

# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>Member Technical Briefing</b>
<b>Date of meeting:</b>	<b>23 March 2018</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal: To provide members of the planning committee with a technical briefing service to update members on general planning matters prior to planning committees.</b>	

## Executive summary

Officers will now be providing members of the planning committee and designated substitutes with a technical briefing service which will take place prior to a committee meeting. The purpose of the briefing is to update members on general planning matters, such as recent changes in policy and planning legislation that may be relevant to the items on the agenda. This briefing is offered in addition to the annual training programme provided for members of the committee and the existing informal channels of communication between Members and officers. Attendance at briefings is thus entirely optional and details of the matters arising at the briefing will be provided at the subsequent Committee meeting. Moreover, Members can still contact planning officers directly to discuss planning matters as is currently the case.

### Recommendation:

**It is recommended that Members of the Planning (Regulatory) Committee note the content of the report**

## 1. Proposal

- 1.1. Training for Members who are members of the planning committee is not a statutory requirement. However it is strongly recommended and in almost all authorities, including Norfolk, it is a mandatory requirement, by virtue of the council's constitution. Norfolk County Council currently provides six training events each year and members must attend at least 1 training session before they can sit on the committee. Members of the committee are also strongly advised to attend training on a regular basis to ensure that they remain up to date on planning matters
- 1.2. Planning considerations can encompass a wide range of issues and while it is not the role of planning to duplicate other regulatory regimes, Members are often required to consider detailed technical matters such as pollution control or flood risk, in order to come to a view on a proposal.
- 1.3. The exact issues that need to be considered vary from case to case reflecting both the nature of the proposals themselves and the site put forward. As a result it is difficult to reconcile the timely delivery of training on a given topic with its relevance to the committee items under consideration at any one time. Moreover,

whilst the officer's report will provide an assessment of all the material issues, including an explanation of the relevant policy and factual background, the familiarity of individual members with specific issues will vary and a member may wish for clarification. It can also often happen that consultation response, additional information etc. are received after the report has been finalised. As a result Members have expressed a view that while they find the training very helpful, it would be useful to have an update on matters that may be relevant to specific items on the committee at a point in time closer to the actual committee. It is therefore proposed to introduce a "Technical Briefing" which will precede the committee.

## **2. What the briefing will cover**

- 2.1. For each item on the committee the officer will provide the following updates to the officer's report.
  1. **Technical matters** - In the event that the planning judgement may require reference to technical issues, a brief update on the technical matters will be provided. (For example if a flood risk sequential test is required and the applicant has provided further information or an updated consultation response has been received, officers will provide an explanation and a refresh on the sequential and exception test criteria).
  2. **Policy updates** - In the event that there have been changes to policy or guidance. The nature of these changes will be explained. Changes could include, ministerial statements, new national policy or guidance, or consultation proposals
  3. **Case law** - In the event that recent case law applies to policy application or interpretation an explanation of the case and its context will be provided
  4. **Legislative updates** - In the event that there has been recent changes to legislation that may be relevant to the application these will be explained. For example changes in the Environment Impact Assessment Regulations.
  5. **Informative** - As to whether there will be a need to notify members of any updates since the report was published, (the actual details of any updates will not be raised or discussed).

Members will also be given an opportunity to raise any general questions or queries in relation to the updates provided or to ask for clarification of factual matters contained in the officers' report.

## **3. What the briefing will not cover**

- 3.1. The briefing is strictly limited to the provision of information and clarification of factual matters arising from proposals. It is intended merely to provide a useful forum to supplement the existing informal channels of communication (email, phone etc.) through which members can be updated on proposals and raise questions arising from reports. Accordingly, no comment, debate or discussion regarding the details of a proposal or its planning merits will be permitted in the briefing. Members must also refrain from discussing details relating to any item

on the agenda between themselves during the briefing.

#### **4. General Matters**

- 4.1. No decisions would be made at the technical briefing and it does not form part of the formal annual training schedule. Attendance would be optional and the briefing would supplement, not replace, existing opportunities for Members to be updated and raise questions. Accordingly, no formal approval to initiate the technical briefing service is necessary. However in the interests of openness and transparency it is considered that if members are minded to make use of the service a formal record of its inauguration and purpose should be made.
- 4.2. Where a briefing has taken place, at the subsequent meeting of the Planning (Regulatory) Committee members will be notified of the fact along with details of the matters that were included in the briefing.

#### **5. Resource Implications**

- 5.1. **Finance:** The proposal represents an additional work load for planning officers. However it is envisaged that it will be adsorbed within existing planning resources.
- 5.2. **Staff:** The provision of a technical briefing has no staffing implications from the Planning Regulatory perspective.
- 5.3. **Property:** The provision of a technical briefing has no property implication from the Planning Regulatory perspective.
- 5.4. **IT:** The provision of a technical briefing has no IT implications from the Planning Regulatory perspective.

#### **6. Other Implications**

- 6.1. **Human rights**
- 6.2. The requirements of the Human Rights Act 1998 must be considered. However, given the limited scope and purpose of the briefings it is not considered that any material implications for Human Rights will arise.
- 6.3. **Equality Impact Assessment (EqIA)**
- 6.4. The Council's planning functions are subject to equality impact assessments. None have been identified in this case.
- 6.5. **Legal Implications:** Subject to the restriction of the briefing to the matters highlighted in the report there are no legal implications from the Planning Regulatory perspective.
- 6.6. **Communications:** There are no communication issues from a planning perspective.
- 6.7. **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 6.8. **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

## **7. Section 17 – Crime and Disorder Act**

- 7.1. It is not considered that there are any issues of crime and disorder.

## **8. Risk Implications/Assessment**

- 8.1. Provided that the technical briefing is limited as detailed above there are no risks from a planning perspective. Indeed, it should aid planning assessment as it provides an additional opportunity for members to be updated and seek clarification. However, third parties may criticise decisions (or even try to challenge them by way of a judicial review) on the basis that the technical briefing means that not all members of the committee had access to the same information for them to make the decision, or that by the time of the actual committee members were already pre-determined or biased. It should be possible to effectively rebut such claims provided that the briefing's scope, limitations and process (as set out above) are strictly adhered to.

### **Officer Contact**

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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