![MoleValley District Council]

Agenda Item 9

Executive Member	Councillor John Northcott
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Date	9th September 2014

Ward (s) affected	None specifically	**Key Decision**	No

Subject	Report of the Planning Peer Review Working Group

RECOMMENDATIONS

(1)   The Executive is asked to consider the content of the report of the Planning Peer Review Working Group and in particular to decide what recommendations it wishes to make to the Council in respect of the following:

(a)   **That the Executive consider the views of the Working Group that the size of the Development Control Committee should be either 13-15 or 19 members and RECOMMEND a committee size to the Council.**

(b)   **That the Executive RECOMMEND to the Council that the number of substitutes appointed to the Development Control Committee should be up to four per Group as at present.**

(c)   **That the Executive RECOMMEND to the Council the revised Scheme of Delegation to officers in respect of Development Control functions as set in paragraph 1.6 below.** (this was recommended by a majority of the Working Group not unanimously)

(2)   The Executive is asked to consider whether the Planning Peer Review Working Group should continue and undertake further work.

CORPORATE PRIORITIES

Environment - Maintaining the character and environment of Mole Valley.
The reports of the LGA Planning Peer Review and the Working Group primarily assist the Council in meeting this priority.

The Executive is asked to make Recommendations to the Council

1.0   INTRODUCTION

1.1   At its meeting on 29th October 2013 the Executive considered the findings of the LGA Planning Peer Review which had been carried out by the Local

Government Association in June 2013. The report of the Peer Review was a positive endorsement of the way the service was run and complimented many aspects of the service. It also made a number of recommendations which were detailed in the report. The recommendations had not identified any explicit deficiencies in the way the service operated but instead indicated ways that the Council could continue to improve its already high levels of service.

1.2   The Executive agreed that an Executive-led focused working group, comprising 2 Conservative, 2 Liberal Democrat and 1 Independent member, including the Executive Member for Planning and the Chairman of the Development Control Committee, be established in order to consider the recommendations of the LGA Planning Peer Review and to develop and progress an action plan

1.3   The Working Group has met on seven occasions and has reviewed all the recommendations of the Peer Review including five supplementary recommendations. All members of the Working Group have also visited at least two other local authorities to attend meetings of their planning/development control committees.

1.4   Attached at Appendix 1 is a summary of the Peer Review's recommendations and the Working Group's responses. Attached at Appendix 2 is the full response of the Working Group to the Peer Review recommendations.

1.5   In most instances the report provides information on work being undertaken against the various recommendations.

1.6   There are three specific recommendations from the Working Group which would need to be approved by the Council if they are to be implemented. These are:

Recommendation 11
Review the size and membership of the Development Control Committee.

Response
The Working Group has considered the advantages and disadvantages of larger and smaller committee memberships and visits to other authorities' planning/development control committees have been held to facilitate any decision on committee size. The recommendations made by the Working Group are being made in light of the findings of these visits. Those Councils visited had a Planning/Development Control Committee of around one third of their total Council membership, whereas at Mole Valley this figure was around a half. Trends are towards smaller committees together with greater levels of delegation to officers.

The Working Group has been unable to agree a unanimous recommendation with regard to committee size. Some Members of the Working Group support a reduction in the size of the Development Control Committee. A smaller committee membership would allow for shorter, more efficient meetings and decision making, ensuring that the best decisions in respect of planning applications were taken. It would also ease the provision of more focused and intensive training. A smaller membership would not preclude thorough debate and a full and proper consideration of applications, whilst, as is the current arrangement, all Members would be able to attend the committee and

speak on items in their Ward. The review of the Scheme of Delegation undertaken by the Working Group (see recommendation 13) would assist in reducing the number of applications to be considered by the Committee, thereby allowing Members to debate applications in detail. It is acknowledged that fewer Members would be able to take decisions on applications. As a consequence more Members would be able to make representations in respect of local applications, clearly state their views and fully represent their constituents.

Other Members of the Working Group are opposed to reducing the size of the Development Control Committee as they consider that a major role of a Member is to sit on committees to take decisions. A smaller committee would exclude a number of Members from decision making and it is felt that change is not necessary, as a smaller committee would not necessarily result in improved decision making.

In light of the Working Group failing to reach a consensus with regard to committee size, it was agreed that the Executive should be advised that a majority of the Working Group favour a membership in the range of 13-15, whilst a minority favour retaining the current membership of 19.

The Working Group has also considered whether substitutes should be appointed to the Development Control Committee. The Working Group favoured the appointment of substitutes as it was considered critical that a full membership were present, particularly if the size of the committee were reduced. Members stressed, however, that substitutes must be engaged in the work of the Committee and to that end must receive the same training and development as other Committee members. The Working Group has recommended that the number of substitutes appointed from each Group should be up to four as at present.

With regard to the membership of the committee, the Working Group has noted that although it may be preferable to have a membership from across the District area, it was a matter for Group Leaders to nominate Members, and their right to nominate who they wish cannot be fettered.

Working Group recommendations to the Executive:

(1) **That the Executive consider the views of the Working Group that the size of the Development Control Committee should be either 13-15 or 19 members and RECOMMEND a committee size to the Council.**

(2) **That the Executive RECOMMEND to the Council that the number of substitutes appointed to the Development Control Committee should be up to four per Group as at present.**

Recommendation R13
Review the practices by which applications are referred to the Development Control Committee with a view to more of these being delegated to officers so that the committee can focus on larger and more significant/controversial applications.

Response
The Working Group has reviewed the current Scheme of Delegation in light of both the Peer Review's recommendation and the levels of delegation in place at other authorities. It was noted that a number of authorities delegate all applications to officers, subject to the officers assessing those applications which they felt should be considered and determined by committee, and all Members having the right to refer applications to committee for determination. There was no support from the Working Group for such a scheme.

Although the Working Group has been unable to make a unanimous recommendation in respect of the Scheme of Delegation to officers, a revised Scheme is recommended to the Executive for recommendation to Council.

The Executive is asked to note that, unlike the current Scheme of Delegation, the proposed Scheme of Delegation does not allow for referrals by Parish Councils or Residents' Associations or referrals based on the number of objections received in respect of an application. The majority of Working Group Members considered that this would put all communities on a level footing. All areas across the District had a local councillor who was able to refer applications to the Committee. Local residents (and Parish Councils and Residents' Associations) would be able to raise concerns with a Member who could then, in turn, discuss the application with officers and decide whether or not to refer the application to committee for determination. The Corporate Head's discretion to refer any matter to Committee is retained. The first principle of the Scheme of Delegation in respect of Development Control functions is that *any* Member can refer any application to committee.

Whilst a majority of the Working Group recommended the revised Scheme as set out below, a minority of the Working Group supported the retention of the current Scheme.

'Development Control Functions

Subject to the reference to the Development Control Committee of any matter at the discretion of the Corporate Head with responsibility for Development Control or following a written request from a Member (received within 28 days of the publication of the application on the weekly planning list, stating the reason for the referral) to take all actions and make all decisions relating to the following Council functions:

1.   All householder and tree planning applications.

2.   All other applications for planning permission, advertisement consent, Listed Building consent and prior approvals, **except** for the following categories which will be determined by the Development Control Committee:
(a)   Permissions for all residential development applications involving more than five dwellings.
(b)   Permissions for non-residential development involving more than 1000 square metres of additional floorspace except for agricultural buildings.
(c)   Applications requiring the Secretary of State to be notified.
(d)   District Council applications except for householder type or other similar minor proposals, where no objections raising material planning consideration have been submitted.

The proposed amendments to the current Scheme of Delegation are marked in track changes in Appendix 2.

Working Group recommendation, by a majority (but not unanimously), to the Executive:

That the Executive RECOMMEND to the Council the revised Scheme of Delegation to officers in respect of Development Control functions as set out above.

1.7   The Working Group has now completed its assessment of the recommendations of the Peer Review report, unless the Executive decides if it requires the Working Group to undertake further work, for example monitoring the implementation of the action plan or preparing a communications plan. The views of the Executive are sought on whether the Working Group should continue and undertake further work.

2.0   FINANCIAL ISSUES

2.1   There are no specific financial implications arsing from the recommendations of the Working Group although there might be very small minor savings in the context of meeting expenses.

3.0   LEGAL IMPLICATIONS

3.1   Any changes to the size of the Development Control Committee and the delegated powers must be approved by the Council.

4.0   OPTIONS

4.1   The Executive can

(1) Agree to recommend the Council to approve the recommendations set out in the report of the Working Group; or
(2) Make alternative or no recommendations to the Council.

5.0   CORPORATE IMPLICATIONS

Section 151 Officer Commentary
5.1   The S151 Officer confirms that the financial implications have been addressed in paragraph 2.1.

Monitoring Officer Commentary
5.2   The Monitoring Officer confirms that the legal implications have been set out in paragraph 3.1.

Risk Implications
5.3   None.

Equalities Implications

5.4   None.

Employment Issues

5.5   None.

Sustainability Issues

5.6   There are no sustainability implications arising as a direct consequence of this report.

Consultation

5.7   The Scrutiny Committee will consider the report at its meeting on 9th September.

BACKGROUND PAPERS

None.

RESPONSE OF THE PLANNING PEER REVIEW WORKING GROUP TO THE PLANNING PEER REVIEW RECOMMENDATIONS – SUMMARY MATRIX

REC:	SUMMARY OF WORKING GROUP RESPONSE	ACTION FOR EXECUTIVE
R1 - weighting of local economic growth and housing development	Sustainable Economy Working Group established. Preparation of new Local Plan allows tensions between economic/housing growth and maintaining the status quo to be addressed. Opportunities for the District maximised through participation in the Coast to Coast Local Enterprise Partnership.	To note
R2 - develop a narrative of financial issues/use of assets	Progressed through the Medium Term Financial Strategy and the Corporate Plan/Strategy.	To note
R3 - develop a brief for the Employment Land Review	To be looked at in 2015 and addressed as part of the work to underpin the new Local Plan.	To note
R4 - need to project plan related strategies	A document setting out MVDC's major projects and their respective timelines, milestones and deliverables, in the context of the new Corporate Strategy, will be produced so that the comparison between and interrelation of various projects can be better understood.	To note
R5 - continue work to gain cross-group consensus on major issues	The need for consensus has been recognised and processes changed to ensure all Members are able to fully participate in the consideration of major issues and policy development.	To note
R6 - review terms of reference and role of Executive Member for Planning on Local Plan Working Group	At its annual meeting on 17th June 2014, the Executive agreed that the Local Plan Working Group be renamed the Planning Policy Working Group and agreed new terms of reference.	To note
R7 - review Statement of Community Involvement	The Statement of Community Involvement has been reviewed and it is intended to submit a revised document to Executive in October 2014.	To note
R8 - further develop paperless working and use of electronic case files	Best practice for paperless working has been investigated. Mole Valley District Council appears to be comparatively advanced in this field. An officer working group will continue to address this, particularly the development of the use of electronic case files.	To note

REC:	SUMMARY OF WORKING GROUP RESPONSE	ACTION FOR EXECUTIVE
R9 - support continuation of shift to Development Management	The shift to Development Management is seen as essential, although it is acknowledged that many of the principles of Development Management are already embedded in the service.	To note
R10 - move to a more qualitative set of indicators for determination of planning applications	In line with the experiences of other planning authorities the identification of suitable qualitative performance measures has not yet proved possible. Further consideration will be given to qualitative measures in the future, and the work being undertaken by the LGA/PAS will be monitored.	To note
R11 - review size and membership of Development Control Committee	The Working Group was unable to agree a unanimous recommendation with regard to committee size. The Executive is advised that a majority of the Working Group favour a membership in the range of 13-15, whilst a minority favour retaining the current membership of 19. The Working Group has recommended that the number of substitutes should remain at up to four per Group.	**To consider the recommendations and make recommendations to the Council with regard to the size of the Development Control Committee and the number of substitutes to be appointed.**
R12 - introduce formal accompanied site visits	Organised site visits are being held where necessary with the Thursday afternoon/evening before each Development Control Committee meeting being reserved for such visits.	To note
R13 - review reference of applications to committee to allow committee to focus on larger/more significant applications	A revised Scheme of Delegation in respect of Development Control functions is recommended to the Executive for recommendation to Council. The Scheme was recommended by a majority of the Working Group.	**To consider and recommend to Council the revised Scheme of Delegation.**
R14 - Member training and development programme to be more structured and extended to wider membership	A comprehensive Member Development Programme has been developed for 2014/1, including training in respect of development control and planning policy. Training to be provided to all Development Control Committee members and substitutes and members and substitutes of the Planning Policy Working Group.	To note
R15 - review existing joint working arrangements	This is being taken forward by the Planning Policy Team which is working with neighbouring authorities on the preparation of the new Local Plan and a Surrey Strategic Statement.	To note

REC:	SUMMARY OF WORKING GROUP RESPONSE	ACTION FOR EXECUTIVE
S1 - undertake a Housing Needs study	This will be taken forward in 2015 by the Planning Policy Team as part of the preparation of the new Local Plan.	To note
S2 - involvement of Members at earlier stages of planning process	The Members' Planning Code of Good Practice will be revised as part of the review of the Constitution to provide clarification and a transparent process for members to follow when dealing with pre-application issues.	To note
S3 - capacity of enforcement service	2014/15 budget included an additional £40,000 to purchase resources for enforcement and compliance and a partnership established with Tandridge District Council.	To note
S4 - greater flexibility in use of resources	Generic job descriptions have been introduced in the support team, but limited scope for moving officers on a chosen career path and specialism.	To note
S5 - adaptation of committee procedures	The Chairman of the Development Control Committee to implement a number of procedural changes to improve the running of committee meetings.	To note

Response of the Planning Peer Review Working Group to the Planning Peer Review recommendations

The Working Group reviewed all the Peer Review's recommendations, including the supplementary recommendations S1-S5, and noted that work was already progressing through other means on a number of recommendations. It was agreed in those cases that the role of the Working Group would be to ensure the Peer Review recommendations were addressed rather than to take any actions themselves. The responses below in respect of R1, R2, R3, R4, R5, R7, R8, R14, R15, S1, S3 and S4 detail how these recommendations have been addressed.

The Working Group agreed that it should consider the remaining recommendations in detail – R6, R9, R10, R11, R12, R13, S2 and S5. The responses below set out the Working Group's findings and any recommendations to the Executive.

Recommendation R1

Clarify the weight that should be given to the corporate priorities of local economic growth and housing development, and establish an appropriate strategy for economic support.

Response

The Executive recognises the importance of this issue and on 29th October 2013 established the Sustainable Economy Working Group to develop Mole Valley District Council's policy and approach to its Corporate Priority to "support businesses and the local economy…".

The terms of reference of the Sustainable Economy Working Group include recommending the approach MVDC should take to support and maintain the strength of the local economy and to enable appropriate growth and the development of a Sustainable Economy Strategy.

The future timing and direction of the Local Plan is critical in considering the corporate priorities of economic growth and housing and resultant policies. The preparation of a new Local Plan affords the opportunity to address the tensions between economic/housing growth and maintaining the status quo (for example safeguarding the Green Belt).

MVDC is also aiming to maximise opportunities for the district through its participation in a Local Enterprise Partnership. Mole Valley District Council is a member of the Coast to Coast (C2C) Local Enterprise Partnership and has participated in a bid for nearly £560m of funding for the South East.

Recommendation R2

Develop a clear narrative that sets out the financial issues to be faced and how the use of assets, and other options, might not only address these but also provide the council with an important set of future opportunities.

Response

This has been progressed through the Medium Term Financial Strategy (MTFS) and the Corporate Plan. The MTFS was refreshed in the autumn of 2013 and gave a greater emphasis to the likely scenarios depending on the outcome of the Council's decisions relating to asset management.

Recommendation R3

Develop a brief for the Employment Land Review to consider future economy options such as:
- *the economy stays as it is;*
- *there is a moderate economic demand for growth;*
- *there is a high economic demand for growth.*

This will allow more flexibility to progress growth based on circumstances prevailing at different times during the plan period and to be able to feed into the Land Allocations process.

Response

This is a matter which will be looked at in 2015. The Planning Policy and Sustainable Economy Working Groups will liaise to consider how MVDC can contribute to the sustainable growth of the local economy, including through the new Local Plan.

This will be addressed as part of the work to underpin the new Mole Valley Local Plan. It is proposed to:

- develop an earlier implementation/action plan as the process outlined in the bullet points below will take some time
- work with Surrey County Council, the Coast to Capital LEP and adjoining local authorities to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market;
- work closely with the business community to understand their changing needs and address barriers to investment.
- prepare a review of land available for economic development
- assess the quantitative and qualitative need for land or floorspace for economic development
- in accordance with the advice in the National Planning Policy Framework (NPPF), undertake a review of land available for economic development at the same time as, or combined with, Strategic Housing Land Availability Assessments, and include a reappraisal of the suitability of previously allocated land.

Recommendation R4

MVDC is moving into an important period of activity in taking forward the Green Belt review and the land allocations plan to assist in the delivery of the current core strategy and a future review of it. This needs to incorporate other related elements, for example, an Asset Management Plan/Strategy, a Local Growth Strategy, an Employment Land Review and a Housing Strategy, amongst others. This will need project planning to an overall timetable.

Response

It is intended that a simple document setting out MVDC's major projects and their respective timelines, milestones and deliverables is produced so that the comparison between and interrelation of various projects can be better understood. A new Corporate Strategy will be in place by 1st April 2015; arrangements to monitor the inter-relationships and progress of key projects that underpin the Strategy will be put in place to ensure we are on track to deliver.

Recommendation R5

Continue work to gain cross-group consensus on the major issues to ensure continuity and to avoid MVDC being set back on key economic and community priorities with any future change in administration.

Response

The need for consensus has been recognised by the Leader, who has introduced a process whereby major issues to be decided upon by the Executive are first debated at meetings of the Council. This allows all Members to participate fully in consideration of major issues and for their views to be taken into account when final decisions are taken by the Executive. This process should help to achieve more cross-group consensus and thus facilitate earlier action. In addition a number of cross-party Member Working Groups have been established by the Executive to develop policy in specific areas and make recommendations to the Executive. All Member briefings are also arranged in respect of major issues, for example airport development, Pippbrook, etc.

Recommendation R6

The Local Plan Working Group (LPWG) is a key vehicle for the council to progress the Green Belt review, the land allocations plan and the review of the core strategy. Its effectiveness would be improved by providing clear terms of reference for its activity and outcomes; the portfolio holder taking a leading role on the group; all members being able to contribute in a co-ordinated manner; and ensuring that progress is closely monitored by the Executive.

Response

The importance of the Local Plan Working Group was recognised by the Planning Peer Review Working Group in its Action Plan. It was considered especially relevant at the moment with so many changes being proposed to planning policy. The Group would be key to progressing a number of actions identified in the responses to the Peer Review recommendations.

The Planning Peer Review Working Group reviewed the terms of reference, membership and operation of the Local Plan Working Group, including training, and supported a broadening of the current terms of reference to include other planning policy matters in addition to the Local Plan. As such, it was recommended that the Local Plan Working Group be renamed the Planning Policy Working Group to reflect its intended remit.

New terms of reference for the Planning Policy Working Group, which addressed the issues raised by the Peer Review, were considered by the Planning Peer Review Working Group.

The changes to the Working Group were approved by the Executive at its Annual meeting on 17th June. The new terms of reference are attached at Annex 1. The Planning Policy Working Group was established at that meeting of the Executive and Members appointed for the 2014/15 Municipal Year. The new terms of reference provide for the Executive Member for Planning or his/her nominee to chair the Working Group.

Recommendation R7

Review the Statement of Community Involvement (SCI) and link this to an enhanced Member role to promote community leadership by working with residents and partners on the Green Belt review and other corporate priorities and by giving Members greater engagement and involvement on pre-application submissions.

Response

The Statement of Community Involvement has been reviewed to reflect the changes to the planning system since the SCI was last published in 2010, to meet the requirements of the 2012 Local Plan Regulations (England) and to simplify its content to make it easier to understand and to encourage greater readership and community engagement. Following a number of comments from the Scrutiny Committee on 24th June, certain aspects of the draft Statement of Community Involvement 2014 will be reviewed and it is intended that a revised document will be submitted to the Executive for adoption at its meeting on 7th October 2014.

Recommendation R8

Further develop paperless working in the planning service and the use of electronic case files.

Response

The Planning Support Unit Manager has visited other local authorities to investigate further how paperless working has developed and to share best practice. Mole Valley District Council does appear to be comparatively advanced in this field. Best practice for paperless working will continue to be investigated and practical solutions implemented. The service will also continue to make greater use of email and the internet. An officer working group for users of the Document Management System has been established following some upgrades to the system and meetings of the group are currently taking place to consider how paperless working and the use of electronic case files can be developed. Complete paperless working will require a great deal of investment and training, and paper copies must be available for those who cannot or prefer not to use electronic copies.

Recommendation R9

Support the continuation of a shift of the Development Control service from a purely regulatory outlook to Development Management where the approach is more enabling to operate within a defined policy framework.

Response

The Working Group has noted that Development Management encompassed the whole spectrum of development from inception to implementation and occupation,

whereas development control was merely part of that spectrum. Development Management was an integral part of the spatial planning process and sustainable development.

The adoption of the principle of Development Management as a way of working to enhance the service to customers is supported by the Working Group. The shift to Development Management is seen as essential and should include an emphasis on customer care. The Working Group is of the view that Development Management is a different way of working and much more than a rebranding exercise, although it noted that many of the principles of development management were already embedded in the service. The Working Group has agreed that more work on Development Management should be undertaken before it is launched. Officers will therefore draft protocols, detailing how the concept will impact on customer care, members and officers and the link between Development Control and Policy.

Recommendation R10

Move from solely time bound performance indicators measuring the determination times for major, minor and other applications to a more qualitative set of indicators. This would strengthen the performance management framework and provide service managers and Members with a more complete set of service output and outcome measures.

Response

In line with the experiences of other planning authorities the identification of suitable qualitative performance measures has not yet proven possible. The government still requires reporting of the time bound measures and also uses this to measure relative performance, so the Council cannot relinquish this method of reporting. Further consideration will be given to qualitative measures in the future, including a short term review of qualitative measures, for example, review x files by y managers over z period. We are aware that the Planning Advisory Service has been trialling a 'Planning Quality Framework' with a few councils and this may be rolled out wider use in the autumn.

Recommendation R11

Review the size and membership of the Development Control Committee.

Response

The Working Group has considered the advantages and disadvantages of larger and smaller committee memberships and visits to other authorities' planning/development control committees have been held to facilitate any decision on committee size. The recommendations made by the Working Group are being made in light of the findings of these visits. Those Councils visited had a Planning/Development Control Committee of around one third of their total Council membership, whereas at Mole Valley this figure was around a half. Trends are towards smaller committees together with greater levels of delegation to officers.

The Working Group has been unable to agree a unanimous recommendation with regard to committee size. Some Members of the Working Group support a reduction in the size of the Development Control Committee. A smaller committee membership would allow for shorter, more efficient meetings and decision making, ensuring that the best decisions in respect of planning applications were taken. It would also ease

the provision of more focused and intensive training. A smaller membership would not preclude thorough debate and a full and proper consideration of applications, whilst, as is the current arrangement, all Members would be able to attend the committee and speak on items in their Ward. The review of the Scheme of Delegation undertaken by the Working Group (see recommendation 13) would assist in reducing the number of applications to be considered by the Committee, thereby allowing Members to debate applications in detail. It is acknowledged that fewer Members would be able to take decisions on applications. As a consequence more Members would be able to make representations in respect of local applications, clearly state their views and fully represent their constituents.

Other Members of the Working Group are opposed to reducing the size of the Development Control Committee as they consider that a major role of a Member is to sit on committees to take decisions. A smaller committee would exclude a number of Members from decision making and it is felt that change is not necessary, as a smaller committee would not necessarily result in improved decision making.

In light of the Working Group failing to reach a consensus with regard to committee size, it was agreed that the Executive should be advised that a majority of the Working Group favour a membership in the range of 13-15, whilst a minority favour retaining the current membership of 19.

The Working Group has also considered whether substitutes should be appointed to the Development Control Committee. The Working Group favoured the appointment of substitutes as it was considered critical that a full membership were present, particularly if the size of the committee were reduced. Members stressed, however, that substitutes must be engaged in the work of the Committee and to that end must receive the same training and development as other Committee members. The Working Group has recommended that the number of substitutes appointed from each Group should be up to four as at present.

With regard to the membership of the committee, the Working Group has noted that although it may be preferable to have a membership from across the District area, it was a matter for Group Leaders to nominate Members, and their right to nominate Members cannot be fettered.

Working Group recommendations to the Executive:

(1)   That the Executive consider the views of the Working Group that the size of the Development Control Committee should be either 13-15 or 19 members and RECOMMEND a committee size to the Council.

(2)   That the Executive RECOMMEND to the Council that the number of substitutes appointed to the Development Control Committee should be up to four per Group as at present.

Recommendation R12

Introduce formal Development Control Committee site visits accompanied by planning officers.

Response

The Working Group has considered this recommendation and proposed that organised visits should be held where necessary as identified by the Development

Control Manager and the Chairman of the Development Control Committee, rather than for every application. To help plan site visits a date prior to each committee meeting should be reserved in the diary with dates being cancelled of no site visits were planned for that particular month. The Chairman of the Development Control Committee (who is also a member of the Planning Peer Review Working Group) has consulted committee members. Those Members who have expressed a view support allocating the Thursday afternoon/evening (depending on time of year) before the meeting for organised site visits. These dates should be included in the diary for the year and cancelled if no site visits are necessary.

Following the Working Group's discussion of this proposal and consultation having been undertaken with the members of the Development Control Committee, this process is now operational.

The Executive is asked to note (1) that organised site visits will be held where necessary, as identified by the Development Control Manager, in consultation with the Chairman of the Development Control Committee, and (2) that the Thursday afternoon/evening (depending on the time of year) before each meeting of the Development Control Committee will be reserved in the Council diary for organised site visits and cancelled if no visits are necessary.

Recommendation R13

Review the practices by which applications are referred to the Development Control Committee with a view to more of these being delegated to officers so that the committee can focus on larger and more significant/controversial applications.

Response

The Working Group has reviewed the current Scheme of Delegation in light of both the Peer Review's recommendation and the levels of delegation in place at other authorities. It was noted that a number of authorities delegate all applications to officers, subject to the officers assessing those applications which they felt should be considered and determined by committee, and all Members having the right to refer applications to committee for determination. There was no support from the Working Group for such a scheme.

Although the Working Group has been unable to make a unanimous recommendation in respect of the Scheme of Delegation to officers, a revised Scheme is recommended to the Executive for recommendation to Council.

The Executive is asked to note that, unlike the current Scheme of Delegation, the proposed Scheme of Delegation does not allow for referrals by Parish Councils or Residents' Associations or referrals based on the number of objections received in respect of an application. The majority of Working Group Members considered that this would put all communities on a level footing. All areas across the District had a local councillor who was able to refer applications to the Committee. Local residents (and Parish Councils and Residents' Associations) would be able to raise concerns with a Member who could then, in turn, discuss the application with officers and decide whether or not to refer the application to committee for determination. The Corporate Head's discretion to refer any matter to Committee is retained. The first principle of the Scheme of Delegation in respect of Development Control functions is that *any* Member can refer any application to committee.

Whilst a majority of the Working Group recommended the revised Scheme as set out below, a minority of the Working Group supported the retention of the current Scheme.

'Development Control Functions

Subject to the reference to the Development Control Committee of any matter at the discretion of the Corporate Head with responsibility for Development Control or following a written request from a Member (received within 28 days of the publication of the application on the weekly planning list, stating the reason for the referral) to take all actions and make all decisions relating to the following Council functions:

1. All householder and tree planning applications.

2. All other applications for planning permission, advertisement consent, Listed Building consent and prior approvals, **except** for the following categories which will be determined by the Development Control Committee:

    (a) Permissions for all residential development applications involving more than five dwellings.

    (b) Permissions for non-residential development involving more than 1000 square metres of additional floorspace except for agricultural buildings.

    (c) Applications requiring the Secretary of State to be notified.

    (d) District Council applications except for householder type or other similar minor proposals, where no objections raising material planning consideration have been submitted.

    (e) Applications submitted by District Councillors or Officers within the Planning Department.

    (f) Applications submitted by other Officers of the Council if any objections raising material planning considerations have been received.'

The proposed amendments to the current Scheme of Delegation are marked in track changes in Annex 2.

Working Group recommendation, by a majority (but not unanimously), to the Executive:

That the Executive RECOMMEND to the Council the revised Scheme of Delegation to officers in respect of Development Control functions as set out above.

Recommendation R14

Provide the Member training and development programme with more structure and extend it to the wider membership. This should cover LPWG, the planning training needs for the portfolio holder and the Executive so that the wider membership can gain a greater understanding of planning.

Response

A comprehensive Member Development Programme has been developed for 2014/15. This Plan includes training in respect of development control and planning policy and this training will be provided to all Development Control Committee members and substitutes and to the members and substitutes of the Planning Policy Working Group. Training in Development Control Committee policies and procedures is mandatory for all Committee members and substitutes and this training has been provided to all new committee members and substitutes following their appointment on 17th June 2014. Further training will be provided to committee members during the year, including potentially a session run by the Planning Advisory Service on 'Making Defensible Planning Decisions'.

Training on planning policy is mandatory for all members and substitutes of the Planning Policy Working Group (previously Local Plan Working Group). Research is currently being undertaken into potential providers and a programme will be developed in consultation with the Interim Corporate Head with responsibility for Planning. The members of the Planning Policy Working Group may find it helpful if a regular update on national issues/themes was provided at the start of every meeting. This would ensure that Members were aware of any changes in planning policy legislation or practice which had taken place since the last meeting of the Working Group.

The Peer Review also recommended that the planning training needs of the Executive Member for Planning and the Executive should also be addressed through this programme. The Executive Member for Planning is a member of the Development Control Committee and Chairman of the Planning Policy Working Group, so will be involved in any training provided to these bodies.   Four other members of the Executive are also members or substitutes of the Development Control Committee so will receive any training offered to committee members and substitutes.

Recommendation R15

Review existing joint-working arrangements to ensure they are fit for purpose in working towards satisfying the Duty to Co-operate, and ensuring a sound plan at examination. This work should include reviewing not just membership of groups, but the outcomes from these, and reporting/communication/administration arrangements.

Response

This is an important issue being taken forward by the Planning Policy Team which is working with adjoining local authorities as part of the preparation of the Housing & Traveller Sites Plan and the new Local Plan.

The Localism Act 2011 places a legal duty on local planning authorities to engage constructively, actively and on an on-going basis to maximise the effectiveness of local plans in the context of strategic cross boundary matters. The evolving work on

the preparation of a Surrey Local Strategic Statement which will be a road map to help Surrey local planning authorities (Members and officers) work together on strategic cross boundary issues should be a significant step forward in facilitating the Duty to Cooperate.

Supplementary Recommendation S1 – Housing Numbers

Page 8 of the Peer Review report refers to the Housing Needs study and a suggestion that the council needs to do this work.

Response

This will be taken forward in 2015 by the Planning Policy Team as part of the preparation of the new Local Plan. It will be necessary to prepare an evidence base to show what the objectively assessed needs of the District are for market and affordable housing. This will include a critical appraisal of the ONS Household projections for the District and a Strategic Housing Market Assessment. It will be for the new Local Plan to demonstrate the extent to which meeting these needs is consistent with policies in the NPPF.

Supplementary Recommendation S2 – Member involvement at pre-application stage

Page 10 of the Peer Review report discusses how Members might be involved at earlier stages of the planning process.

Response

The Working Group has agreed that it is advantageous for Members to be involved at an early stage in the application process, but has acknowledged that the roles of a committee member and local member are different and that a committee member needs to be aware of the constraints of the Code of Conduct. The Members' Planning Code of Good Practice included in the Constitution provides advice to Members on how to respond and deal with approaches from developers, how to act on site visits and the obligation to notify the Council about contacts that have been made. The Working Group has suggested that the process could be improved by amplifying the current Code of Good Practice to provide clarification and a transparent process for members to follow when dealing with pre-application issues, including site visits, to ensure that member involvement is clearly defined. This will be addressed as part of the review of the Constitution and a revised Constitution including the Code of Good Practice submitted to Council in due course.

Supplementary Recommendation S3 – Enforcement

On page 13 of the Peer Review report concern is expressed regarding the enforcement service – not in terms of quality of what is done, but simply the capacity to deliver and meet the expectation of residents and Members.

Response

The Council has recognised the limited resources in the enforcement service and taken action to address this. The 2014/15 budget included an additional £40,000 to enable MVDC to purchase resources for enforcement and compliance in Development Control. A developing partnership has now been established with Tandridge District Council whereby MVDC draws on additional resources including

administrative back up, an Enforcement and Investigation Officer and an Enforcement Manager.

Supplementary Recommendation S4 – Flexible staff

On page 14 of the Peer Review report it is suggested that there should be greater flexibility in the use of resources within the planning service.

Response

It is understood that it could be possible for knowledge and skills to cross one area of work to another and this principle has been delivered in the past in the service and will be again where opportunities arise in the future. Generic job descriptions have been introduced in the support team so that a pool of people can share the same roles. There has also been cross working between areas within the Planning Service, for example Policy and Development Control. There is however limited scope for moving officers who are on a chosen career path and specialism. This will be progressed with the Interim Corporate Head with responsibility for Planning.

Supplementary Recommendation S5 – Committee procedure

On page 17 the Peer Review report discusses whether the committee procedures could be adapted to allow officers an opportunity to enter the debate.

Response

The Working Group has considered committee procedures in general and in particular whether officers could be allowed an opportunity to enter the debate earlier than is currently practised and whether the Development Control Committee continues to operate with separate question and debate modes. The Working Group has noted that how the Committee is run is entirely a matter for the Chairman and that current procedures have been developed through custom and practice and can be amended as required.

The Chairman of the Development Control Committee advises that officers should be able to speak during debate, particularly to answer questions during debate, to keep the debate on track and pick up any issues raised by Members. He has also suggested that the request that Members ask questions of officers before the meeting should be firmed up, and that Members should be expected to do this. In order to allow Members to ask questions immediately prior to the meeting as they read the late material/addendum there should be a commitment that officers would be in the meeting room 30 minutes before the start of the meeting. Committee members would then be better prepared for the actual debate and public perception likely to be improved.

The Chairman noted that those committees allowing a flow of speech and questions, rather than separate question and debate modes, ran well and is therefore proposing that a separate question session as part of the meeting be discontinued. Members would still be able to ask questions during debate, but it is hoped that the number of technical questions asked would be reduced if Members asked these questions of officers before the meeting. Earlier questions would also allow the Committee to focus on the main issues rather than being diverted onto a tangent, thus improving the flow of debate and the efficiency of the Committee. The Chairman is also proposing that the Ward Councillor, if present, be actively given the opportunity to speak first on an item before any other debate.

Planning Policy Working Group

Terms of Reference

The Planning Policy Working Group is a Group established by the Executive to provide advice to the Executive on the preparation and content of the Mole Valley Local Plan and other Planning Policy.

The Working Group will consist of 9 Members of the Council, will be politically balanced and will be chaired by the Executive Member for Planning (who will be one of the 9 members) or his/her nominee.

Up to one substitute Member per Group will be appointed. Due to the complex nature of the remit of the Working Group, and the need to maintain an understanding of the ongoing work programme, substitute Members will receive the same training and development as Members of the Working Group and will be invited to attend all meetings of the Group.

All members of the Working Group will attend in-depth training and development in relation to Planning Policy.

The Working Group will meet as required, on average 6 times per year.

The Working Group will:

•   At the first meeting of each Municipal Year, set the agenda for the coming year including a forward looking work programme into future years to reflect the priorities of the Council, subject to review as necessary during the year.

•   Oversee and drive forward the preparation of the Mole Valley Local Plan.

•   Monitor the preparation of the Plan in light of the Local Development Scheme and the Authority's Monitoring report, and report progress on a regular basis to the Executive.

•   Consider the feedback from stakeholders during the course of the preparation of the Local Plan and make recommendations to the Executive on the content of the Local Plan.

•   Oversee and drive forward other Planning Policy matters, at the request of the Executive.

•   Keep their respective political Groups appraised of the work being undertaken by the Group and the progress made.

•   Report its notes to the Executive.

Development Control Functions

Subject to the reference to the Development Control Committee of any matter at the discretion of the Corporate Head with responsibility for Development Control, or following a written request, from a Member (received within 28 days of the publication of the application on the weekly planning list, stating the reason for the referral) to take all actions and make all decisions relating to the following Council functions:

Corporate Head with responsibility for Development Control

1. All householder and tree planning applications.

2. All other applications for planning permission, advertisement consent, Listed Building consent and prior approvals, **except** for the following categories which will be determined by the Development Control Committee.

a) Permissions for all residential development applications involving more than five dwellings.

b) Permissions for non-residential development involving more than 1,000 square metres of additional floorspace except for agricultural buildings.

c) Applications requiring the Secretary of State to be notified

d) District Council applications except for householder type or other similar minor proposals, where no objections raising material planning consideration have been submitted.

e) Applications submitted by District Councillors or Officers within the Planning Department.

f) Applications submitted by other Officers of the Council, if any objections raising material planning considerations have been received.

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Deleted: b) Permissions where more than two objections have been received or there is an objection relating to their area from a Parish Council or Residents' Association, where the objections in all cases raise material planning considerations.¶
¶
c) Permissions for development which depart significantly from the Local Plan.¶
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d

Deleted: e) Permissions for changes of use outside the built up areas involving more than 1,000 square metres of floorspace.¶
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f) Permissions for changes of use involving existing shops.¶

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<#>Minerals and waste applications determined by the Surrey County Council other than approval of details and other minor developments¶
¶
<#>Proposals referred by Surrey County Council, adjoining Planning Authorities, Government Departments and statutory undertakers in those cases where such proposals are likely to affect this District significantly. ¶