

ASSESSMENT SUB-COMMITTEE - 6 NOVEMBER 2018

ADDITIONAL INFORMATION - ITEM 4

UPDATE FOLLOWING DISCUSSION WITH THE INDEPENDENT PERSON

Paragraph 2.3 of the report stated that the Monitoring Officer had briefed Mr Pearson, Independent Person, on the outcome of the first meeting of the Sub-committee. Mr Pearson is unable to attend the meeting of the Sub-committee on 6 November due to a prior commitment. However, he has read the agenda and papers from the meeting on 2 October, looked at the decisions now available to the Sub-committee and offered the following feedback and comments for consideration by the Sub-committee:

- The MO has set out the attempts which have been made to resolve the matter informally. It is clear that informal resolution is not going to be successful in this case.
- It is understood that that an investigation would be welcomed by the complainants. However, it seems unlikely that a formal investigation would find definite answers and move the matter further towards resolution. Although there is a budget from which the costs of any investigation could be drawn, it is difficult to justify the expense against the possible outcome in this case.
- Some of the issues in this case have arisen due to the Council's process relating to the call in of planning applications to Planning Committee. A system is required which enables it to be clearer whether an application has been called in or not. For example, this could be a system which means that a planning application would not proceed to decision until the ward member has stated, in writing, whether the application should be called in or not. A clear process would provide transparency and assurance to the community, for whom much is often at stake in the determination of a planning application. It would also provide assurance to the members involved and ensure the good reputation of the Council's planning process. The Sub-committee could request a review of the call in system under the "other action" option.
- Following on from the point above, it would be helpful if members have training on the process for call in and it is recommended that this include Councillor Bridges.

The Sub-committee are invited to consider the comments made by the IP when making their decision about what to do next with this complaint. The Sub-committee is not bound to follow the IP's recommendations but they should have regard to them along with the other material available on this matter.

The complainants have stated that their complaints are about more than the call in process and the detail of the complaints can be found in the agenda for previous Sub-committee meeting. In respect of the feedback offered by the IP, the Sub-committee may find some additional information helpful.

As members of the Sub-committee are aware, the Council has recently been through a Planning Peer Challenge and the outcome of that and the work undertaken by the cross party member working group was reported to Council in May 2018. This report included improvements to the call in process and constitutional changes. Since then, officers have continued to work to implement the recommendations of the Peer Review and the decisions of Council. Further improvements have been made. In preparing this note for the Sub-

committee, the MO contacted the Planning and Development Team Manager who advised as follows:

- Ward members are notified of the 28 day call in period by letter which is e-mailed to members. The letter sets out details of the application and that members need to exercise call in in writing providing a planning reason within the 28 day call in period.
- All call in requests are discussed with the Chairman of the Planning Committee and a decision is made about whether the application should be called into Committee or not.
- Members are notified if the request to call the application in is not successful. Currently members are not automatically notified if the call in request is successful and may have to rely on receipt of agenda for the Committee to let them know when the application will be considered by Committee.
- Planning Committee members were trained on the new process and an article was included in the members' weekly bulletin to confirm the new process to all members.
- There would be concerns about halting the planning application process whilst waiting to hear if members wished to call an application in due to the 8 and 13 week target for the determination of planning applications and the risk of opening the Council up to appeals against non-determination.

Further improvements planned:

- That the call in process flowchart will be circulated to members via the members' weekly bulletin.
- That members will also be notified in writing whether the application has been called in and the date when it will be considered by Committee.
- That the call in process will be included as part of the induction process for members following the election in 2019.