Committee:	Audit and Standards Committee	**Date:**
Title:	Constitution, Part 5 – Codes and Protocols & Part 3 Responsibilities and Functions: Amendments to Probity in Planning, Public Attendance at Planning Committee, and Delegations	Thursday, 1 February 2024
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Summary

1. This report asks members to consider a number of proposed amendments to the Codes and Protocols (Part 5) section of the Council's Constitution and one change to (Part 3) Responsibilities and Functions. These relate to the council's Planning function.

2. The amendments arise from the recommendations of the Planning Peer Review team following their assessment of the Council's Development Management (DM) function in June 2023. This was focused on the quality of decision making on major planning applications. The amendments also formalise planning appeal procedures following the Stansted Airport legal challenge as well as a general review of planning-related good practice.

3. The Council's DM function is currently 'designated' by government and the implementation of these proposals would be in keeping with the Council's aspiration to improve performance and be lifted out of special measures.

Recommendations

4. To recommend to Full Council for approval the following amendments:

4.1. Codes and Protocols (Part 5) section of the Constitution as set out in tracked changes at Appendix A:
   i. 3.1 – 'Pre-application Discussions'
   ii. 3.2 – 'Reports to Committee'
   iii. 3.3 – 'Committee Procedures and Decisions'
   iv. 3.5 – Addition of 'Appeals against committee decisions' and to renumber thereafter
   v. 3.6. – 'Public Attendance at Committee Meetings'
   vi. 3.7 – 'Site Visits'
   vii. 4.1 – 'Member Training'
   viii. 4.2 – 'Monitoring of Decisions'

ix. Appendix 2 – 'Procedure for Parish/Town Council Representatives/ Members of the Public Attending Meetings of the Planning Committee'

x. Protocol for Calling in Planning Applications

4.2 Responsibilities and Functions (Part 3) section of the Constitution as set out in tracked changes at Appendix B to allow for the determination of s73 planning applications under delegated powers.

Financial Implications

5. No direct costs arising from this report although it should be noted that reducing the length of planning committee meetings will result in greater efficiency.

Background Papers

6. None.

Impact

7.

Communication/Consultation	The PCWG were asked to provide comment regarding the peer review. There was no agreement to take these recommendations forward.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

8. The Planning Peer Review's findings have been captured in the report attached at Appendix C. By way of an introduction, and in terms of the review's aims, the report states:

"This report summarises the findings of a planning peer review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Development Management (DM) with a particular focus on the quality of decision making on major planning applications. The

scope of the review has arisen as a consequence of the authority being 'designated' by the Secretary of State due to it underperforming (against the Government threshold target) on the quality of decision making on major planning applications."

9. A more in depth outline of the scope and focus of the exercise is set out in Section 5 of the Peer Review report. The team spent two days at the Council and the following methodology was used in the collation of evidence and data which would inform their recommendations:

- Spoke to around 40 people including a range of council staff together with Councillors and external partners and stakeholders.
- Gathered information and views from 15 meetings, observations of online planning committee meetings and additional research and reading.
- Collectively spent nearly 65 hours to determine their findings; the equivalent of one person spending nearly 9 days in Uttlesford District Council.

10. Section 5 of the report provides detail on the Review's findings, and members are asked to note the extensive feedback that justify the recommendations set out at Section 2. The recommendation to which this report provides response to is:

R10 <u>Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.</u>

11. The Strategic Director of Planning has assessed these proposals and puts forward the changes as attached at Appendix A and Appendix B (in tracked changes for ease of reference) in order to implement the Peer Review team's, and other, recommendations.

12. **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Public speaking at committee provides direct democratic engagement with the council's planning processes. However, Planning Committee's primary purpose is to determine	2	2	Uttlesford District Council's public speaking protocol is extremely generous in comparison to other local authorities, and the public can engage with the planning process via the public consultation that takes place for each application. If, for instance, the number

business in accordance with the council's policies and the NPPF. There is some concern that public speaking occupies a significant amount of time at committee, which is not necessarily conducive to the decision making process.			of speakers was reduced to 5 (plus non-committee member, parish or town representative and applicant), there still would be up to 20 minutes of speaking time for individual members of the public to address committee.

1 = Little or no risk or impact
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required
4 = Near certainty of risk occurring, catastrophic effect or failure of project.