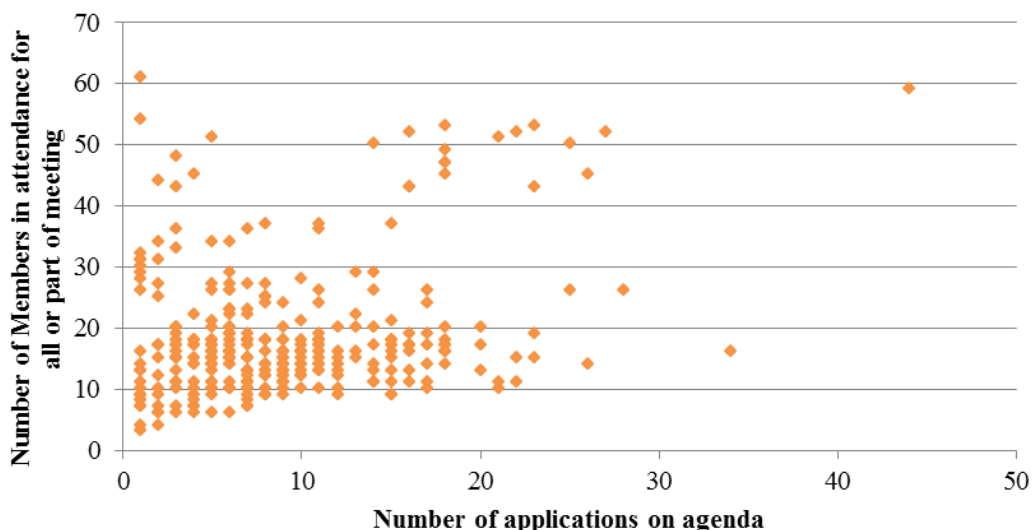

Figure 8: Relationship between number of applications on the agenda and number of members in attendance for all or part of a meeting in 2012/2013

Site visits

22 authorities provided data on site visits. As shown in Figure 9, the proportions of site visits which include a site visit being made by the planning committee vary enormously. Across the responses, site visits were made as part of 26% of applications. Monmouthshire made the highest proportion of visits (78% of all applications determined at committee), whereas several authorities recorded levels of less than 15%. This variation is despite that fact that, as shown below in subsequent analysis, protocols for requesting site visits are often set out in writing. Some 70% of site visits were made prior to the committee meeting taking place, i.e. around a third took place following deferral at the committee meeting.
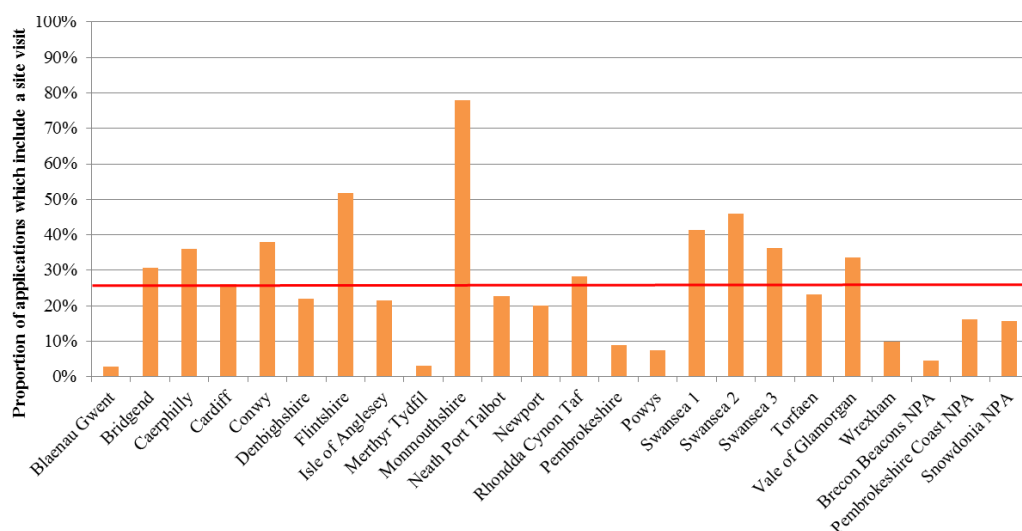

Figure 9: Average proportion of applications which included a site visit in 2012/2013

Call-ins and deferrals

15 authorities provided data on levels of member call-in, and the wide variation can be seen in Figure 10. The number of call-ins varied from zero on Merthyr Tydfil's two committees to over 70% for Neath Port Talbot and Swansea. No clear relationship between member call-ins and the number of members on the committee, nor with the number of planning applications on the agenda, exists. It might also have been expected that those authorities with a high level of delegation would also have a greater potential for call-ins, but this relationship was not found either.
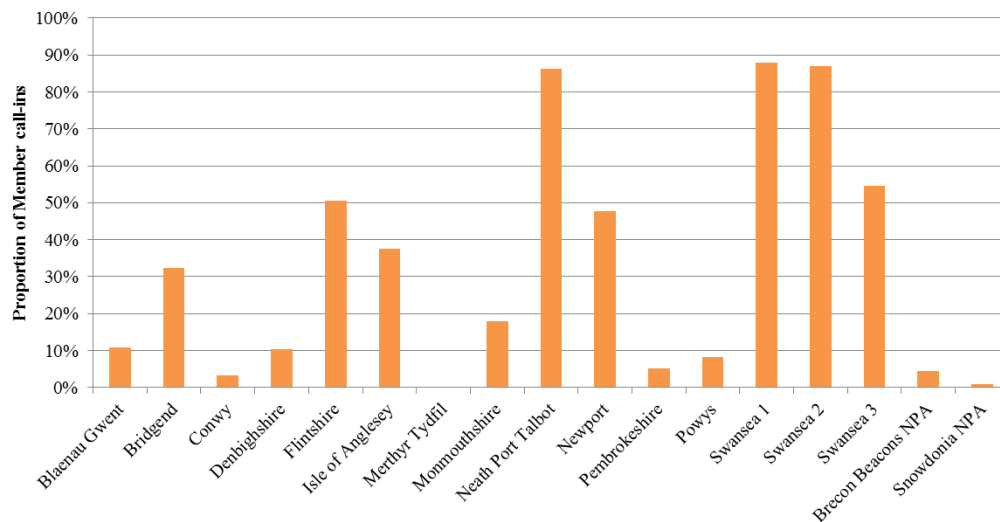
Figure 10: Average member call-in rate in 2012/2013

With the exception of a couple of exceptional authorities, the proportion of applications which were deferred were relatively consistent, with an average of 17.8% of cases and with several authorities falling under 10% of applications taken to committee (See Figure 11).The following reasons were provided for deferrals:

- further information or clarification of issues requested to reach a decision;

- late submission of information;

- site visit requested or postponed (due to lack of access or permission etc.);

- withdrawal of application at meeting;

- invalid certificates or documentation;

- late representation or to allow speakers at next committee;

- views of committee sought only; and

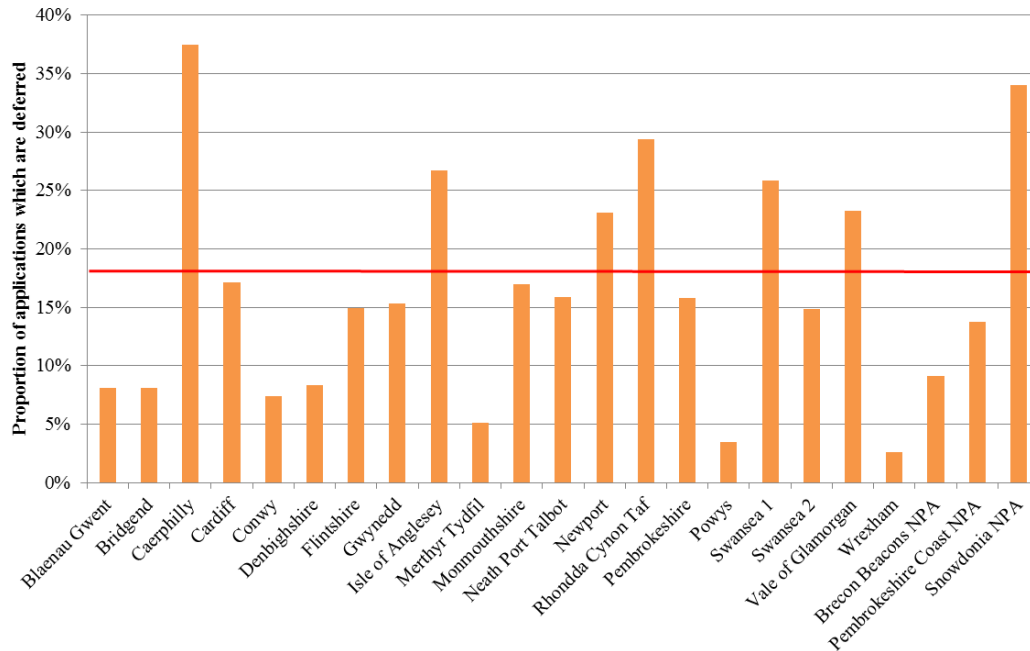- re-negotiation of design, planning obligations etc.

Figure 11: Average deferral rate in 2012/2013

Decisions

Where authorities were able to provide the proportion of committee decision which were made within target timescales (eight weeks for major, minor or other applications as set out in the Development Management Procedure Order Wales 2012), they reflected the common view expressed in the stakeholder interviews that decisions taken to committee often took longer than delegated decisions, although this does not prove any link between a delay effect of a committee decision, say, compared to the average increased complexity of an application going to committee.

Five committees made no decisions within the relevant timescales, and the proportions of committee decisions within the target time periods were consistently lower than the levels for the authority as a whole.

Figure 12: Proportion of committee decisions made within the target time period in 2012/2013

There seems to be a positive correlation between levels of delegation and the proportion of decisions made within the target period (across the authority, not just those made by the planning committee), as shown in Figures 13-15. A weak relationship between number of deferrals and proportion of decisions within target can also be seen. This suggests that applications that go to planning committee are likely to reach a decision more slowly than those made by officers under powers of delegation.

Figure 13: Relationship between delegation rate and the proportion of major decisions made within the target time period in 2011/2012 and 2012/2013

Figure 14: Relationship between delegation rate and the proportion of minor decisions made within the target time period in 2011/2012 and 2012/2013
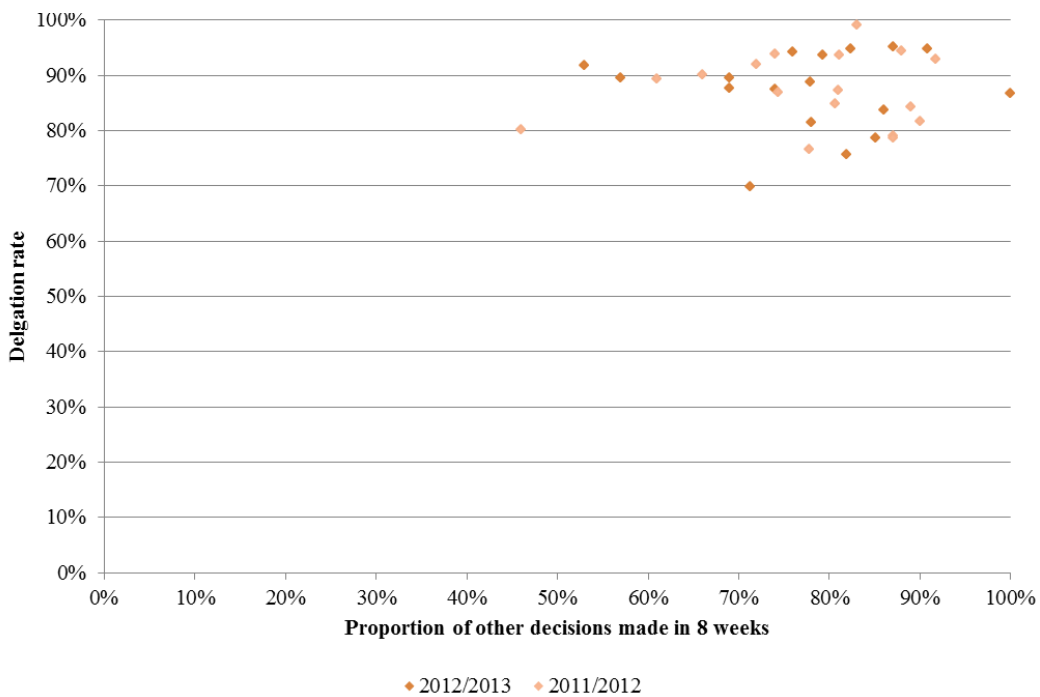
Figure 15: Relationship between delegation rate and the proportion of other decisions made within the target time period in 2011/2012 and 2012/2013

Perhaps surprisingly, those committees that have more meetings per year (and therefore meet more frequently) did not always make a higher proportion of decisions within the target time period. This is shown in Figure 16.
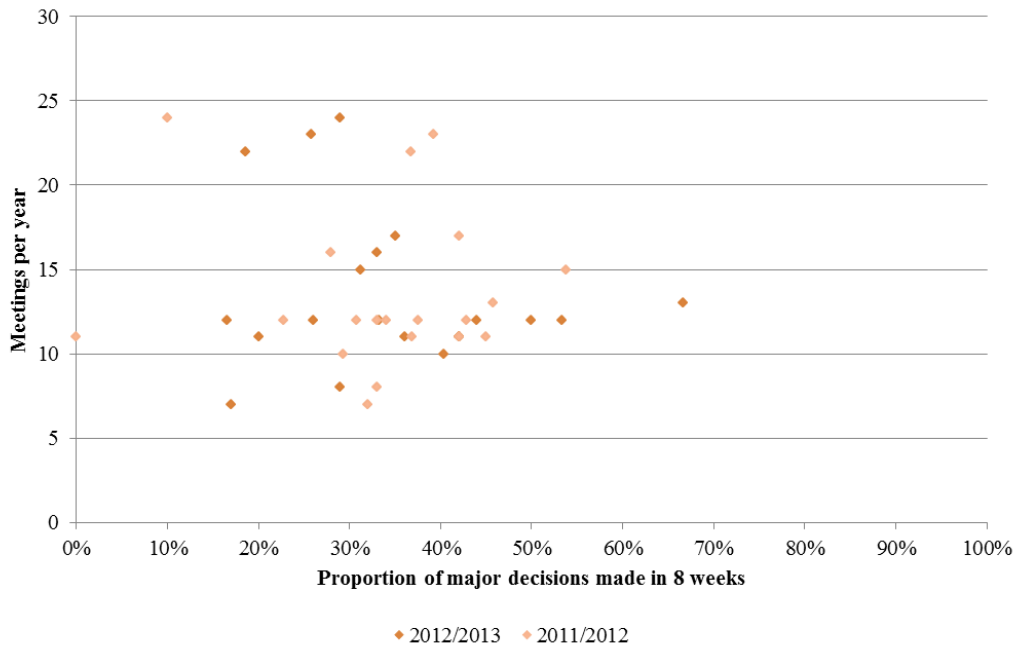
Figure 16: Relationship between meetings per year and the proportion of major decisions made within the target time period in 2011/2012 and 2012/2013

As shown in Figure 17, the proportion of decisions that overturn the officer recommendation are also variable; several committees overturned no officer recommendations in 2012/2013, whilst Conwy overturned 22%. Whilst the average rate of overturn across the data returned was 7.0%, the results suggest that excessive overturns may be a comparatively isolated (rather than universal) issue. Interestingly, there does not seem to be a relationship between the level of overturn and the outcome of the decision (e.g. overturns are not overwhelmingly / consistently to refuse or to grant).
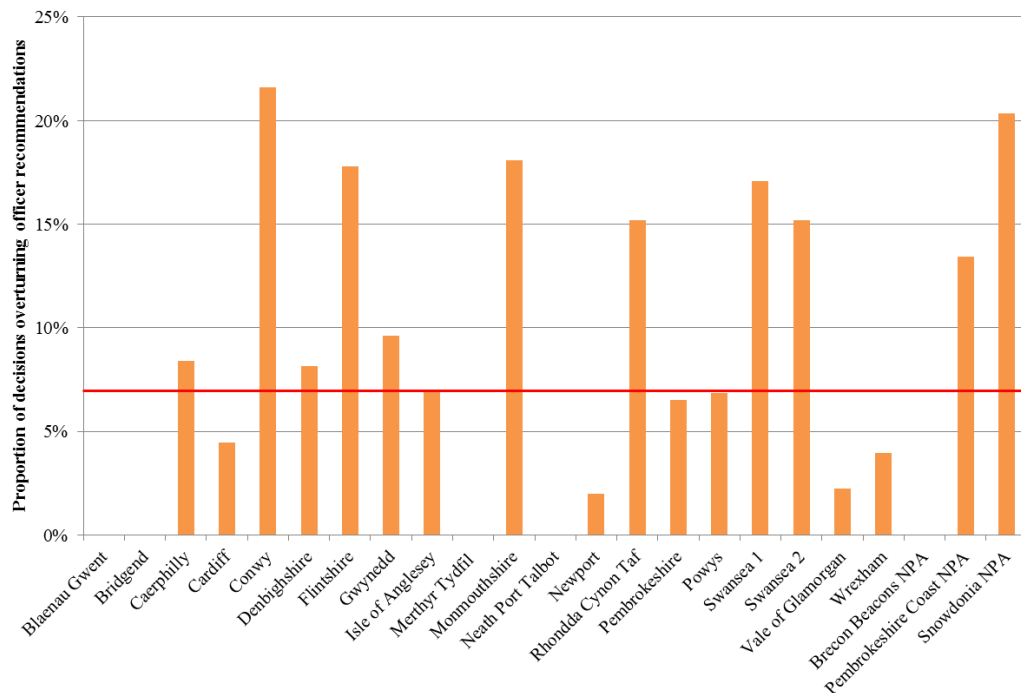
Figure 17: Proportion of decisions overturning officer recommendation in 2012/2013

Appeals and complaints

22 authorities were able to provide details on appeals made against planning decisions. As shown in Figure 18, the total number of appeals made, and the breakdown between the decisions made by officers under delegated powers and those made by committee, varies across authorities. However, there does not seem to be a straightforward relationship between the proportion of decisions made by committees and subsequent number of appeals, so it is unclear if committee decisions are more likely to be challenged or if the quality of their decisions is any different from those made by officers.
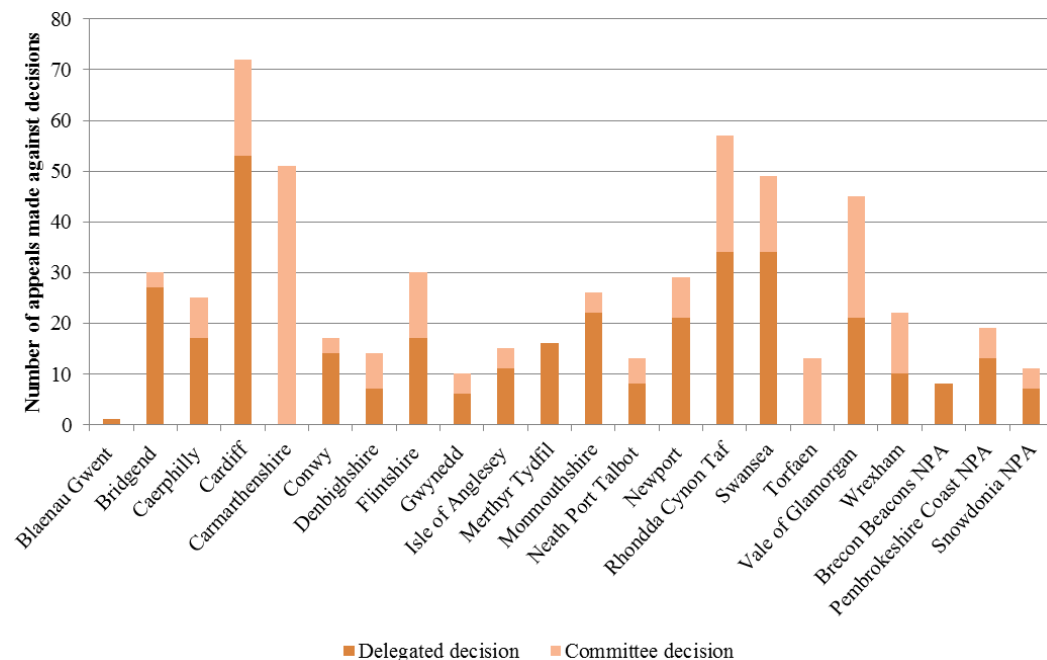
Figure 18: Number of appeals made against delegated and committee decisions in 2012/2013

The number of complaints made to the Public Services Ombudsman for Wales in relation to planning decisions is shown in Table 2 below. The amount of complaints received varies considerably between authorities, although the number of these that are formally investigated is low – around 5% of complaints in 2012/2013, and around 2% in 2011/2012. Only five complaints were upheld in the two year period. This tallies with the views expressed in the stakeholder interview with the Public Services Ombudsman for Wales that serious complaints against planning committees or planning departments are very rare.

Table 2: Complaints made to the Public Services Ombudsman for Wales in 2012/2013 and 2011/2012

Authority	2012/13					2011/12				
	Total compl.	… of which member compl.	… of which about DM	No. formally investi-gated	No. upheld	Total compl.	… of which member compl.	… of which about DM	No. formally investi-gated	No. upheld
Blaenau Gwent	0	0	0	0	0	3	0	3	1	1
Bridgend	3	0	3	0	0	2	0	2	0	0
Caerphilly	5	0	4	0	0	5	0	4	0	0
Cardiff	6	0	6	0	0	7	0	7	1	1
Carmarthenshire	8	0	8	0	1	12	0	12	1	0
Ceredigion	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d	n/d
Conwy	6	0	6	0	0	5	0	5	0	0
Denbighshire	7	0	7	1	0	11	0	11	1	0
Flintshire	4	1	3	0	0	7	1	6	0	0
Gwynedd	5	0	0	0	0	5	0	0	0	0
Isle of Anglesey	8	0	8	1	0	4	0	4	1	0
Merthyr Tydfil	1	0	1	1	0	0	0	0	0	0
Monmouthshire	10	1	9	0	0	18	6	12	1	0
Neath Port Talbot	9	0	8	0	0	15	0	13	1	0
Newport	1	0	1	0	0	2	0	2	0	0
Pembrokeshire	5	0	4	1	1	13	0	11	1	1
Powys	5	0	5	0	0	4	0	3	0	0
Rhondda Cynon Taf	45	9	8	0	0	48	8	7	0	0
Swansea	4	0	4	0	0	5	0	5	0	0
Torfaen	2	0	0	1	0	2	0	0	0	0
Vale of Glamorgan	9	0	9	0	0	5	0	5	0	0
Wrexham	0	0	0	0	0	0	0	0	0	0
Brecon Beacons NPA	6	0	5	2	0	2	0	2	1	0
Pembrokeshire Coast NPA	0	0	0	0	0	16	16	0	16	0
Snowdonia NPA	2	0	2	0	0	8	1	7	1	0

Analysis of materials provided by Authorities

Local planning authorities were asked to provide the following documents alongside their completed data sheets:

- Information on committee procedures;

- Public speaking arrangements;

- Details of member training;

- Protocol/code of conduct for planning committee members; and

- Site visits arrangements.

- Delegation agreements (supplied by the WLGA from previous research)

The majority of local planning authorities supplied these documents provided other information, or explained why these documents were not available. If the documents were not forthcoming then a search of the local planning authority website was undertaken. A summary of the key issues across these documents can be found below.

Speaking arrangements

Speaking arrangements	1 Blaenau Gwent	2 Bridgend	3 Caerphilly	4 Cardiff	5 Carmarthenshire	6 Ceredigion	7 Conwy	8 Denbighshire	9 Flintshire	10 Gwynedd	11 Isle of Anglesey	12 Merthyr Tydfil	13 Monmouthshire	14 Neath Port Talbot	15 Newport	16 Pembrokeshire	17 Powys	18 Rhondda Cynon Taf	19 Swansea	20 Torfaen	21 Vale of Glamorgan	22 Wrexham	23 Brecon Beacons NPA	24 Pembrokeshire Coast NPA	25 Snowdonia NPA
1a. Applicant? If yes, # mins	5	*†3	5	*3		5	3	3	3	3	3		*4/5	‡‡	5	5	*5/8	5	5	5	‡‡	†3	3	5	3
1b. Public? If yes, # mins	5	†3	5		5	5	3	5	3	3	3		4	‡‡	5	5	5/8	5	3	5	‡‡	†3	3	5	3
1c. Non-Committee member (e.g. Ward Councillor)? If yes, # mins	5	3	5	3	5	5	3	3¡	5	10	3		6	‡‡		5	5/8	10	3	5	‡‡	†3	3	5	3
1d. Town or community council representative? If yes, # mins	5	3			5	5	3	3¡	5	3	3		4	‡‡	5	5	5/8	5		5	‡‡			5	3
1e. Scrutiny committee representative? If yes, # mins?														‡‡							‡‡				
1f. Limit on public speakers? If so, #	**1	1	1		2	¿	†1	†1	1	2	1		**†1	‡‡	**1	1	†1		¿	3	‡‡	†1	1		†1
1g. Applicant right of reply?	o	o			o	o	o			o				‡‡	o						‡‡			o	
1h. Members with personal/prejudicial interest treated as public?														‡‡							‡‡				
1i. Notification in advance of request to speak?														‡‡							‡‡				
1j. Answer questions (cross examination or clarification)?														‡‡							‡‡				
1k. Public speaking before officer's presentation?														‡‡							‡‡				
1l. Set out in public leaflet/ on Council website?														‡‡							‡‡				
1m. Speak again if item is deferred?	N													‡‡			N	N			‡‡		N		

Notes

* Applicant/agent may only speak where an objector is also speaking
† Can be extended for extraordinary cases
‡ Public speaking arrangements do not exist
¡ as public speaker
** Applicant/agent and public supported treated separately
¿ Unlimited speakers, but split across one slot only
o No automatic right to reply, but applicant/agent after objector(s) on agenda
N Only if new issues arise

Legend

Yes
No
Not provided/ unclear
N/A

Figure 19: Speaking arrangements

Figure 19 summarises the public speaking arrangements across the local planning authorities. The majority of authorities have established public speaking arrangements that they were able to provide; notable exceptions are Neath Port Talbot and Vale of Glamorgan, where such arrangements have not been established. In all authorities where documents or information were provided both the applicant or agent and an objector were permitted to speak for either three or five minutes (with some authorities allowing a time extension or additional speakers in extraordinary cases such as large scale applications). However, in four authorities the applicant or agent is only allowed to speak in regard to applications where an objector is also speaking. This was highlighted in some of the stakeholder interviews as being unfair to the applicant. In some authorities non-committee members (such as ward members), town or community council representatives or members of the scrutiny committee were also given the right to speak at the meeting.

In most authorities, a limit of one public speaker opposing the application has been put in place. Of those authorities where this is not the case, two have a system where multiple objectors share the same slot (i.e. there is a five-minute slot for objections, regardless of the amount of people wishing to speak). Applicants or agents are explicitly given the 'right to reply' in eight authorities. However, as many committees have adopted a running order whereby applicants are usually heard after objectors, in reality the right to reply is more common.

In all authorities where a committee protocol or similar committee information was provided it is necessary for anyone who wishes to speak to notify the authority in advance of the meeting. In most cases, public speaking follows the officers' presentation but comes before committee discussion, though there were eight examples of public speaking preceding the officers. In most authorities it appears that the committee do not have the ability to ask questions of those speaking, though in some cases it was stated that clarification could be sought.

In most cases the right to speak only related to the first meeting at which an application is included on the agenda, rather than subsequent meetings in the case of deferrals. However, four authorities allow the public to speak again if new issues have arisen.

Site visit arrangements

Site visit arrangements

#	Question
2a.	Visit for all items taken to Committee?
2b.	Formal site visits?
2c.	Visit made prior to committee?
2d.	Protocol for communication, behaviour etc.?
2e.	Protocol for Members requesting site visits?
2f.	Site visit panel?
2g.	Can public attend?
2h.	Can public speak? If yes, # mins (if known)
2i.	Applicant invited?
2j.	If one side attends, do both have to?
2k.	Are Members allowed to determine if they have not attended?
2l.	Is there presentation/ discussion on site?

Authorities:
1 Blaenau Gwent · 2 Bridgend · 3 Caerphilly · 4 Cardiff · 5 Carmarthenshire · 6 Ceredigion · 7 Conwy · 8 Denbighshire · 9 Flintshire · 10 Gwynedd · 11 Isle of Anglesey · 12 Merthyr Tydfil · 13 Monmouthshire · 14 Neath Port Talbot · 15 Newport · 16 Pembrokeshire · 17 Powys · 18 Rhondda Cynon Taf · 19 Swansea · 20 Torfaen · 21 Vale of Glamorgan · 22 Wrexham · 23 Brecon Beacons NPA · 24 Pembrokeshire Coast NPA · 25 Snowdonia NPA

Notes

◇ Not invited but can attend

Legend

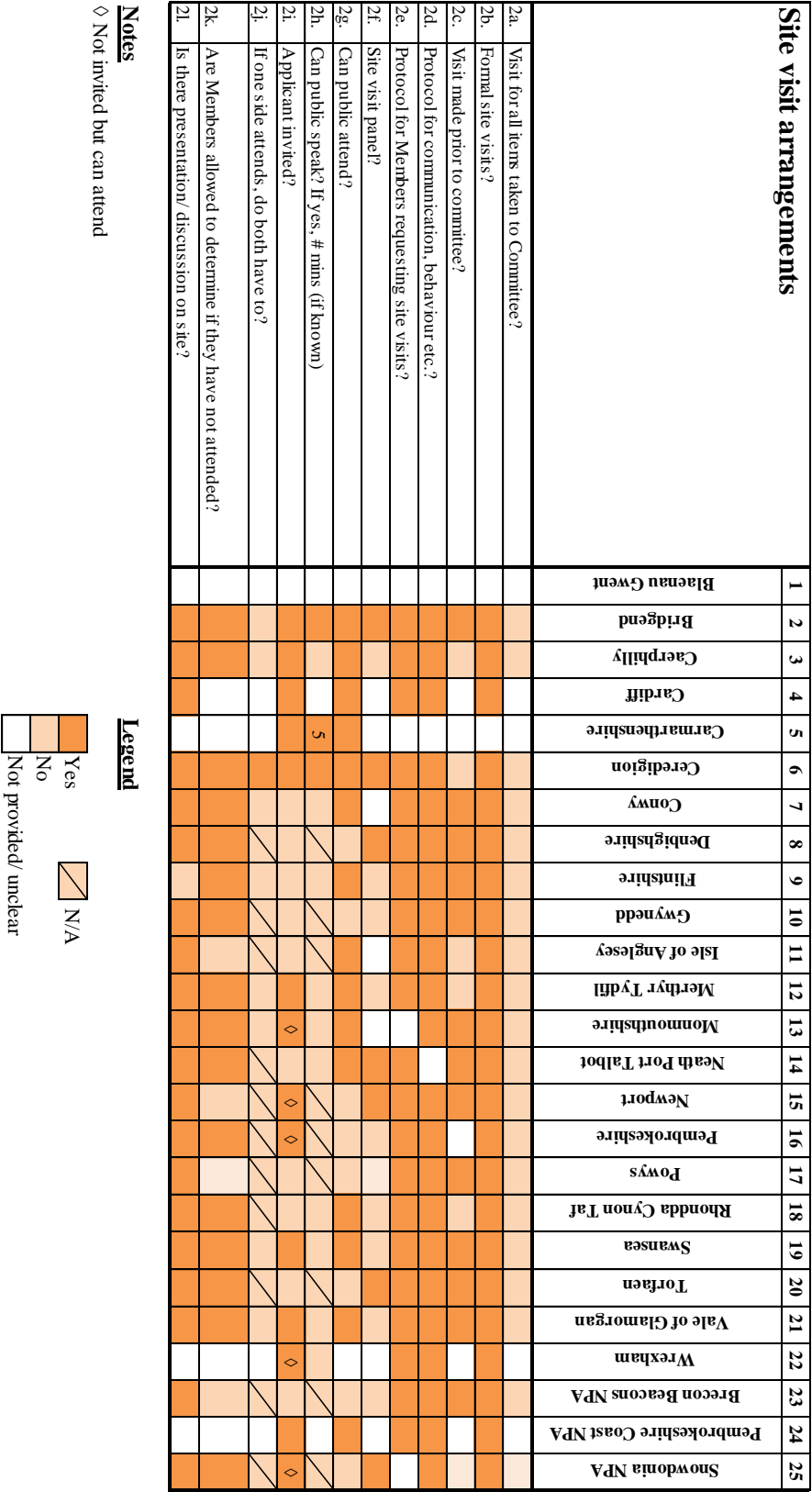Yes | No | Not provided/ unclear | N/A

Figure 20: Site visit arrangements

Figure 20 summarises the site visit arrangements that exist across local planning authorities. No committees were found to run a system where all applications going to committee automatically have a site visit. Instead, the protocol for requesting a site visit, and the circumstances in which a visit would be both suitable and useful, are often set out. In seven cases, a separate site visit panel existed to determine those applications where a site visit is deemed necessary.

In most cases, a protocol for member behaviour during site visits exists, setting out how the visit should be led, the role of officers and the Chair, and what should or should not be discussed. Site visits tend to be formal, though some documents did suggest that members could undertake their own visits where they cannot attend the organised visit. In these cases, access to the site is not guaranteed, and the member is required to view the site from a public footpath or space.

Generally, the public and applicants are not invited to attend but are often notified of the site visit. Only three authorities allow the public to speak at the site visit (given up to three minutes). There were no authorities where both the applicant and objector are required to be present if one side or the other wish to attend.

Member training

Member training

	Member training
3a.	Is Member training on planning mandatory before sitting on a Committee/ within three months?
3b.	External trainers?
3c.	Mode of delivery:
	i. workshops
	ii. Council bulletin
	iii. briefing note
	iv. email links
	v. sample planning decisions
3d.	Ongoing training?
3e.	Training last year on:
	i. material planning considerations, planning law
	ii. probity, code of conduct, planning procedure
	iii. pre-application discussions
	iv. committee procedures
	v. advice on national guidance, policy changes
	vi. plan making
	vii. appeals
	viii. enforcement
	ix. design and access
	x. specialist topics

Columns (1–25): Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Carmarthenshire, Ceredigion, Conwy, Denbighshire, Flintshire, Gwynedd, Isle of Anglesey, Merthyr Tydfil, Monmouthshire, Neath Port Talbot, Newport, Pembrokeshire, Powys, Rhondda Cynon Taf, Swansea, Torfaen, Vale of Glamorgan, Wrexham, Brecon Beacons NPA, Pembrokeshire Coast NPA, Snowdonia NPA

Legend

- Yes
- No
- Not provided/ unclear
- N/A

Figure 21: Member training arrangements

Figure 21 summarises the member training arrangements that exist across local planning authorities. In most cases, member training is mandatory either before sitting on a planning committee or within three months of first joining the committee. On-going training is also required by most local planning authorities, with attendance usually recorded. However, from the information provided it is difficult to assess the frequency of this training or the actual attendance rate.

Training is usually provided internally, often by the Head of Planning (or equivalent). Information from Powys and Snowdonia National Park Authority indicates that external providers are also used to deliver some training to members.

The most common form of training appeared to be workshops or seminars, with briefing notes and sample planning applications also used. Information concerning training has been undertaken in the last twelve months in each authority is not always available, but includes topics such as: material planning considerations and planning law; national policy and guidance; code of conduct and probity; pre-application discussion; plan-making; planning enforcement; and appeals. Details of training on specialist topics were also provided, and included:

- Conservation, Local distinctiveness (Rhondda Cynon Taf);

- Planning obligations, Highways, Conservation, Sustainability, Major applications, Statutory consultees (Swansea);

- Listed building works (Brecon Beacons National Park Authority); and

- Energy efficiency (Snowdonia National Park Authority).

- Design (Bridgend)

Delegation

Delegation

#	Authority	4a. When was the scheme last reviewed? (if known)	4b. Objection threshold for committee? If so, #	4d. Delegation rate 2012/2013 (from datasheet) (%)
1	Blaenau Gwent	04/10		95
2	Bridgend	11/11	2	94
3	Caerphilly	06/10		84
4	Cardiff	06/12		94
5	Carmarthenshire	06/11		
6	Ceredigion	06/11		89
7	Conwy		5	95
8	Denbighshire	05/12	4	87
9	Flintshire	07/12		
10	Gwynedd	2012	3	
11	Isle of Anglesey	Ann		81
12	Merthyr Tydfil	2013		70
13	Monmouthshire	07/12	5	
14	Neath Port Talbot	2008		95
15	Newport	12/12		94
16	Pembrokeshire	o/g		95
17	Powys	07/11		92
18	Rhondda Cynon Taf	06/12	1	75
19	Swansea	03/13		87
20	Torfaen	04/12		89
21	Vale of Glamorgan			
22	Wrexham			78
23	Brecon Beacons NPA	05/13		89
24	Pembrokeshire Coast NPA			
25	Snowdonia NPA	06/11		87

4c. Committee decision if:
- i. Application by/ oh behalf of Council
- ii. Chief Officer referral
- iii. Departure from development plan
- iv. Major applications
- v. Application of strategic importance
- vi. Local Member call-in

Notes

CO Referral at Chief Officers' request

Legend

- Yes
- No
- Not provided/ unclear
- N/A

Figure 22: Schemes of delegation

Figure 22 summarises the delegation arrangements that exist across local planning authorities. As shown in previous research into powers of delegation by the Welsh Local Government Association (WLGA), wide variation exists in terms of the exceptions made to delegated powers. Most authorities operated a system where local members (not sitting on the committee) could call-in an application to committee, albeit usually with a planning reason required and with the Chair given the power to decide in Bridgend, Conwy and Powys. Chief Officers were also often given the opportunity to refer the decision to the committee. It is unclear how often this occurs, though returns of the datasheet indicate that around 31% of the applications on committee agendas are member call-ins.

Nine authorities operated an exception to delegated powers where a threshold of neighbour objections is reached. In Rhondda Cynon Taf, only one objection is needed to trigger the application being deferred to planning committee.

Committee protocol and procedures

Protocol and procedures

	1 Blaenau Gwent	2 Bridgend	3 Caerphilly	4 Cardiff	5 Carmarthenshire	6 Ceredigion	7 Conwy	8 Denbighshire	9 Flintshire	10 Gwynedd	11 Isle of Anglesey	12 Merthyr Tydfil	13 Monmouthshire	14 Neath Port Talbot	15 Newport	16 Pembrokeshire	17 Powys	18 Rhondda Cynon Taf	19 Swansea	20 Torfaen	21 Vale of Glamorgan	22 Wrexham	23 Brecon Beacons NPA	24 Pembrokeshire Coast NPA	25 Snowdonia NPA
5a. Planning protocol?												Con									Con				
5b. Code of practice?									Con		Con	Con		Con							Con				
5c. When was the code of practice last reviewed? (if known)		2011	07/07	03/07	06/12					08/06		2013	06/09	2012	05/12	12/11	03/13		2012			05/03	09/12		
5d. Committee procedures set out in writing?		CoP	CoP				CoP				Con	Con	CoP	Con							Con	CoP			CoP
5e. Process for call-in, planning reason etc. set out?		CoP	CoP				CoP				Con	Con	CoP	Con							Con				

Notes

CoP Within Code of Practice or similar document
Con Within Constitution

Legend

- Yes
- No
- Not provided/ unclear
- N/A

Figure 23: Protocol and procedures

Figure 23 summarises the protocols, codes of practice and procedures that have been produced and adopted across local planning authorities. 22 authorities had committee procedures set out in writing, and 18 had written processes for member call-ins, planning considerations and so on. (These are separate from the written public speaking and site visit arrangements described above.) However, procedures were often included within the wider planning code of practice or the Council constitution, rather than being included in a separate document. These procedures tended to include:

- information concerning meeting agendas and running orders;

- protocols for the preparation/and circulation of officers' reports and addendum reports;

- late speaking arrangements;

- the role of the Chair in the management of the committee meeting;

- decisions on applications; and

- the preparation, circulation and publication of minutes.

There was no evidence of a wide-spread updating of Planning Code of Practices (or equivalent documents) following the Localism Act 2011; however, seven of the Codes have been updated since its Royal Assent in November 2011.

Authorities were asked to describe, in terms of process, how committees deal with a resolution to determine an application contrary to officer recommendation (in other words, an overturn). The processes vary across authorities and include:

- automatic deferral to the next committee meeting to allow for a 'cooling off period', or to allow officers to draft reasons for approval/refusal;

- deferral if the decision is a major departure from adopted policy only;

- deferral to allow for consideration by Head of Planning and/or Monitoring Officer, or to seek legal advice; and/or

- no deferral, with decisions taken at the meeting.

In several cases, no formal process exists – instead, members will decide if a deferral is necessary on a case-by-case basis, depending on the complexity of the application. The Head of Planning or other officers may advise on planning considerations or the risk of appeal and costs against the authority.

Authorities were also asked to describe the process for dealing with deferrals. From the responses received it is common for the committee to vote on whether to defer the agenda item, with the proposing member justifying their position. Deferrals can be requested by local members (not sitting on the committee) and officers in certain authorities. Two authorities highlighted that requests for deferrals should occur before rather than after the item has been debated, to allow those speaking to do so at the subsequent meeting. Deferred items are usually dealt with at the next

meeting, particularly where the reason for deferral was due to a request for a site visit. For items deferred to allow for additional information or negotiation, the applications are usually postponed to the next available meeting after the information has been provided and (if necessary) reported on.

Appendix H– Bibliography

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