



Northumberland

County Council

COUNCIL

DATE: 2 SEPTEMBER 2020

Review of Planning Functions of Local Area Councils

Report of the Director of Planning: Rob Murfin

Report of Cabinet Member: Councillor John Riddle

Purpose of report

To review the delegated decision of the Chief Executive dated the 10th May 2020 which agreed a number of urgent constitutional and governance measures in response to the Coronavirus pandemic through the exercise of the Chief Executive's residual powers under the Council's Constitution

Recommendations

(i) To reinstate with immediate effect the powers of the Local Area Councils in relation to the determination of planning applications and related matters. This measure relates to the powers temporarily transferred to the Strategic Planning committee as detailed in the delegated decision of the Chief Executive dated 10th May 2020.

(ii) To continue to extend the Chief Planning Officer's ability to determine planning applications which might otherwise fall to be determined by Committee under the relevant Terms of Reference where in the opinion of the Chief Planning Officer (Director of Planning), following written consultation with the Chair and Vice Chair of that Planning Committee to whose views he should have regard, an application should be determined by the Chief Planning Officer for the reason that it does not raise issues of strategic, wider community or significant County Council Interest. This provision will not apply to decisions which would, in the opinion of the Chief Planning Officer, represent fundamental departures from the Local Plan, or fundamental departures from Made Neighbourhood Plans or Statutory Consultee advice

(iii) To continue to amend the Council's Public Speaking Protocol at Planning Committees so as to suspend for a period until May 2020 the ability of third parties (including parish councillors, members of the public, planning applicants and their agents) to make verbal representations at meetings of the Council's Planning Committees (including Strategic Planning Committee) and to replace this ability with an alternative written representations process as set out in the copy of "Public Speaking

Protocol - May 2020"

(iv) authority is delegated to the Chief Executive to make any changes they consider necessary to the planning delegation scheme in light of changing circumstances in consultation with the portfolio holder and Chairs of Planning

Link to Corporate Plan

This report is relevant to the "Living" priority included in the NCC Corporate Plan 2018-2021 - "We want you to feel safe, healthy and cared for."

Key issues

1. The Coronavirus pandemic has made it unsafe and impracticable for the Council to meet except on a virtual basis.
2. Virtual meetings have successfully been progressing for Strategic Planning Committee and it is time to review if meetings for the other planning committees should now be resumed on a virtual basis.
3. Other amendments have been made to the Council's normal procedures in relation to delegation of decisions to the Chief Planning Officer and the Public Speaking Protocol in order to assist the implementation of virtual planning committees. It is time to review whether these amendments should continue.

Background

- 1.1 As a result of the introduction of legislative restrictions on the movement of persons away from their home and also government guidance relating to the need for safe social distancing it has not been possible for the Council to hold meetings at a physical meeting location.
- 1.2 In response to this the Council determined to introduce virtual hearings for Strategic Planning Committee. To assist with this process the powers of the Local Area councils (LACs) were transferred to the Strategic Planning Committee, increased powers to the Chief Planning Officer to determine planning applications and enforcement matters were introduced and amendments to the Public Speaking Protocol to accommodate public contributions at the virtual Strategic Planning Committee were made. These measures recognised the limitations on determining applications by virtual committees and sought to ensure that the decision making process remained economic, efficient and effective.
- 1.3 This was done by way of a delegated decision of the Chief Executive dated 10th May 2020 in the following terms:

To agree to the constitutional and governance measures and amendments as outlined in the report and in particular to

(i) amend Part 3 of the Council's Constitution - Matters reserved to Elected Members and Committee Terms of Reference to suspend with immediate effect the existing powers of the Council's Local Area Councils in relation to the determination of planning applications and planning enforcement control and to transfer all such powers, again with immediate effect, to the Council's Strategic Planning Committee; both decisions to apply for a period of six months

(ii) amend the circumstances or exceptions set out in Part 3 of the Council's Constitution where within the Terms of Reference for Strategic Planning Committee (including any amendment to those Terms of Reference made pursuant to recommendation (i) immediately above) planning applications would fall to that Committee to determine to disapply those circumstances or exceptions where in the opinion of the Chief Planning Officer (Director of Planning), in written consultation with the Chair and Vice Chair of Strategic Planning Committee, an application should be determined by the Chief Planning Officer for the reason that it does not raise issues of strategic, wider community or significant County Council Interest. This provision will not apply to decisions which would, in the opinion of the Chief Planning Officer, represent fundamental departures from the Local Plan, or fundamental departures from Made Neighbourhood Plans and Statutory Consultee advice.

(iii) to amend the Council's Public Speaking Protocol at Planning Committees so as to suspend for a period of six months the ability of third parties (including parish councillors, members of the public, planning applicants and their agents) to make verbal representations at meetings of the Council's Planning Committees (including Strategic Planning Committee) and to replace this ability with an alternative written representations process as set out in the copy of "Public Speaking Protocol - May 2020" attached to this record of decision

1.4 Planning Committees - Terms of Reference

When considering the initial decision to move to virtual committees it was recognised that to do this for all Planning Committees would raise certain practical difficulties in terms of training for all members, the technological scale of implementing virtual meetings on this scale and also the scale of officer support needed. A measure to assist the introduction of virtual meetings was identified and this was for the Strategic Planning Committee alone to commence virtual meetings and for all LAC powers to be transferred to the Strategic Planning Committee for an initial 6 month period. Since then, the Strategic Planning Committee has held four meetings successfully. This trial period has identified some short connectivity issues which were resolved and clarified during the meeting. This has enabled officers to identify and correct issues and help the meetings progress in a more efficient manner. Officers therefore feel that many of the original difficulties identified which prevented LACs being held in a virtual meeting are no longer so significant and that a return to meetings of the LAC's can now be achieved, albeit on a virtual basis. To achieve this a resolution to return the powers to determine planning applications and enforcement from the Strategic Planning Committee to the LACs is needed.

1.5 Chief Planning Officer - Delegated Authority

As the number of Planning Committees was being curtailed greater powers were given to the Chief Planning Officer in recognition that more delegated decisions would need to be made to determine planning permissions. If LACs are to resume then more applications will be able to be dealt with by planning committees. However, practically members have requested that no more than three applications per committee to be listed on the agenda due to the slower process of dealing with applications at virtual meetings and the concentration required for virtual meetings . It is therefore proposed to retain the increased powers for the Chief Planning Officer to determine planning applications and enforcement matters as detailed in the original decision of the Chief Executive.

Given the uncertainty around the second wave of the pandemic it is considered sensible to expressly seek a delegation to the Chief Executive to make any changes they consider necessary to the delegation scheme in light of changing circumstances in consultation with portfolio holder and Chairs of Planning rather than relying on emergency powers.

1.6 Public Speaking Protocol - Planning Committees

When considering the introduction of virtual meetings security issues were identified from consultation with other local authorities which revolved around public participation in the meeting. It was therefore decided to amend the Public Speaking Protocol to suspend public speaking and replace it with a written representations procedure whereby public speakers could submit their speech to be read out by an officer at the meeting. The current position is that the same security concerns remain and the revised procedure has been working well. It is therefore proposed that the revised procedure is followed upon resumption of the LACs.

1.7 Consultation

None except for portfolio holder

Implications

Policy	The proposals are considered to be a reasonable and measured response to the issues which have arisen as a result of the restrictions imposed on the Council by government legislative provisions and guidance on the movement of people
Finance and value for money	The proposals have no cost implications for the County Council
Legal	There are no implications of a significant nature
Procurement	N/A
Human Resources	None significant

Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	An Equalities Impact Assessment is not considered necessary given the proposals included in this report
Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	The measures and amendments proposed in this report are considered to preserve and protect the position of customers in relation to these matters
Carbon reduction	N/A
Health and Wellbeing	N/A
Wards	All

Background papers:

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Council's Constitution

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	NM
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	JR

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