

Report Title:	Development Management Committee Review
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport
Meeting and Date:	Full Council 26 April 2022
Responsible Officer(s):	Andrew Durrant, Executive Director of Place & Adrien Waite, Head of Planning
Wards affected:	All

REPORT SUMMARY

This report follows the review brought to Full Council in June 2021. The report prepared last year highlighted the resource implications and risks associated with having two Development Management Committees but recommended two committees be established given concerns raised regarding local member involvement in decision making. The Member resolution following the debate was to operate with two committees but also requested the Head of Planning to bring a report reviewing these new arrangements back to Full Council.

Following the operation of two committees since last August, it is clear that this is having a significant impact on Planning, Democratic and Legal Services, and is not an efficient use of Council resource. Risks in relation to decisions are also best mitigated by a single committee. It is therefore recommended that a single Development Management Committee is established.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and:

- i) Delegates authority to the Monitoring Officer to amend the Council's Constitution from 24 May 2022 to establish a single Royal Borough Development Management Committee to meet on a monthly basis on the third Wednesday of the month as detailed in Appendix B and to make the related changes to Part 7 Speaking Protocols as detailed in Appendix C**
- ii) Requires Group Leaders to inform the Head of Governance by 13 May 2022 of those Members and substitutes from their respective Groups to be appointed as the Members and substitutes of the Royal Borough Development Management Committee, so that the details can be included in the report to Annual Council in May 2022 on 'Political Balance/Appointment of Committee/Panel/Forum Membership and Chairmen/Vice Chairmen for the Municipal Year 2022/23'**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Delegate authority to the Monitoring Officer to amend the constitution from 24 May 2022 to establish a single Royal Borough Development Management Committee to meet on a monthly basis This is the recommended option	Single committee makes the most efficient use of council resources whilst reducing risk of inconsistent decision making.
Retain current two area committees	Two area committees do not make an efficient use of council resources, have a significant impact on workflow management for officers to the detriment of overall performance and increases risks associated with inconsistent decision making.

- 2.1 Following the Full Council meeting on 29 June 2021 this report is reviewing the two development management committees that have been operating for the last year.

Impact on Resources

- 2.2 In the report presented to Full Council last year a number of concerns were raised about two committees and the impacts it would have. Over the last year it has become clear that two committees have a significant resource impact on services involved in the committee process.
- 2.3 Each committee involves the following officers and steps:

Table 2: Officer actions relating to a committee meeting

Production of agenda	
Planning officer	Preparation of report and appendices
DM Team Leader	Checking of reports
DM Service Manager	Checking of reports
Planning Appeals Support	Preparation of appeals list
Planning Support Officer	Formatting of reports into agenda and sending notification letters
Democratic Services Officer	Production, publication and printing of agenda
Prior to meeting	
Planning Officer and DM Team Leader	Preparation of presentation, production of Committee update
Team Leader and DM Service Manager	Responses to queries

Democratic Services Officer	Booking and scheduling of meeting and rooms, responses to queries, management of speakers list, management of Member substitutions, scheduling of technical briefing, publication of Committee update
Legal officer	Review of agenda
Attendance at meeting	
Presenting Officer	
Team Leader	
DM Service Manager/Head of Planning	
Democratic Services Officer	
Legal Officer	
Post meeting	
Democratic Services Officer	Production and publication of minutes
Team Leader, DM Service Manager and Legal Officer	Review of minutes

- 2.4 Whilst these tasks would need to be carried out for one or two committees, running two committees means that each of these tasks has to be carried out twice a month. The impact on Planning staff is that these frequently repeating deadlines negatively impacts their ability to flexibly manage their workload. This has a significant impact on the time available to officers for other important parts of their role. In Development Management this takes time away from the assessment and determination of delegated decisions as well as impacting on officers' ability to respond to correspondence. This is particularly the case for Team Leaders and the DM Service Manager. The impact is a reduced performance in the DM service.
- 2.5 The same impacts also apply to Democratic and Legal Services. For Democratic Services staff there is also clear duplication of tasks created by running two committees. For example, two committees duplicates administrative tasks such as room bookings, the issuing of meeting invites, the publication and printing of agenda, and seeking substitute members where required. It is often the case that the committee cycles overlap meaning that in the week of one committee meeting, the reports for the next agenda need to be checked and finalised. This has a detrimental impact on the availability of Development Management staff, Planning Support Staff and Democratic Services staff during those weeks and on other necessary work in the services as ensuring that there is adequate scrutiny of reports and preparation for the public committee meeting is prioritised.
- 2.6 Since the last report to Full Council, the Council's legal service returned in house last July. Whilst this has had a number of wider benefits, there is now a smaller pool of legal officers available to support and attend the committees. It is not always possible for a legal officer to be present and a decision has to be taken in advance as to whether or not their attendance is required. As with the other

services, a requirement for a legal officer to be present at a committee twice a month significantly impacts their ability to undertake other important work.

- 2.7 In addition to the above impact of officer resource and time, there is a financial impact of having two committees. Two committees require two chairman Special Responsibility Allowances of £6355 per annum for 2022/23. A single committee would halve this cost to the council.
- 2.8 Each meeting requires scheduled facilities to be arranged and booked. Currently meetings are held in the Council Chamber and Grey Room, York House. Staff are required in both these venues and have to stay late until after the meeting. There is a cost associated with this staff time which is currently having to be met twice a month.
- 2.9 Appendix A sets out a schedule of the meetings since August 2021. As can be seen each area committee has had to be cancelled once during the last year as there were no applications to determine within their remit. Each committee has also met to discuss only one item on several occasions. This has meant a total of 6 meetings over the last year with only one item on the agenda.
- 2.10 As rooms and staff have to be booked in advance, there is an impact on resources even when a meeting is cancelled. As planning decisions should be made in a timely fashion, it is not possible to manage agendas to avoid single item or cancelled meetings. In line with the National Planning Policy Framework, decisions should be taken as soon possible and to delay making the decision for a non-planning reason would be seen as unreasonable behaviour. This would increase the risk of non-determination appeals, with potential costs awards, and complaints. As Appendix A shows there would have been no months where a single committee would not have met and only one month when it would have only dealt with one item. The appendix also demonstrates that the most items a single committee would have had to deal with would have been six which would still be a manageable agenda. Most months a single committee would have had four items on its agenda.
- 2.11 For these reasons a single committee would improve how officers can manage their workflow to enable them to work in a more efficient way, would avoid duplication of certain tasks and would be a more effective use of Council resources. This would be in line with the Council's Corporate Plan which outlines the Council's approach to make the most effective use of resources and delivering the best value for money.

Impact on Decision Making

- 2.12 In the review carried out last year, one of the main points raised in support of two committees was the view that local members should be making decisions related to their wards. There have not been any appeal decisions received yet for any of the committee overturns made over the last year to provide any additional evidence regarding the decisions made. However, the view of officers remains that this is not the purpose of the Planning Committees and that there are increased risks associated with two committees.
- 2.13 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework in the wider public interest. Planning affects people's lives and land and property interests,

particularly the financial value of landholdings, and the quality of their settings. Opposing views are often strongly held by those involved. Whilst councillors must take account of these views, they should not favour any person, company, group or locality, or appear to be doing so. Decisions need to be taken in the wider public interest on what can be controversial proposals.

- 2.14 Any site-specific material considerations, such as its immediate context or planning history, will be clearly set out in the officer's report. Members are able to visit a site if they feel it is necessary to do so before a meeting. It is also strongly encouraged that Members contact officers before a meeting to raise any queries so that they can either be addressed prior to the meeting or ensure that full responses are available for Members in the meeting. All relevant material considerations, as well as planning policy, that Members should be taking into account will therefore be available to them prior to taking the decision. It is not necessary for Members to have any previous 'local' knowledge of an application site to take a robust and informed decision. As can be seen in Appendix A, councillors have only overturned officers' recommendation on five cases since August last year. This would suggest that Members are being presented with all the necessary information and relevant material considerations in officers reports to make informed decisions.
- 2.15 In addition, the potential for lobbying is arguably greater with Members who are 'local' to any application site. Members are properly able to represent local concerns through the local member protocols. It should be noted that, following Member approval of a change to the constitution in November 2021, substitute Members for each committee can now come from any ward which establishes the principle that Members can make decisions for applications outside of their local area.
- 2.16 Two committees increase the risks of inconsistent decisions being made. This increases the risks of losing appeals and costs being awarded against the Council as the appellant can point to other decisions that may not support the Council's appeal case, including those made by the other committee. A single committee would significantly reduce this risk. Full public consultation would still be undertaken on each application and there is no proposed change to speakers' rights. There would therefore be no loss of local engagement on applications or ability to present views at the committee meetings and relevant representations would still be fully considered as part of any decision-making process. It would also be the case that by reducing the burden of two committees on council resources, engagement with parties would be improved by a single committee as it would allow more time for officers to provide updates and responses to queries.
- 2.17 In recognition of the concerns that have been expressed regarding local Member involvement in decisions, it is recommended that a single committee has a larger membership than the current committees. A single committee of 13 members is recommended, subject to political balance. This would allow Group Leaders to take account of the different areas represented on the committee in nominating Members and substitutes.
- 2.18 A larger single committee would significantly reduce the risks associated with inconsistent decisions whilst not undermining local engagement with planning applications.

Recommendation and Conclusion

2.19 A single Royal Borough Development Management Committee would have significant benefits compared to the current system of two committees:

- More efficient and effective use of council resources allowing for improvements in other areas of work
- Saving of costs associated with running a second committee
- Better value for money as a single committee would have more items on the agenda and be less likely to be cancelled
- Reduced risks with decision making ensuring defensible and sound decisions.

2.20 It is therefore recommended that the Constitution is amended to establish a single Royal Borough Development Management Committee of 13 members, subject to political balance. The Committee would meet on the third Wednesday of the month, utilising the dates already in the corporate diary for the Maidenhead Development Management Committee. It is also recommended that the protocols on speaking rights are amended to relate to the proposed single committee.

3. KEY IMPLICATIONS

Table 3: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Single Royal Borough Development Management Committee established	Current area committees retained	Recommended changes made	N/A	N/A	24 May 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 A single committee would result in better value for money as it would be a more efficient use of Council resources. It would also result in the saving of one Chairman's special responsibility allowance (£6355 per annum) and the costs associated with holding one of the current committees.

5. LEGAL IMPLICATIONS

5.1 The proposed recommendation would ensure proper decision making under the powers given to the Local Planning Authority under Section 70 of the Town and Country Planning Act 1990.

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Inconsistent and unsound decision making	High	Recommended changes would reduce risk	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. None identified; see EQIA at Appendix D.
- 7.2 Climate change/sustainability. A single committee which is also streamed to a wider audience would result in a reduced impact from associated journeys.
- 7.3 Data Protection/GDPR. None identified.

8. TIMETABLE FOR IMPLEMENTATION

- 8.1 The full implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
13 May 2022	Group leaders to nominate committee Members and substitutes
24 May 2022	Amendments to constitution to take effect
15 June 2022	First meeting of the Royal Borough Development Management Committee

9. APPENDICES

- 9.1 This report is supported by four appendices:

- Appendix A – Summary of committee meetings from 2021 - 2022
- Appendix B – Proposed Amendments to Part 6 of the Constitution
- Appendix C – Proposed Amendments to Part 7 of the Constitution
- Appendix D - Equality Impact Assessment

10. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	06/04/22	07/04/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	06/04/22	06/04/22

<i>Deputies:</i>			
Elaine Browne	Head of Law (Deputy Monitoring Officer)	06/04/22	08/4/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	06/04/22	06/4/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	11/04/22	12/04/22
Andrew Durrant	Executive Director of Place	06/04/22	08/04/22

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Planning, Parking, Highways & Transport	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

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