

Committee:	Scrutiny Committee	Date:	21 March 2019
Title:	Major Planning Applications Review Update		
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Summary

1. This report provides an update on preliminary work towards the review of the Council's processes with regards to major planning applications.

Recommendations

2. None. This report is for information only.

Financial Implications

3. The committee has resolved to commission an independent study. This will come at an as yet unknown financial cost. Normal Council procurement processes will be followed in commissioning this work.

Background Papers

4. None

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The Stansted Airport application is currently live and with the Secretary of State
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. At the extraordinary Scrutiny Committee meeting of 15 January 2019, members resolved to commission an independent review of the Council's processes for major planning applications.

7. The committee agreed a revised recommendation by the Chairman which read:

“The Scrutiny Committee thanks members of the public for making representations about large planning applications at both its meeting and by written correspondence.

The committee resolves to commission an independent study on large planning application processes. The committee will take account of the representations already made and any other representations it receives in formulating a Scoping Report for the independent study.

The purpose of the independent study will be to identify improvements to the Council's processes for handling large planning applications. The process cases to be studied will include the application determined in November 2018 for increased capacity at Stansted Airport as well as other large planning applications that will enhance the value of the study.

The committee intends to report back expeditiously with a proposed Scoping Report and preliminary advice on how the study can be conducted effectively and independently. The committee wishes to achieve delivery of at least a draft report and draft recommendations by early summer 2019. The Scoping Report should contain a preliminary timetable showing provisional key milestones.

Additional meetings of the Scrutiny Committee will be called if they are needed to ensure that the study work begins on time to meet the timetable.

A reference group comprising the committee chairman and vice chairman, plus Councillors Lemon and Light will be established to work in the background with officers to progress this initiative.”

8. Following the meeting, after consulting with the Chairman, officers requested the Centre for Public Scrutiny (CfPS) provide some initial assistance in progressing this piece of work.

9. Specifically, the CfPS was asked to undertake a critical friend approach in its guidance as there was a difference of opinion as to the how the review should proceed.

10. The CfPS is a national centre of expertise on governance and scrutiny and works with public, private and voluntary sector organisations to champion governance and scrutiny in public.

11. The piece of work the CfPS undertook involved individual phone interviews with each of the four members of the reference group, followed by a face-to-face meeting with all four members, which was also attended by officers.
12. At that meeting, Ian Parry from the CfPS gave his advice to the members, which accorded with that already given to members by the Council's Monitoring Officer verbally at an informal meeting and in writing at the extraordinary committee meeting.
13. To summarise the CfPS advice:
 - The review should not be conducted while the Stansted Airport planning application is still live.
 - It is not appropriate for a Council's Scrutiny Committee to examine any planning decision, nor the conduct at regulatory committee meetings. Mr Parry stressed that there were other mechanisms in place for such matters. It was his view that the Council's Constitution did not allow for this.
 - There was real benefit in reviewing more generally the Council's processes for dealing with major planning applications and Mr Parry cited examples where this had been done at other authorities.
14. Mr Parry's advice is set out in more detail in the minutes of the reference group meeting, attached as Appendix 1.
15. Following this meeting, officers have contacted the Planning Advisory Service (PAS), which provides consultancy and peer support to local authorities. PAS is delivered through the Local Government Association and directly funded by the Ministry of Housing, Communities and Local Government. The Council has used PAS previously to conduct a review of its Local Plan processes.
16. PAS has given an initial indication that it would be in a position to conduct a review of the Council's processes for dealing with major planning applications. An initial phone call has been arranged and officers will update the Committee verbally at its meeting. As well explaining the background to this request, officers will also explore the possibility of PAS being involved in defining the scope of the review.