



SCRUTINY COMMITTEE
Thursday, 02 March 2023

Subject	Democratic Accountability within the Planning Process
Report by	Cllr David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	<p>Philip Ridley Head of Planning and Coastal Management 01394 444434 Philip.ridley@eastsuffolk.gov.uk</p> <p>Ben Woolnough Planning Manager (Development Management) 07833 406681 ben.woolnough@eastsuffolk.gov.uk</p> <p>Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 katherine.scott@eastsuffolk.gov.uk</p>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not Applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

Scrutiny Committee requested a review of the Democratic Accountability within the Planning Process in accordance with the questions in the scope attached as Appendix A

Recommendation/s:

That the Scrutiny Committee consider this report on the Democratic Accountability within the Planning Process and note the changes implemented to the Referral Process for the determination of planning applications following the approval of the recommended changes agreed by the Strategic Planning Committee at its meeting on the 6 June 2022. Any comments of the Scrutiny Committee will also be passed on to the June 2023 Strategic Planning Committee in its annual review of the Referral Process.

Corporate Impact Assessment

Governance:

Not Applicable

ESC policies and strategies that directly apply to the proposal:

Not Applicable

Environmental:

Not Applicable

Equalities and Diversity:

Not Applicable

Financial:

Not Applicable

Human Resources:

Not Applicable

ICT:

Not Applicable

Legal:

Not Applicable

Risk:

Not Applicable

External Consultees:	Not Applicable
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal:		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected? As set out in the report.			

Background and Justification for Recommendation

1	Background facts
1.1	<p>The scope of the Scrutiny Committee's queries in respect of the democratic processes are as set out in Appendix A. Cllr Ritchie presented a report to the Strategic Planning Committee on the 6th June 2022 which amongst other matters considered some the questions raised by the Scrutiny Committee meeting. That report and its accompanying appendices are contained in Appendices B, C, D, E, F and G. The recommendations were agreed and the changes implemented from July 2022 and have generally been well received. The minutes of that meeting are contained in Appendix H.</p>
2	Current position
2.1	<p>What democratic processes are there for Committee Members (including as a Ward Cllr), Ward Councillors not on Committee, Town & Parish Councils, applicants and objectors?</p> <p>Consultation and engagement on planning applications and for emerging policy documents is undertaken in accordance with the Council's Statement of Community Involvement which was agreed by Cabinet. All engagement is in accordance with this and the statutory requirements. All information is available on the council's website and comments can be made electronically. The council's Uniform software system for viewing planning applications, has all submission details and all responses received. All customers can register to be alerted for updates on any applications in their area. All councillors are automatically connected for alerts so they can be aware of applications in their ward.</p> <p>All parties including Ward Members can submit written comments on an application throughout its lifetime, including after receiving a notification that an item is going to the Planning Referral Panel. However, it is strongly recommended that they submit any written comments prior to the expiry of the consultation period. This is to ensure that their comments are received prior to the application being considered and determined.</p> <p>It should also be noted that the comments from Ward Members, the Town/Parish Council and/or need to be received by the closure of the consultation period in order to potentially trigger the referral process (see paragraph 2. 4 below).</p> <p>Whilst efforts are made to bring any late comments from Ward Members to the attention of the Referral Panel members, it should be noted that if the comments are received after the notification of an item going to Referral Panel they cannot be considered by officers when making their recommendations or be included in the written report to the Panel, and there maybe instances where comments submitted at such a late stage do not reach officers in time for them to be reported verbally to the Panel meeting.</p>

2.2	<p>Why do we have a Referral Panel and how does the process work, how is it publicised to Members and who is involved?</p> <p>As set out in the report at Appendix B the referral system was implemented when East Suffolk Council was established to enable the caseload of the planning committees to be carefully managed so they were considering only those cases where there were clear planning issues which warranted further consideration and debate. Without such a system in place the planning committees would not be able to function effectively given the council receives a significant volume of planning applications (almost 4,500 in 2022).</p> <p>The Referral Panel process and who is involved is detailed on page 63 of the Constitution » East Suffolk Council.</p>
2.3	<p>Why do Ward Councillors not receive a further alert when a planning application is referred to the Referral Panel?</p> <p>They do. All Ward Members are alerted to the agenda of the following week's Referral Panel through a Teams message sent every Friday afternoon. All Ward Members with Referral Panel items in their ward are 'tagged' in that message and offered the opportunity to join the meeting. This has been a successful method of alerting members and they have contributed to this Teams chat when wishing to join the meeting or sending apologies. Therefore, all ward members now are notified when an application in their ward is being considered.</p>
2.4	<p>Should there be a greater involvement of Ward Councillors in the Planning process e.g. Ward Councillors speaking at referral panel</p> <p>With the changes implemented by the Strategic Planning Committee in June 2022 ward members are invited to observe Referral meetings and to confirm whether there were any factual errors in what is being considered and Referral Panel members are also invited to ask questions of the ward member.</p> <p>This is also covered in the report at Appendix B. Ward members now can attend Referral meetings to be satisfied that there are no material errors of fact in what is being considered.</p> <p>Ward members should also take advantage of the opportunity to make comments within the consultation period if they have an opinion on an application (see paragraph 2.1).</p> <p>Based on Figures 1 – 4 of Appendix L of the Strategic Planning Committee Report (Appendix E to this report), the map in Appendix M of the Strategic Planning Committee Report (Appendix F to this report) and paragraphs 2.34 -2.36 of Appendix B the extent of Ward member engagement in the planning application consultation process has been consistently low in most wards over the three proceeding years (April 2019 to March 2022).</p> <p>Emerging figures for the current financial year (1 April 2022 to 31 March 2023) also show that there is limited Ward Member involvement through the submission of</p>

	<p>written comments on Referral Panel items, with just 8% of applications having a written comment from Ward Members during the consultation period/prior to the drafting of the Report to the Referral Panel (as of 7 February 2022). These are shown by ward in Figure 1 of Appendix I.</p> <p>However, it is noted that Ward Members are engaging with the Referral Panel Meeting Process, with 40% of members having attended at least one Referral Panel Meeting where there has been an item in their ward (between 1 April 2022 and 7 February 2023). Although, it should also be noted that over this period there have been a number of Wards which have had items at the Referral Panel where no ward member attended the meeting (shown in grey in Figure 2 of Appendix I)</p> <p>It appears that in many cases when Ward Members are not engaging with the Planning Application Process until they are notified that an item is to be presented to the Referral Panel. By not engaging earlier in the process and/or responding during the consultation period, they are missing their opportunity to trigger the referral process.</p> <p>On applications which haven't triggered the referral process due to comments from the Town/Parish Council and/or statutory consultees, the Ward Member comments can still trigger the Referral Panel Process. However, it is extremely rare for this to occur, due to the lack of written comments received from Ward Members.</p> <p>As outlined above, early engagement from Ward Members during the consultation period is key to ensuring their involvement has greatest impact of the process pathway that the application follows for determination (I.e. whether the item triggers the referral panel process, is heard at Planning Committee or is delegated to officers for determination). Therefore, yes they should be more involved with the process, but to do so they must engage with the opportunities that are already available to them.</p>
2.5	<p>Should a limited call in provision for Ward Councillors be introduced to bypass the referral panel - similar to the former Waveney process?</p> <p>Such a former process also existed in Suffolk Coastal. The updated Referral panel system is working well and the feedback from visiting members has been that the changes have helped alleviate some of the perceptions as to how some thought the panel was operating. In addition, the Scheme of Delegation in the Constitution allows the Chairman of the Planning Committees and the Head of Planning to be able to directly require an application to be considered by Planning Committee where deemed appropriate (page 63 of Constitution » East Suffolk Council). The practices in place for the consideration of planning applications enables the council to maintain an effective process and to meet and exceed required government targets.</p> <p>The Council must be conscious of officer resource. A considerable amount of extra time is spent producing committee reports, presentations and presenting to the Planning Committees. Officers have very high caseloads and have to prioritise a mix of committee and delegated decisions. An increase in Committee items may</p>

	not be sustainable in maintaining an efficient planning service with good quality decision making, particularly with extreme difficulty in recruitment of experienced planners.
2.6	<p>Do all speakers have sufficient time (3 minutes for public etc and 5 for Ward Councillors)?</p> <p>This matter refers to the length of time for public speakers to address the Planning Committee when they hear and consider planning applications. It is nationally recognised that public speaking at planning committee meetings is generally allowing 3 minutes per representative. Those that can speak are the applicant/agent, relevant Town or Parish Council and an objector plus ward councillors and we allow them 5 minutes.</p> <p>The Committee members have a written report, PowerPoint presentation and public speaking, where they can also ask questions of officers and public speakers to clarify matters, and when assessed as a package there is more than sufficient opportunity to enable the Committee to make a sound lawful decision.</p> <p>In exceptional circumstances and where the Chairman allows, and only for the more complex applications the Chairman may agree before the meeting to lengthen the time for public speaking.</p> <p>The Head of Planning and Coastal Management has confirmed he is not aware of any criticism of the organisation and procedures for speaking at Planning Committee meetings in respect of Planning Applications.</p> <p>The opportunity for the Planning Committee to ask questions of speakers is not common in other Local Planning Authorities and often this can provide a great deal further insight and speaking time for the benefit of the Planning Committee.</p>
2.7	<p>Should there be more liaison with Town and Parish Councils e.g. Officers visiting Parish Councils when planning applications, particularly controversial ones, are discussed?</p> <p>Liaison with Town and Parish councils is generally good. The majority of representatives from Town and Parishes (usually the clerk) contact the relevant case officer and/or manager to be able to discuss applications and find out more information on the case. Case officers are organised on an area team basis and it is expected that good customer engagement works both ways with the councils and officers. The Town or Parish Council is the collective local representative and have the experience and knowledge to be able to understand and appreciate the material planning issues needing consideration. Given the statutory consultation periods and the need to meet and exceed government performance targets it is not possible to arrange such meetings in the consultation period given the volume of work. Ward Members are also able to engage and make the locals views available to case officers and all are able to review all the documentation and responses on the web site.</p>

	Officers have often made good efforts to attend Town and Parish Council meetings, including in the evening, when they are dealing with large or complex applications. If Town or Parish Councils request a meeting with the Planning Manager or Head of Planning, the majority of the time that is agreed and a range of very constructive meetings have taken place in recent months.
2.8	<p>What are Town and Parishes views about how they can participate in the planning process? (reference to SALC survey they did?)</p> <p>With the forthcoming elections in May the planning management team are putting together a package of engagement opportunities to meet and inform the new town and parish councils and offer further engagement and training (following District Councillor training). Due to Covid restrictions and staff changes the previous engagement forums had been stood down but they will be enacted from June this year and will no doubt again pick up matters raised in the Scrutiny Committees questions.</p>
2.9	<p>What democratic processes do other Councils have for the involvement of Members and participants?</p> <p>East Suffolk Council planning team regularly engages with colleagues in neighbouring councils and nationally to consider best practice elsewhere. The introduction of Ward Member participation in the Referral Panel was actually inspired by insights from a new Principal Planner in the Planning Team based on their experience of a similar process at West Suffolk Council.</p> <p>On the night of this meeting the Head of Planning and Coastal Management and the Planning Development Manager are away undertaking important work to learn from and observe best practice. The Head of Planning and Coastal Management is away leading an LGA Peer Review of a planning authority in the west country and the Planning Development Manager is at a national planning conference for 2 days being updated by the government and Planning Advisory Service on best and emerging practice to feed into the continuing improvements in the service.</p>

3 Reason/s for recommendation

3.1	This report provides detailed responses and provides evidence that the matters raised in the Scrutiny Committee's scope have been positively addressed. Noting the detailed responses any further comments from this Committee will be reported to the June 2023 Strategic Planning Committee as agreed.
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Appendices

Appendices:

Appendix A	Scrutiny Committee - Democratic Accountability within the Planning Process.
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Appendix B	Strategic Planning Committee 6 June 2022 – Report “Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022”
Appendix C	<p>Strategic Planning Committee 6 June 2022 – Report Appendices A to D</p> <p>Appendix A - Diagram explaining the process through which Planning Applications can trigger the Referral Process and reach the Planning Referral Panel.</p> <p>Appendix B - Major, Minors and Others at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.</p> <p>Appendix C - The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.</p> <p>Appendix D - The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, by ward on a map of the district.</p>
Appendix D	<p>Strategic Planning Committee 6 June 2022 – Report Appendices E to I</p> <p>Appendix E – Public Speaking on items at North and South Planning Committees between 1 April 2021 and 31 March 2022.</p> <p>Appendix F – The proportions of North and South areas at the Referral Panel between 1 April 2019 and 31 March 2022.</p> <p>Appendix G – The numbers and proportions of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.</p> <p>Appendix H – The timeliness of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.</p> <p>Appendix I – The number and proportions of ‘Planning Applications’ by ward, at the Referral Panel between 1 April 2021 and 31 March 2022.</p>
Appendix E	<p>Strategic Planning Committee 6 June 2022 – Report Appendices J to L</p> <p>Appendix J – The proportions of ‘Planning that were at the Referral Panel between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.</p> <p>Appendix K – Details by Parish of the number and proportions of ‘Planning Applications’ at the Referral Panel between 1 April 2021 and 31 March 2022.</p>

	Appendix L - Referral Panel items with comments from Ward Members between 1 April 2019 and 31 March 2022.
Appendix F	<p>Strategic Planning Committee 6 June 2022 – Report Appendices M to O</p> <p>Appendix M - Referral Panel items with comments from Ward Members between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.</p> <p>Appendix N – Referral Panel items with comments from Town/ Parish Councils between 1 April 2019 and 31 March 2022.</p> <p>Appendix O - Numbers and Proportion of Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by Parish.</p>
Appendix G	<p>Strategic Planning Committee 6 June 2022 – Report Appendices P to R</p> <p>Appendix P – Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.</p> <p>Appendix Q - The overall number of items at the Referral Panel with comments from Ward Members or the Town/Parish Council between 1 April 2019 and 31 March 2022.</p> <p>Appendix R – The outcomes of Referral Panel between 1 April 2019 and 31 March 2022.</p>
Appendix H	Strategic Planning Committee 6 June 2022 – Minutes of Meeting
Appendix I	Ward Member engagement with planning applications at the Planning Referral Panel 1 April 2022 – 7 February 2023

Background reference papers:

None