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DATE: 8 July 2021

To: Members of the
STANDARDS COMMITTEE

Councillor Vanessa Allen, Councillor Nicholas Bennett MA J.P., Dr Simon Davey, Ken Palmer, Councillor Melanie Stevens, Councillor Michael Tickner and Councillor Stephen Wells

A meeting of the Standards Committee will be held at Bromley Civic Centre on
THURSDAY 15 JULY 2021 AT 7.00 PM

PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting: you can ask questions submitted in advance (see item x on the agenda) or just observe the meeting. There will be limited space for members of the public to attend the meeting – if you wish to attend please contact us, before the day of the meeting if possible, using our web-form:

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

Please be prepared to follow the identified social distancing guidance at the meeting, including wearing a face covering.

MARK BOWEN
Director of Corporate Services

A G E N D A

- 1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF INTEREST**
- 4 MINUTES OF THE MEETING HELD ON 2 MARCH 2021 (Pages 1 - 8)**
- 5 QUESTIONS**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically on reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically on reports on the agenda are received by the Democratic Services Team

by 5pm on Thursday 9th July 2021.

6 DISCUSSION WITH THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND THE ASSISTANT DIRECTOR FOR PLANNING (Pages 9 - 90)

7 MONITORING OFFICER'S GENERAL REPORT (Pages 91 - 98)

8 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of confidential information.

Items of Business

Schedule 12A Description

9 EXEMPT MINUTES OF THE MEETING HELD ON 2 MARCH 2021 (Pages 99 - 100) Information relating to any individual.

10 MONITORING OFFICER'S GENERAL REPORT - PART 2 APPENDIX (Pages 101 - 104) Information relating to any individual.

STANDARDS COMMITTEE

Minutes of the meeting held at 6.50 pm on 2 March 2021

Present:

Councillor Will Harmer (Chairman)
Councillor Vanessa Allen (Vice-Chairman)
Dr Simon Davey, Ken Palmer, Councillor Melanie Stevens,
Councillor Michael Tickner and Councillor Stephen Wells

Also Present:

Councillor Colin Smith and Councillor Angela Wilkins

8 APOLOGIES FOR ABSENCE

There were no apologies for absence.

9 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

10 MINUTES OF THE MEETING HELD ON 27 OCTOBER 2020

The minutes of the meeting held on 27 October 2020, were agreed and signed as a correct record.

11 QUESTIONS

No questions had been received.

12 DISCUSSION WITH THE GROUP LEADERS

The Chairman welcomed the Group Leaders to the meeting explaining that the role of the Standards Committee was apolitical. Recently the Committee had been doing a lot of work around the importance of standards for Councillors, in this respect the Chairman expressed particular thanks to the two Independent Persons who had dedicated significant time to supporting ethical standards across the Council.

The Group Leaders responded to the following questions from Members of the Committee:

How do you feel your Members behaviour measures up to the high ethical standards we expect in Bromley and what do you do as a leader to hold yourself accountable to ensuring those standards?

The Leader of the Labour Group highlighted that with eight members it was a smaller group to manage. The Leader of the Labour Group confirmed that she was not aware of any problems and had not received complaints concerning standards within the Labour Group either through the formal Code of Conduct complaints system or informal systems. The Committee noted that as a Party there was a very clear 'rule book' and strict processes in place for approving candidates for selection. This tried to ensure a high calibre of candidate. There was also an internal Group disciplinary process which operated in parallel to Council processes to investigate any complaints that were made about Councillors. There were a range of penalties that were available internally.

The Leader of the Council confirmed that 99% of the time he was content with the integrity of members. In relation to the other 1% of the time, it had been made very clear to the odd Member on the rare occasion that better was expected. The Committee noted that on the rare occasions that the Leader received complaints directly, they were forwarded to the Monitoring Officer for consideration. It had been made clear to members of the Conservative Group that involvement in 'dishonourable' process would not be tolerated. The Party had a Chief Whip to administer discipline and the Leader confirmed that broadly speaking he felt the system worked well and all councillors needed to aspire to the high standards set by the Act. The Committee received reassurance that any emerging issues were drawn to the attention of the Monitoring Officer to ensure full diligence.

The Leader of the Independent Group confirmed that as a Party of 2 there were very few issues. Where any issues arose, both Members of the Independent Group would seek advice from the Monitoring Officer if necessary.

Are you aware of any inappropriate influencing behaviour within the broader councillor community?

The Leader of the Labour Group confirmed that complaints had been made to her, with two of the major complaints centring on planning which was a particularly sensitive area and an area that was particularly open to allegations of inappropriate and undue influence as well as false allegations. Whilst there had been an awareness of allegations it had never been possible to prove the allegations. In that context it was the view of the Leader of the Labour Group that the processes for trying to investigate those complaints were not necessarily adequate. The Leader of the Labour Group suggested that there was a fundamental problem when there were large numbers of planning committee members who were members of political parties and who also worked in the property development sector. The instinct of the Leader of the Labour Group was that such members should not sit on planning committees due to obvious potential conflict of interest.

The Leader of the Council concurred with the view of the Leader of the Labour Group in respect of concerns around the appearance of the influence of developers across the Borough. However, a key problem was that concerns

were based on supposition, impression and appearance with the key issue being that appearances counted as much as fact in a politically sensitive environment. The Leader stated that whilst there was an appearance of influence he hated to think that this was the case in substance and fact. However, separating the two was where there was an evident need for the Standards Committee to intercede on occasion. It was noted that it was the perception issue around planning that concerned a number of people. The Leader stressed that if at any point he became aware of inappropriate influence he would immediately draw it to the attention of the Monitoring Officer, irrespective of the political background of the councillor involved.

In relation to the issue of perception, the Chairman of the Committee highlighted that there was a clear perception on social media that when any planning application was submitted, Bromley Council would grant permission because members and council officials were 'in the pocket of some developer' yet there was never any evidence provided to substantiate the perception. The Committee noted that it was unfortunate that the professional reputation of Planning Officers was sometimes besmirched on social media with no evidence.

The Leader of the Independent Group suggested that it would be difficult to move away from perception issues around planning and consequently members had to ensure that all relevant interest were declared where necessary and members acted with integrity at all times.

The Code of Conduct was updated by the Standards Committee in October 2020, have the Group Leaders read the updated Code?

All Group Leaders confirmed that they had.

Complaints come in for all sorts of reasons, do Group Leaders feel the processes in place are an effective and timely way of addressing complaints and dealing with the issues raised by residents?

The Leader of the Council suggested it was a difficult question as no one could or would have any issues with people complaining. Over the years one of the frustrations that had crept in was around the small percentage of residents who used complaints to the Standards Committee as a threat. Complaints of this nature were tedious, time-wasting, unfair on the individuals. As such it was quite right that it was possible to quickly filter out complaints of this nature. In relation to complaints that were made anonymously, the Leader of the Council suggested that these should be filtered out immediately unless there was a strong reason identified by the Monitoring Officer, Independent Person and Chairman of the Standards Committee that the anonymous complaint should be investigated. There was no place for vexatious anonymous complaints but equally, the standards regime should have slightly more teeth in cases where there was something self evidently and palpably wrong but that did not necessarily meet the threshold for a breach of the Code of Conduct. However, the Leader of the Council was mindful of the fact that these issues often related to individuals and differing

personalities and as such the integrity of the Standards Committee would have to be of a level whereby judgement could be made and penalties imposed for those more minor indiscretions that did not qualify for serious sanction as opposed to the sanctions for the far more serious offenses which had to be referred to other bodies. The Leader of the Council highlighted that the Standards Committee was an important committee in terms of upholding the principle of local integrity.

The Leader of the Independent Group reported that there had been some recent feedback suggested that residents considered that there was no point in complaining as issues were 'pushed under the carpet'. As such it may be helpful to have more openness and transparency around how complaints were handled with detail back to the complainant so they understood that whilst complaints were thoroughly reviewed in most cases there was no other option but to not take the complaint forward. It was stressed that there was clearly a requirement on all Members to 'play by the rules' and uphold the high standards expected.

The Leader of the Labour Group explained that she did not feel the processes in place were satisfactory. The issue was complex and people submitted complaints for a number of reasons with there needed to be a formal process. There was a serious issue around the fact that complainants did not understand how their complaint would be dealt with. Complainants needed to understand that complaints had to fall within the Code of Conduct in order to be considered and then the initial assessment process meant that there was a lack of transparency because very few complaints made it through this filtering process. The Leader of the Labour Group suggested it was unsurprising that residents did not have faith in the system as so few complaints merited formal investigation. It was suggested that it may be helpful to see some national benchmarking with other Councils to identify how issues were managed. It was stressed that councillors were public servants and as such there should be a level of accountability.

The Independent Person provided the Group Leaders with assurance that whilst there may be an issue with transparency, the Council was now in a position where every Code of Conduct complaint (including detail and background) received was reviewed by an Independent Person. It was important therefore to dispel the notion that Officers could simply filter out complaints, not that Officers would do this. The processes were being reviewed very closely by the Standards Committee to ensure further transparency.

The Chairman highlighted that whilst it was important that residents had faith in the complaints system, it was equally important that Councillors had faith in the system. As such it was important that there was evidence that any complaints proceeding to formal investigation met the thresholds for a breach of the Code of Conduct. The Chairman confirmed that he did review other Local Authorities and in cases where councillors had been disciplined the level of activity leading to sanction was proportionate to the fact that the councillor had been disciplined.

The Committee thank the Group Leaders for the time taken to attend the meeting.

13 MONITORING OFFICER'S GENERAL REPORT

Report CSD21024

The report updated the Committee on a number of standards issues.

Work Programme and Matters Outstanding

Recognising that a large proportion of Code of Conduct Complaints related to planning matters it was agreed that the Chairman of the Development Control Committee and the Assistant Director for Planning should be invited to the next meeting of the Standards Committee on 15 July 2021. It was agreed that the discussion should centre around the report of the Planning Advisory Service and the Council's existing Planning Protocol.

A Member further requested that the report of the Planning Advisory Service be circulated to the Standards Committee for information.

LGA Draft Code of Conduct Consultation

It was recognised that the Council had only recently approved a compliant Code of Conduct. Members agreed the LGA Code of Conduct should not be adopted at the current time however, it would be worth giving the matter further consideration over the course of the next municipal year in order to determine whether the LGA Code could be adopted for the new Council from 2022.

Publishing Complaints procedure on Website

A Member expressed concern that in the event of a councillor being taken through a formal investigation process there was no right of appeal without going through the High Council. The Member suggested that there should always be a right of appeal without cost to the individual purse and the procedure should be amended to reflect this. In response the Monitoring Officer highlighted that in reality the sanctions available were very limited – reprimand, removal from a committee, requirement to undertake training or removal of resources. Other than a differently constituted Sub-Committee it was difficult to introduce a process of appeal. Members also noted that prior to sanctioning a councillor, the Standards Committee was required to seek the view of the Independent Person and this was an element of safeguard within the system.

Members suggested that the wording of Paragraph 3.3(i) should be amended to ensure that there was no risk of allegations demonstrating a pattern of behaviour being rejected. The Monitoring Officer confirmed that the purpose of the criteria was to manage a chain complaint revisiting issues that had

previously been investigated and found to have no substance. Dealing with such complaints may not be a good use of officer resource. The Committee noted that one of the reasons for the list was to address the mismatch between formal investigation and volume of complaints. The Monitoring Officer reported that he had spent some time reviewing the historical complaints that had been received. Throughout the history of the Standards Regime there had been three main means of dealing with the initial assessment of complaints – The Standards Board for England which was totally independent of Local Authorities, the Filtering Sub-Committees led by the Independent Members, and the present approach which was Officer led with support from the Independent Person. When looking at the complaints dealt with totally independently of the Local Authority by the Standards Board for England, there was one matter deemed worth of proceeding beyond initial assessment and ultimately once a further investigation had been completed it had been decided that there was no case to answer. Of the complaints received under the Independent Member led system, one went forward for investigation and that complaint led to a 6-month suspension. Subsequently there had been a number of matters that had not cross the threshold. There were some themes arising from the complaints received including councillors not responding to correspondence. Early Standards Board decisions made it abundantly clear that councillors did not have to respond to correspondence from their residents. If they chose not to respond to correspondence, councillors ran the risk of not being re-elected in future. As such it was a matter for the ballot box rather than the standards system. This threshold was intended to deal with the disparity between expectation and reality. It was not meant to dissuade residents from complaining, rather to divert complaints to more appropriate routes and to provide an indication of what was an acceptable complaint.

There was also a focus on informal resolution. There were a number of complaints (not those where a councillor's integrity was called into question), where on reflection a councillor may consider a matter could have been handled differently and in those circumstances an informal resolution was sought rather than pursuing a formal standards investigation.

In relation to the question of anonymity and whether it was legitimate for a complainant to withhold all details apart from their name when submitting a complaint by email, the Committee noted that where complainants completed the online form they were asked to provide information which would enable due diligence around verification of identity, such as postal address and contact telephone number. The Monitoring Officer confirmed that his personal view was that unless there was an allegation of serious dishonesty or threats of violence (which would more than likely require investigation by the Police), it was right and proper that someone facing accusations should know their accuser. The legislation required complaints to be in writing but then gave local authorities considerable flexibility to determine their own procedures for dealing with complaints. As such, if a complaint did not want to put their name to a complaint or sought to withhold their details for reasons other than personal safety (which would rarely, if ever, be an issue) then the Council should reserve the right not to investigate a matter. Sometimes there were

issues where further questions could be asked to verify the validity of a complaint and if there was an expectation that the Local Authority review and investigate then complainants should be upfront about who they were because ultimately the standards system was in place so that local residents could hold their local councillors to account where they considered that standards had fallen short of what could reasonably be expected.

The Committee noted that minor amendments could be made to the procedure and approved prior to publication on the website.

Recruitment of an Additional Independent Person

It was agreed that arrangements should be put in place for the recruitment of a third Independent Person.

Anonymised Schedule of Complaints

The Monitoring Officer reported that he had received a request from a Member in respect of access to the Part 2 appendix on the Standards Committee agenda. The Committee noted that due to the personal sensitive nature of the information within the Part 2 agenda of the Standards Committee access was more tightly restricted than some other Council Committees.

The Committee agreed that an anonymised schedule could be shared with Members of the Council on request for the purposes of learning, on the condition that information about Code of Conduct complaints in respect of Councillors remained in Part 2 and was not more widely shared. The Chairman stressed that access to information about complaints should not be used as a phishing exercise and should only be used for the purposes of improving ethical standards across the Council.

RESOLVED: That the report be noted.

14 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

15 MONITORING OFFICER'S GENERAL REPORT - PART 2 APPENDIX

The Committee noted the Part 2 appendix and discussed the further details that had been provided, at the request of the Independent Person, in respect of one particular complaint that had been deemed not to meet the threshold of referral to the Standards Committee following a substantial Initial Assessment process.

The Committee undertook a general discussion in respect of the number of complaints generated as a result of planning matters. Members acknowledged that there was a need to review ways in which processes could be made more transparent in order to improve public perception.

The Committee acknowledged that the Chairman of the Development Control Committee was unlikely to be aware of the volume of complaints received in respect of planning matters as a result on the tighter restrictions on access to information around standards complaints. Consequently, it was agreed that it was appropriate to invite the Chairman of the Development Control Committee to the next meeting to discuss complaints and issues around the wider public perception of planning.

The Meeting ended at 8.34 pm

Chairman

Report No.
CSD21068

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **STANDARDS COMMITTEE**

Date: **Thursday 15 July 2021**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **DISCUSSION WITH THE CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE AND THE ASSISTANT DIRECTOR FOR PLANNING**

Contact Officer: Philippa Gibbs, Deputy Democratic Services Manager
Tel: 020 8461 7638 E-mail: Philippa.Gibbs@bromley.gov.uk

Chief Officer: Director of Corporate Services

Ward: (All Wards);

1. Reason for report

At its last meeting on 2nd March 2021, the Standards Committee recognised that a large proportion of Code of Conduct Complaints that had been received related to planning matters. It was therefore resolved that the Chairman of the Development Control Committee and the Assistant Director for Planning should be invited to the next meeting of the Standards Committee to discuss the report of the Planning Advisory Service (attached at Appendix 1) and the Council's existing Planning Protocol (attached at Appendix 2).

2. **RECOMMENDATION(S)**

That the Standards Committee

1. **Consider the report of the Planning Advisory Service and the Council's Planning Protocol.**
2. **Note that the Planning Advisory Service are returning to undertake a further review at the beginning of July 2021.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
-

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: There are no procurement implications.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

3. COMMENTARY

- 3.1 The Council requested that the Planning Advisory Service (PAS) carry out a review of its planning committees in order to inform potential service improvements and to assist with sound decision making.
- 3.2 The resulting PAS report (Appendix 1) put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. The Protocol would allow members and officers to have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication 'Probity in Planning' which strongly encourages the adoption of a local code.
- 3.3 The Local Planning Protocol is appended to this report for consideration by the Standards Committee (Appendix 2). It was considered and approved by the Development Control Committee on 28 January 2020 and adopted as part of the Council's Constitution by Full Council on 20 July 2020.
- 3.4 Since receipt of the PAS report, the Development Control Committee have received a number of updates in respect of continuous improvements across the Planning Service (these are attached at Appendices 3-9).

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Policy Implications, Financial Implications, Personnel Implications, Legal Implications, Procurement Implications
Background Documents: (Access via Contact Officer)	Report to Full Council on 20 July 2020.

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Introduction

1. With a desire to learn and share best practice on decision-making processes, and in light of potential 'designation' by the MHCLG based on major application performance at appeal, the London Borough of Bromley(LBB) requested the Planning Advisory Service to
 - provide a light touch review of the Council's Development Control Committee (DCC) and Planning Sub Committees (PSC), and
 - advise whether they are operating effectively.
2. The review has been carried out by Cllr Melvyn Caplan from Westminster City Council, a former leader of that council and currently, amongst other roles, chair of a Planning Sub Committee and Martin Vink, a consultant on behalf of PAS but formerly Development Manager at Ashford Borough Council
3. In delivering the review we identified its scope as set out in Appendix 1.
4. In order to review the Committee processes in line with the scope, and make recommendations based on an assessment of evidence, we have taken account of the following sources of information:-
 - a) Publicly available material from LBB (Constitution, Committee reports , etc.)
 - b) National best practice guidance
 - c) Reviewers' own experience
 - d) Observations through attendance at the Planning Sub Committee meeting on 28 March and Development Control Committee meeting of 4 April 2019
 - e) 1:1 interviews with Councillors, Council staff, and public stakeholders

General comments relating to Development Control and Planning Sub Committees

5. DC/Planning committees pose a combination of challenges which need to be reconciled in a manner which is effective, fair, and consistent. The role of Councillors on the Committees presents a challenge to the individual. It is often considered to be a quasi-judicial role, but has been described as

"A formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly."

(Local Government Association/Planning Advisory Service: Probity in Planning for Councillors and Officers 2013.)
6. In this role Councillors are expressly being asked to place to one side any party political interests, and their role as the representatives of a particular ward, and assess, debate, and then determine often controversial planning proposals in the wider public interest of the whole Council area, and in line with national and local planning policy. They must do so in a way which demonstrates they have understood their role and have approached the decision point open to considering and weighing the merits of all the material issues.
7. Planning, legal, and democratic support officers of the Council all have clear roles to play in supporting their Councillors in ensuring the DCC and PSCs are efficient, effective, and uphold the highest standards of decision making. Training, guidance material, report writing, presentations and

advice at Committee all need to be effective and regularly reviewed in the light of a changing environment.

8. All councils need to be satisfied that the operation of its Planning Committee is delivering value for money. The Council needs to be satisfied that there is a good match between the significance of the decision to be made on each of the applications which form the agenda for each meeting, and the substantial time and resource costs associated with a planning application being determined by Committee.

Background

9. Bromley Borough Council covers an area of 150 sq. Km on the southern edge of London inside the ring of the M25. Development pressures are strong with major developments planned for the town centre and other locations.
10. The Borough has a newly adopted Local Plan (2019) and a number of Supplementary Planning Documents including a Town Centre Action Area Plan, Affordable Housing, General Design Principles, Conservation Area Guidance , etc. The Borough is also included in the London Plan 2015

Application Performance January 2017 - December 2018

	Total	Determined in agreed time	Not Determined in agreed time	percentage in agreed time	LB Bromley Target
Majors	59	48	11	81%	60%
Non Majors	5959	4940	1019	83%	70%
Appeal Decisions for applications determined between April 2016 - March 2018					
	Total applications determined	No of Appeals Allowed		% allowed	MHCLG target
Major Appeals	75	9		12.0%	10%
Non Major Appeals	6542	262		3.7%	-

and the 2017 draft London Plan. The Borough includes large areas of Green Belt, some Metropolitan Open Land, 45 Conservation Areas plus Areas of Special Residential Character. Protecting this character whilst dealing with development pressures is a significant tension in the council's decision making. The principal planning issues facing the Council are:

- Pressure from increasing housing targets – where any additional homes can be built
- Pressure for school places and locations for new / expanded schools
- Pressure for more development in town centres
- Pressure on existing protected land (Green Belt / MOL)
- Budget cuts / staffing levels
- Ability to attract (experienced) staff to Bromley

13. The speed of handling planning applications is good but the quality of decisions (% overturned at appeal - 24 months to the end of March 2018) was 12% for major applications, outside the Government target of 10% which places the Council at risk of designation.
14. The proportion of applications determined by officers (delegated decisions) has increased slightly in recent years to 91%. Given that major applications only account for approximately 10% of all applications and the delegation agreement does not require all major applications to go to the committees, the proportion of decisions that are delegated appears low.
15. The percentage refused is very high which linked to the high levels of applications leads to a large number of appeals. This is not only a significant resourcing issue for the Council but has resulted in 271 appeals being allowed in the period 1/4/16 to 31/3/18. Awards of costs for appeals was £170,000 last year. Does this suggest a restrictive approach to decision making across the Council which is out of sync with decision making elsewhere and which will result in the Council continuing to be at risk of designation as appeals are allowed?

% Applications Refused in 2018

	% Refused	Number of LPA with higher % in England	Number of London Boroughs with higher %
Major Applications	44	1	0
Minor Applications	32	19	6
Other Applications	22	12	6

Note: There are 339 Local Planning Authorities in England and 33 London Boroughs

16. Decisions on planning matters, including applications, are made by the Development Control Committee(DCC), any of the 4 Planning Sub Committees(PSC) and officers. Of the 60 councillors at Bromley 31 sit on either the DCC or PSC. Of the 31 only 17 sit on the DCC. Each of the PSC has 9 members with some members sitting on more than one PSC, for example 4 members sit on both PSC 1 and 3 and 5 sit on both PSC 2 and 4.
17. The Committees terms of reference and voting procedures are set out in the Council’s Constitution. Members are bound by the Council’s general code of conduct and whilst there is a requirement for members to maintain high standards it might be useful to incorporate reference to the 7 Standards of Public Life identified in the Localism Act 2011:
- **Selflessness** - public interest
 - **Integrity** - not open to inappropriate influence/private gain
 - **Honesty** - truthful; declaration of interests and gifts
 - **Objectivity** - use best evidence; impartial; non-discriminatory
 - **Accountability** - open to scrutiny
 - **Openness** - open and transparent decisions in public
 - **Leadership** - uphold and exhibit standards and behaviours

19. In our discussions no reference was made to any specific Protocol or Code of Conduct for Members when handling planning matters. Such Protocols are common amongst other planning authorities and set the framework for the member and officer roles in determining planning decisions.
20. Since our visit we have found, by chance, that LB Bromley did publish a Development Control Guide to Good Practice in 2006 which is still current but no longer issued to Councillors. We appreciate that this document predates the Localism Act (2011) and in many respects is out of date. However, it not only deals with probity issues but also includes useful background and explanation of the way in which the Bromley Planning Committee functions. We appreciate that the Council now use the LGA “Probity in Planning” (2013) booklet as it is more up to date and reflects the Localism Act 2011. We suggest, however, consideration is given to agreeing a revised Protocol for the PSCs and DCC which incorporates the elements of the 2006 document that are still relevant and particular to LB Bromley with the advice in the LGA booklet which recommends Councils adopt a local code for these issues. This would allow members and officers have a clear reference for procedures and approaches which are specific to LB Bromley.
21. Procedures for speaking at the Committees are set out in Planning Division Information Sheet 1.4 available on the Council’s web site.

Assessment

22. The principal driver for us being invited to Bromley was the risk of the Council being designated as a poor performer due to its major appeal record (see 13 above). Whilst the Council has been unfortunate that 4 major allowed appeals related to 2 sites, the very high level of refusal of applications, the resultant high number of appeals, the success rate of appeals supported by further reading of the major appeal decisions and Members’ approach at the committees suggests certain trends, namely
- an overly strong presumption by the council to protecting the local environment over delivering necessary new development
 - an unduly strong emphasis placed on “local or ward views”
 - an approach to decision making which does not give sufficient weight to the primacy of National and up to date local planning policy
 - decisions taken after the original refusal because some reasons are not defensible at appeal.

We deal with these below.

22. We were only able to see one PSC and one DCC in action. Our overall impression is that whilst local people think the committee represents local level views well, the committees may not be operating in the best interests of the Borough as a whole. The relationship between members and officers appears strained and limits the effective delivery of the service. We set out below our comments and conclusions against the scope of the review set out in appendix 1.

Purpose

- *Is it clear that members of the Committee fully understand their role?*
 - We found:
 - Committees and members who are focused on maintaining the open character of the Borough, its conservation areas and areas of special character.

- Meetings that are run based on local knowledge, where debate starts with the ward view as opposed to a planning view of the application with subsequent ward input.
- Committees and members who do not appropriately balance ward/local views with the Borough wide agenda of
 - promoting economic development to generate new income and employment opportunities,
 - providing access to affordable, secure and decent homes
 - enhancing cultural and community activities across the Borough.

- An approach to new development which does not adequately recognise the demands being placed on the Borough. Repeatedly we heard that Bromley is different from the rest of London which suggests an unresolved tension between delivering local protectionist aspirations and fully engaging with the need to deliver the requirements of the London Plan. This approach is perhaps best summarised by the inspector at the appeal into new housing at the junction of South Eden Park Road and Bucknall Way, Beckenham, when he said

“...But it is clear that Bromley is likely to have to deliver a step change in dpa completions in coming years and that its recent failure to adequately balance the need to exceed the delivery of 641 dpa against a continued blanket protection of all UOS sites is unrealistic and unsustainable if London, the capital city and most prosperous part of the UK, is to achieve anywhere near its OAN (Objectively Assessed Need)...”

We note Council officers consider that the Inspector fundamentally misunderstood the OAN and that the current position is that Bromley has exceeded its housing target and there is nothing to suggest that this will not continue to be the case.

- We appreciate that the recently adopted Local Plan makes allocations for new housing and that the council currently has an adequate 5 year land supply but there could be increasing demands to deliver housing coming from the review of the London Plan and the local desire to protect the current character of the Borough may not be persuasive in forthcoming appeals (although it is noted that Bromley has objected to the draft London Plan and at present it is of limited weight). Indeed it was not surprising that the representatives of local residents societies were complimentary of the approach of the council and its planning committees as their views are often supported by the council’s decisions.
- The size of the Planning Sub Committees is acceptable but as explained above (para 15) the number of councillors involved and the limited cross over of members between each committee does raise issues of consistency.
- The size of the DCC is very large at 17 members and should be reduced to a more manageable size.
 - Paragraph 2.07 of the Constitution lists the functions of the Development Control Committee as
 - Planning and Conservation - responsible for all duties relating to planning and development control,
 - Unitary DevelopmentPlan,
 - Highways use and regulation, and
 - Common Land and Village Greens

The Plans Sub Committees are responsible for all powers and duties of the Council as Local Planning Authority.

In other words the PSCs are authorised to deal with all planning applications whatever their size. With the DCC and PSCs having the same powers to determine applications, there needs to be clarity about which types of applications are referred to the DCC for determination. We were unable to find a clear procedure for this. Indeed we gained the distinct impression that applications appeared on the DCC agenda in part to satisfy members wishes to have some planning applications to determine at each DCC rather than any structured approach. Consequently the purpose of the DCC in relation to handling planning applications needs to be clarified. We can see that it could have a role for example determining

- applications which are identified by previously agreed criteria as being large or strategic, or
- applications where the PSCs wish to make a decision which is contrary to officer advice, or
- applications where the PSCs decision could leave the council at risk of a cost award if an appeal was lodged

as well as the other responsibilities currently included in The Constitution.

- *Do the delegated agreement and process for ‘call ins’ serve to support the Committee members and officers in making best use of their time to look at the ‘right’ applications?*
- Whilst the percentage of delegated decisions has increased during recent years it is still at the lower end of the scale. Currently the delegation procedure allows all applications to be determined by officers unless the application is for
 - the approval of 10 or more dwellings
 - the approval of any new commercial development whether or not a major application
 - approval of any application resulting from an enforcement case,
 - and any application “called in” by any councillor, whether or not the application is in their ward or an adjoining ward.
 - An application is submitted by a Member or an officer

We saw an application decided by the DCC which was straightforward, with no local representations and was consistent with policy. This could have been determined by a PSC or most effectively could have been a delegated decision if the Scheme of Delegation did not require all new commercial development to be determined by councillors.

- The Scheme of Delegation is too restrictive. For example why are all new commercial applications and approval of enforcement cases singled out for committee attention? As with other procedures we believe this may be a historic approach and the scheme should now be reviewed.
- We identified a high level of call ins with concentrations from particular councillors and wards. We were surprised that call-ins can be made by any member regardless of whether the application is in their ward or not. In any event, and to avoid any misunderstandings, any request that delegated powers should not be exercised must be made in writing with reasons stating why PSC should determine the application. This approach accords with the council’s Good Practice Guidelines (2006) and the advice in “Probity in Planning”(p10).

- Going forward the level nature and source of call-ins should be monitored, reported to the DCC and options for maintaining suitable sized agendas explored.
- *Do members understand the process, and is the information they receive relevant and concise?*
- Councillors appeared to have a clear understanding of the committee process
- The agenda format, in particular the various lists, is confusing and staff were not aware of the reasons for it. The Good Practice Guidelines of 2006, provides some explanation but we suggest the format of the agenda is reviewed, in conjunction with
 - a review of the planning officer role at committee (see below)
 - questioning of what constitutes an application meriting special consideration (section 2 of the agenda) - would the public know why these applications are special?
 - a review of the relationship of PSCs to the DCC with perhaps applications, where Members wish to make a decision contrary to the officers recommendation, standing referred to the DCC
 - improving the quality of reports to the committee (see below)
 - a regular review of appeal decisions and the reasons for appeals being allowed ,especially when costs are awarded against the Council.

Format and Process

- *How are applications debated and voted on?*
- Councillors in the main concentrated on relevant planning considerations.
- Our discussions and experience of the committees suggest too great an emphasis is given to the “local view”. We were told that particular Ward Members put pressure on officers and members to secure refusals in their wards. In addition there is evidence that ward members appear as substitutes on the PSCs when applications in their wards are listed on an agenda, which is not good practice.
- We are concerned that ward members are attending as strong advocates for their ward and are also voting on the application. Members should be the champions of their residents, but in most cases should not decide applications in their own ward. This would reflect the approach advocated in “Probity in Planning” p10.
- Notwithstanding the bias towards the local/ward view, debate kept to the appropriate planning issues.
- There is inadequate involvement of officers in the debate, indeed we have the impression that councillors have a poor opinion of officers and do not welcome their advice at the Committee. Consequently the officer role is reduced to one of providing updates. The Council’s own Good Practice Guidelines of 2006 provides clear guidance (below) which should be incorporated in the revised protocol we have recommended. It can be updated to include/ reflect the advice in “Probity in Planning” by the LGA.

“Officers’ Right to Speak

The Chief Planner or his representative should be allowed to speak first on any item to correct or update the officers’ report, to set the scene and to summarise the gist of his advice. He/she should be entitled to respond throughout the debate, but at the

Chairman's discretion, to correct or amplify any potentially misleading statement by Members. If after the discussion, it appears that some Members are not following the officers' advice, the officer should be allowed to respond to any new points made and to address the implications of a contrary decision.

Reasons

Since the Chief Planners reports are written several weeks ahead of the committee meeting, it is sensible to allow the Chief Planner or his representative to update his report with the results of any outstanding consultations and late objections. Because the reports are publicly available prior to the committee meeting both applicants and objectors often asked for additional points to be made or factors stressed. To avoid complaints about maladministration, it is essential for the offices to be allowed to amplify the report. On many controversial proposals that have a complex history, it is useful for the officer to point out the salient issues. It is not unusual for Members in debating the issues to make comments that might be interpreted as misleading. This is not intended to be a criticism of Members since questionable information may have been provided by applicants or objectors, or the officer's report should perhaps have been framed more clearly. In these instances again, it is essential for any such comments to be amplified or corrected by the officers to avoid the decision being based on arguably inaccurate facts, or misunderstanding. It is open to Members to refuse an application that has been recommended for permission, but before the final vote is taken the officer ought to be allowed to speak to clarify any matters or point out the implications of the Members' decision, as well as comment on any conditions or suggested grounds of refusal."

(LB Bromley Development Control Good Practice Guidelines 2006)

- The Committees were well chaired.
- Voting procedures at the Committee were very clear.
- Care should be taken to ensure, where the motion is different from the officers' report, that the reasons for refusal or for approval and any necessary conditions are clear before the vote is taken.
- The Committee has a procedure for deferral of decisions to a later PSC which are contrary to officer recommendations to approve (Section 4 of the PSC agenda). Where a final decision to refuse could make the Council vulnerable at appeal and awards of costs, officers should seek a deferral of the item for one cycle of the committee so that a confidential report which sets out the risks can be prepared and avoids officers having to advise on these issues in public.. The decision on the relevant application should however always be made in public. An alternative would be to defer such applications to the next meeting of the DCC. This would emphasise the role of the DCC as the "parent committee".
- Care should be taken that motions for refusal are always clearly put and well defined to enable officers to formulate effective reasons for the minutes and decision notices.
- *Does the standard, clarity and layout of Committee reports support the Committee process?*
 - Good decision making starts with good, clearly understood information.
 - We strongly support the recent change to officers providing a clear, well reasoned recommendation to either approve or refuse each application. This approach is best practice

and to continue with the previous approach, of providing optional recommendations, is not supported nor is it in accordance with the Royal Town Planning Institute Code of Practice.

- The reports are too long and fail to concentrate on the issues central to a determination of the particular case. In a desire to cover everything, the key issues of policy that are important are not sufficiently prominently highlighted.
- The report should state why the application has been presented to the committee for a decision. If the application has been called-in the report should state by whom and why.
- A precis of consultee comments should be given and not provided verbatim.
- The reports should include maps, plans and drawings which adequately describe the proposal rather than relying on members viewing details on line before hand or by passing a file around the committee table during discussion. This latter practice seems counterproductive as it distracts members from the debate, is not clear to members of the public and assists the perception that the committee does not fully appreciate the issues of particular cases.
- Members should also be encouraged to access the relevant file on line prior to the committee meeting.
- Examples we saw which support this change to reports and the introduction of presentations at committee were:
 - decision on whether or not to allow a second dormer window on a front roof line in an Area of Special Residential Character would have been better informed and more robust if photographs of the site and street had been provided in an initial presentation.
 - debate about the height and design of proposed dwellings on a constrained site appeared uninformed, as no graphics were available.
 - debate on whether to allow an increase in the number of dwellings on a site by subdividing previously permitted units would have been better informed if plans and drawings showing the approved and proposed structures had been provided prior to the debate or referred to by officers when it was clear a decision contrary to their advice was likely to be made. (This refusal leaves the council open to a difficult appeal.)
- *Does the presentation of Committee reports by Planning Officers support the Committee process?*
 - There are no presentations by officers at the committees. Instead a file of plans and relevant information is handed round the members during debate. We found this a particular failing and it must be addressed. We were left with the distinct perception that councillors did not always know the sites referred to nor did they appreciate the design and impact issues arising from the various applications. The lack of presentations does foster poor perceptions of the committees by the public potentially bringing the council into disrepute.
 - The committee being provided with an illustrated presentation with site/contextual photographs and relevant plans/drawings would aid the debate and improve the perception for those attending that the applications and their context were clearly understood.
- *What is the process for Councillor site visits, how are views recorded and reported back to Committee?*
 - Our impression is that site visits by the committee are very infrequent and we did not discuss them. The 2006 Good Practice Guidelines confirms that these visits are for fact finding only and the merits of the case should not be discussed. Procedures for agreeing and handling site

visits should be reviewed. Consideration might also be given to early site visits for the largest and most complex applications. There is also useful advice on page 15 of “Probity in Planning”.

- For the larger and more complex applications, the absence of clear photographs Plans and 3D images as well as no site visits gives a poor impression of the decision making process
- *Does the Committee chamber layout support the Committee process?*
 - No - see Customer Experience below.
- *How effective are the arrangements for training Committee members?*
 - see Quality and Improvement section below

Customer Experience

- *How is public engagement managed at the Committee?*
 - Speakers at the Committee appreciated the welcome and clear guidance provided.
 - Customers told us, and we saw, the welcoming and inclusive style of the Chairs of the Committees.
 - Speakers seemed to appreciate the opportunity to respond to questions from councillors.
 - Speakers described the room as intimidating (see customer experience below)
 - Customers reported well run, professional and effective Committees.
 - Committee agendas are available well in advance and easily accessible for customers via the [mod.gov](#) app.
- *How could public understanding of the role, and limitations of the Planning and Development Control Committees be improved?*
 - Using Committee Room 1 instead, unless a very large number of the public are expected to attend, as the layout of the Council Chamber is restrictive and intimidating for those taking part in proceedings. Officers have raised concerns about member security if a smaller room is used but many other Councils hold meetings in smaller more intimate rooms without security issues. Additionally security staff are on duty in any event should they be needed. This issue should not prevent the Council developing a more inclusive approach to its customers at planning meetings.
 - Customer experience at the Committee meeting is mixed.
 - Customers are clearly directed to the Council Chamber and welcomed by staff.
 - Details of applications that have been withdrawn are displayed as is how to access the Council’s public Wifi.
 - The acoustics of the Council Chamber are poor and the layout of the room makes it very difficult for the public to hear.
 - The committees felt very distant from the public gallery.
 - The layout of the tables as “T” meant that the councillors could not be clearly seen and that views of the people on ends of the top table were blocked, making it more difficult for these officers to interact with the committee members.

- No information is available about of how the Committee will operate or on emergency evacuation procedures. A laminated A4 sheet with this information might prove helpful to the public.
- *How should public representations be managed during the Committee?*
 - The public welcomed the opportunity to address the Committees and answer questions. The 3 minute allowance for speakers is adequate, successful and mirrors many other councils.

Roles and Responsibilities

- *Is the role of Councillors on the Committee, and more widely, understood in relation to the handling of planning applications and ensuring probity?*
- Member's involvement in applications seems to be solely at the end of the process i.e. at committee. This is often too late in the process and prevents the opportunity for active engagement with the local point of view at a stage when change/improvements to developments could more easily be made. We suggest a more proactive approach to pre-application discussions on major applications involving:
 - meetings with developers attended by members and officers to discuss early ideas and to set out likely local concerns
 - presentations to a wider audience of members of the planning committees, again to understand the issues likely to be of concern, and
 - on the biggest applications
 - public engagement events, and possibly
 - the presentation of an early issues report to the PSC/DCC to confirm officers are covering all the areas members would wish.

These measures ensure that

- no big surprises happen at the determining committee
- local concerns can be fully considered and where possible ameliorated
- applications are less likely to be refused for reasons that cannot be adequately supported at appeal
- perceptions of the council will change from being highly regulating to facilitating and consequently more in tune with national policy in the NPPF.
- Officers should encourage Ward Members to contact them to discuss potentially contentious applications and members should respond positively to the initiative.
- There is no specific Planning Code of Practice for Members and we believe that the Council would benefit from more tailored advice and procedures. Some advice is provided in the Development Control Good Practice Guidelines (2006) but this should be updated to reflect the changed roles of councillors following the Localism Act 2011.
- Officers should encourage and facilitate the involvement of Ward Members in pre application discussions to ensure early discussion of local views and issues. Their involvement should not be prevented on grounds of commercial confidentiality. Ward members should be trusted to maintain confidentiality.

- Officers should seek greater opportunities for effective and meaningful member and community involvement in pre-application discussions particularly around major developments.
- *Is the role of the Portfolio Members at Committee understood by all concerned?*
 - Only 3 of the 31 PSC and DCC members are also members of the Executive. This seems quite a low proportion and the council may wish to give consideration to having at least one Executive member on each of the PSC and DCC to ensure that strategic issues are adequately addressed as part of debate.
- *Is the support from officers at the Committee consistent and of high quality?*
 - There is little dialogue between officers and members and little evidence of an atmosphere of mutual trust and respect.
 - Officers should be enabled to provide appropriate advice, clearly explain the relevance of national and local policy and feel confident to advise Members when their approach to an application is difficult to support in planning terms. This approach follows the Good Practice Guidelines of 2006. The importance of having a clear unambiguous professional recommendation cannot be overstated. It reflects both best practice and the requirements of the RTPi. The previous practice of option recommendations should not be reintroduced.

Quality and Improvement

- *How effective are the arrangements for training Committee members?*
 - Training on planning matters is provided but from what we learnt is limited and not compulsory. Effective training should be compulsory for all Members who wish to sit and vote on the PSCs and DCC and to substitute. Additional training on specific topics should also be provided on a regular basis. A list of trained members should be maintained by Democratic Services and available to the Chairs of the committees to ensure that only trained members make decisions. The Standards Committee also has a role to monitor and advise on these matters. It is not sufficient to only rely on induction training; continuing member training for planning members is vital.
 - Training could be extended to
 - reviewing appeal decisions particularly major appeals
 - viewing the results of decisions on the ground and evaluating what went well and what didn't.
 - design and place making especially in relation to higher density housing and the implications of the new NPPF
- *What monitoring and review arrangements are in place for the Committee to assess its performance?*
 - Reports to the DM Committee on the performance of the Planning Department and on the results of appeals are sporadic. These should be presented on a regular/quarterly frequency. Reporting on appeals should explain the reasons for refusal and the Inspector's decision which would provide a very good way of examining issues and good training.

Conclusions

23. We found well chaired committees but a decision making process which was not working well. The decisions being made at both delegated and committee level result in very high levels of refusals and too many appeals. Whilst this may in part reflect the particular geography of the Borough, we are not convinced that this is the sole reason. We saw an approach where, amongst other issues:

- The local view was frequently given too much weight
- Members are not adequately fulfilling their borough wide role and determining applications in the wider public interest,
- Ward Members are voting on applications in their own wards,
- Members have little trust or respect for their officers or the advice being provided,
- Officers feel prevented from an active participation in the committee process,
- Too many reasons for refusal are not capable of support at appeal and officers are having to seek committee approval not to defend them.
- too many applications are being called to committee ,
- the Scheme of Delegation was not effective and requires review,
- the lack of plans, drawings and photographs in reports and the absence of officer introductions/presentations at committee meetings hampered effective debate and undermined positive perceptions of the Council,
- there is little member involvement in pre-application discussions,
- In the sections above we have identified areas of good practice and made suggestions where improvements would be beneficial identified areas where improvements could be made,
- public engagement is hindered by the size and layout of the Council Chamber.

24. Some of the issues we have highlighted were addressed by the Council's own Guide to Good Practice (2006). We appreciate, with the introduction of the Localism Act and changing attitudes to member involvement, that some of this document is out of date and that more recent advice is given in the LGA booklet "Probity in Planning" (2013). The later booklet advises councils to develop their own codes and procedures and to document these so that all participants in the committee process have a clear point of reference. We strongly urge the Council to revise and update the 2006 document to reflect modern advice and practice.

25. We hope the insights provided are helpful, and that you are able to take forward many of the suggestions.

26. We wish you well for the future.

Cllr Melvyn Caplan and Martin Vink

May 2019

Appendix 1 - SCOPE OF THE REVIEW

The review has considered the following five aspects of the way the Planning Committee functions:-

Purpose

- Is it clear that members of the Committee fully understand their role?
 - Do the delegated agreement and process for 'call ins' serve to support the Committee members and officers in making best use of their time to look at the 'right' applications?
 - Do members understand the process, and is the information they receive relevant and concise?
-

Format and Process

- How are applications debated and voted on?
 - Does the standard, clarity and layout of Committee reports support the Committee process?
 - Does the presentation of Committee reports by Planning Officers support the Committee process?
 - What is the process for Councillor site visits, how are views recorded and reported back to Committee?
 - Does the Committee chamber layout support the Committee process?
 - How effective are the arrangements for training Committee members?
-

Customer Experience

- How is public engagement managed at the Committee?
 - How could public understanding of the role, and limitations of the planning Committee be improved?
 - How should public representations be managed during the Committee?
-

Roles and Responsibilities

- Is the role of Councillors on the Committee, and more widely, understood in relation to the handling of planning applications and ensuring probity?
 - Is the role of the Portfolio Holders at Committee understood by all concerned?
 - Is the support from officers at the Committee consistent and of high quality?
-

Quality and Improvement

- How effective are the arrangements for training Committee members?
 - What monitoring and review arrangements are in place for the Committee to assess its performance?
-

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1. Introduction
2. Referral of Applications to Committee
3. Agenda and Reports
4. Site Visits
5. Late Representations
6. Public Speaking Procedure
7. Order of Proceedings
8. Decision Making and Voting
9. Councillor and Officer Roles

1 Introduction

1.1 Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.

1.2 The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate. Planning decisions are based on balancing competing interests and making an informed judgement against a local, regional and national policy framework.

1.3 The seven principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, both nationally and locally, and as such applies to councillors and officers. The overarching principles were first set out by Lord Nolan in 1995 in the Government's First Report on Standards in Public Life. They were reasserted and refined in subsequent reports of the Committee on Standards in Public Life, most recently the Local Government Ethical Standards Report published in 2019. These principles are:

- **Selflessness:** holders of public office should act solely in terms of the public interest.
- **Integrity:** holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity:** holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability:** holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness:** holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** holders of public office should be truthful.

- **Leadership:** holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

1.4 This protocol and code of conduct applies to all planning committee meetings, currently known as Development Control Committee and Plans Sub Committees, and to all Officers and Councillors attending committee meetings. Reference to planning committee is to either of these meetings. Planning committee is a formal meeting of elected Members who make statutory decisions as the Local Planning Authority.

1.5 The purpose of this document is to help all those involved with planning committees, and in particular those making decisions, be consistent in their behaviour and approach and to ensure that the meetings are conducted fairly, transparently and in accordance with the relevant legislation. It has been produced in accordance with the Planning Advisory Service publication 'Probity in Planning' – December 2019.

1.6 In addition, where permission is refused, applicants can appeal against planning decisions to the independent Planning Inspectorate, with a possibility of costs being awarded against the Local Planning Authority if unreasonable behaviour by the Authority can be demonstrated. Appeals can also be submitted against the imposition of planning conditions.

1.7 Planning decisions can be the subject of judicial review, and aggrieved parties can go to the Local Government and Social Care Ombudsman with complaints about

maladministration. Adherence to this protocol will minimise the risk of appeals being lost, successful costs claims, lost court cases and upheld complaints.

2. Referral of Applications to Committee

2.1 Applications can be included on a committee agenda for any of the following reasons:

1. They are subject to a written 'call in' by a Councillor
2. They fall outside of the powers delegated to Planning Officers
3. Planning Officers decide to refer the application to committee

2.2 This is a summary and reference should be made to the Scheme of Delegation (Appendix 10 of the London Borough of Bromley Constitution https://www.bromley.gov.uk/downloads/download/211/constitution_of_the_london_borough_of_bromley) which provides the constitutional framework for powers of delegation to Officers and sets out the arrangements for 'call in'.

2.3 Planning applications, tree matters and contravention reports can be considered by either Plans Sub Committee or Development Control Committee. Matters of policy and strategic reports are only considered by Development Control Committee.

2.4 If an application is to be considered at planning committee (see 2.1 above), the following procedures apply to determining which committee to report it to:

- 'Non-major' applications are considered by Plans Sub Committee unless the Assistant Director (Planning) determines that the application is of strategic importance and refers it to Development Control Committee.

- 'Major' applications - Officers recommend a decision route and this is agreed by the Chairman and/or the Vice Chairman of Development Control Committee within 3 working days of receiving the Officer recommended decision route in writing. This will normally be via a monthly recommendation list.

3. Agenda and Reports

3.1 The planning committee agenda will include planning applications in numerical order based on the application reference number.

3.2 Application reports are normally presented in a standard format provided by the Assistant Director (Planning). Reports will identify and analyse the material considerations, of which the committee will need to take account when considering the application on its planning merits. The presentation of reports for matters other than applications may vary according to their content but will present a clear recommendation where appropriate.

3.3 Planning committee agendas must be published on the Council's website a minimum of 5 working days prior to the committee meeting.

3.4 Planning application reports will always include an officer recommendation for approval or refusal. Non application reports will include a recommendation where appropriate.

4. Site Visits

4.1 Planning Officers will normally visit each application site and these visits are used to inform the committee report and recommendation. Photographs from these visits are often used within reports to illustrate particular important points.

4.2 For formally arranged Councillor site visits, the Chairman of the relevant committee in consultation with the Assistant Director (Planning) or Head of Development Management will decide whether a site visit for committee members is necessary in advance of any particular application being determined at committee. Such visits will not be publicised.

4.3 A site visit for committee members is only likely to be necessary if either:

- I. the impact of the proposed development is particularly difficult to visualise from the plans and any supporting material, including photographs taken by officers; or
- II. the proposal is particularly contentious

4.4 Formally arranged site visits are for observing the site and gaining a better understanding of the issues. They should not be used as a lobbying opportunity by applicants or their agents, local residents, objectors or supporters or for debating any aspect of the proposal or for making any decision. Councillors will usually be accompanied by a Planning Officer.

4.5 It is often useful for committee members to visit a site to familiarise themselves with it prior to consideration of an application at committee. If Members

do encounter an applicant or neighbour during any informal visit, they should not express an opinion, either for or against.

4.6 Doing so could be misinterpreted as lobbying and may create a suspicion of bias. If such contact is made this should be declared in Committee, but this should not prevent that Member from taking part in the consideration of that application provided they have acted in accordance with the advice in this Protocol.

5. Late Representations

5.1 Planning applications involve public consultation which has to comply with a legal statutory minimum requirement. In many cases we consult over and above the statutory minimum and our approach to this is set out in Section 4 of our published Statement of Community Involvement

https://www.bromley.gov.uk/info/1004/planning_policy/154/statement_of_community_involvement.

5.2 Public consultation on planning applications includes a formal period for representations to be submitted, and representations are accepted only on a discretionary basis after the expiry of the formal consultation period. Representations received after formal consultation has closed are not guaranteed to be considered in the determination of an application.

5.3 To ensure that all representations can be assessed and presented to planning committee as appropriate, it is necessary to have a cut off time for receiving representations on applications to be considered at committee and this is 12 noon on the day of the meeting. The Assistant Director (Planning) has the final decision on whether to accept late representations.

5.4 As committee reports are prepared and published some time in advance of committee meetings, any representations (including those from consultees) received after publication of the report will be uploaded to our website and may be verbally summarised by the Officer attending the meeting.

5.5 If late representations affect the conclusions of the report or recommendation this will be reported verbally to the committee.

5.6 Documents must not be distributed to committee members at the committee meeting (including by public speakers) to ensure that the material considered in the determination of the application is available to all.

6. Public and Visiting Councillor Speaking Procedure

6.1 Members of the public making written comments on planning applications which are to be considered by a planning committee have the opportunity to verbally address Councillors at committee if they wish. Anyone wishing to speak must have already written in expressing their views on the application. Speakers are not normally permitted on items other than planning applications.

6.2 Members of the public wishing to speak at planning committee must give notice to the Democratic Services Team of their intention to speak by calling 020 8313 4745 or 020 8461 7566 no later than 10:00 am on the working day before the meeting. Requests to speak will only be registered once the relevant agenda has been published.

6.3 Should speakers wish to table any correspondence or photographs to supplement their speech to the committee, all documents must be submitted to the

Democratic Services Team by 5.00 p.m. on the working day before the meeting. A permanent copy of any item must be provided and it is not acceptable to refer to online maps, photographs on phones/ipads or similar. The Chairman's agreement must be sought at the meeting for any items to be considered.

6.4 Order of public speakers: if the recommendation is 'permission' then it will normally be the opponent first, supporter second. If the recommendation is 'refusal', the reverse order will apply.

6.5 Normally one person is permitted to speak for an application and one person permitted to speak against it. If there are more than two requests to speak for or against, people with similar views should get together and agree spokespersons. , If there is no agreement, the first person to notify Democratic Services of their intention to speak will be called. Among supporters, the applicant (or if the applicant wishes, the agent) takes precedence, and if the applicant or agent do not wish to speak, the first supporters will be called.

6.6 Residents' Associations or other organisations wishing to make use of these arrangements must appoint a single spokesperson to represent their views.

6.7 Speakers are reminded that only material planning considerations are relevant to the determination of planning applications.

6.8 Each speaker will normally be given up to three minutes and this will be indicated by the warning light system in front of the speaker: - an amber light will show the passing of two-and-a-half minutes and a red light will show the completion of the three minute period. At the red light the Chairman will normally ask the speaker to cease their presentation.

6.9 Members of the Committee (but not visiting Ward Members) may ask speakers to clarify points raised. Otherwise, once members of the public have spoken, no further intervention will be permitted. Visiting Members must not sit with members of the committee or sub-committee.

6.10 Visiting Ward Councillors should notify the Democratic Services Team of their intention to speak at committee prior to 5:00pm the day before the meeting. Visiting Councillors do not have a formal time constraint but should aim to keep their presentation to within 3 minutes. Any representations must be limited to material planning considerations

7. Order of Proceedings

7.1 Whilst the order of consideration of items at planning committee is ultimately a matter for the Chairman, planning applications will normally be heard first, followed by other items.

7.2 The Chairman will normally vary the order of the agenda taking items with visiting Councillors and public speakers first. Speakers and visiting Councillors should leave the table once they have spoken, prior to the debate on the item commencing.

7.3 Matters will proceed for each item as follows, skipping items where there is nothing to report or no speaker present:

1. Update from Planning Officer and presentation for major applications
2. Public speaker(s) (see 6.7 above)
3. Visiting Ward Councillor (see 6.13 above)

4. Committee debate
5. Chairman summarises motions put and seconded
6. Chairman to clarify reasons for refusal or permission if different to that recommended or if additional reasons / conditions are to be added
7. Planning Officer opportunity to advise committee prior to motion being considered
8. Vote taken
9. Chairman to summarise and confirm the decision

Planning, legal and other professional officers have a right to be heard and to give advice within their area of professional expertise at any point in the consideration of an application.

7.4 The Chairman should be careful to ensure that additional conditions or reasons for refusal are clearly identified prior to going to the vote and not afterwards to ensure that the committee is clear what it is voting on. The Chairman can take advice from legal planning or other professional officers present.

7.5 Should there be differing views about the content of reasons for refusal or conditions, the Chairman may take a separate vote following the main vote to clarify the outcome.

7.6 Committee members are given the opportunity to record their vote against whatever motion is put if they wish.

7.7 It is important for the quality of decision making that the Planning Officer is provided with an opportunity to update Members and make any final comment

immediately prior to the vote being taken to help ensure that the committee is fully aware of any further advice pursuant to the debate / motion.

7.8 Meetings will normally finish by 10:00pm.

8. Decision Making and Voting

8.1 The Chairman should take the motion that is proposed and seconded first and only if that motion fails move to the next motion that is proposed and seconded.

8.2 Should votes for or against a recommendation both fail it is still open to the committee to consider whether they might defer the application for possible changes to make it acceptable to the majority of the committee. The Chairman can use her or his casting vote to decide if voting is equal for and against a motion.

8.3 Councillors should state motions they put clearly and include any specific changes they propose to the officer recommendation so that the committee understand the extent of the motion being proposed (see also 7.5 above).

8.4 When voting, committee members should raise their hands clearly to ensure an accurate count for the vote.

Motions and Votes Against Officer Recommendation:

8.5 If a motion is proposed that contradicts that in the Officer report the Planning Officer should be given the opportunity to give the committee advice on that motion prior to any vote. That advice will be based upon the material considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge. The solicitor advising the Committee will be called upon as necessary to give advice on legal matters.

8.6 If the officer considers that he/she is unable to give that advice immediately, further consideration of the matter will be suspended and the agenda item will be adjourned so that the officer can bring a report to the next available committee setting out his/her advice.

9. Councillor and Officer Roles

9.1 The PAS publication 'Probity in Planning' 2019 states: *"Councillors and officers have different but complementary roles within this system, and effective communication and a positive working relationship between officers and councillors is essential to delivering a good planning service.."*

9.2 The 7 Standards of Public Life identified in the Localism Act 2011 are:

- Selflessness – public interest
- Integrity – not open to inappropriate influence/private gain
- Honesty – truthful; declaration of interests and gifts
- Objectivity – use best evidence; impartial; non-discriminatory
- Accountability – open to scrutiny
- Openness – open and transparent decisions in public
- Leadership – uphold and exhibit standards and behaviours

9.3 The Planning Advisory Service Report for Bromley (May 2019) states: *"The role of Councillors on the Committees presents a challenge to the individual. It is often considered to be a quasi-judicial role, but has been described as*

“A formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly.”

(Local Government Association/Planning Advisory Service: Probity in Planning for Councillors and Officers 2013.)

In this role Councillors are expressly being asked to place to one side any party political interests, and their role as the representatives of a particular ward, and assess, debate, and then determine often controversial planning proposals in the wider public interest of the whole Council area, and in line with national and local planning policy. They must do so in a way which demonstrates they have understood their role and have approached the decision point open to considering and weighing the merits of all the material issues.”

Members must never consider applications submitted by themselves, a family member or a close personal associate, and must comply with the Members Code of Conduct at all times when such applications are submitted.

If on consideration of a planning application a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that a Member was biased the Member must recuse themselves from consideration of that application.

9.4 The role of the committee Chairman is to lead and manage the committee and in particular:

- determine the order in which questions may be addressed from the committee members following the officers presentation;

- ensuring that the public speaking procedure is followed;
- managing the committee debate about applications including the order in which Councillors who wish to address the committee may speak;
- determining when the debate has come to a close and votes should be cast in the order in which the motions were first completed (i.e. where the motion has been moved and seconded by Members of the Committee).
- ensuring that debate and decisions made are suitably focused on relevant planning considerations.

9.5 Councillors sitting on the planning committee should:

- make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons.
- consider only material planning considerations in determining applications
- exercise their responsibilities with regard to the interests of the London Borough of Bromley as a whole rather than with regard to their particular Ward's interest and issues;
- Come to meetings with an open mind.
- Not allow anyone (except officers, other committee Members and public speakers when they are addressing the committee) to communicate with them during the meeting (orally or in writing) as this may give the appearance of bias. For the same reason, it is best to avoid such contact immediately before the meeting starts.
- Consider the advice that planning, legal or other officers give the committee in respect of the recommendation or any proposed amendment to it.

- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires the Local Planning Authority to make decisions in accordance with the development plan unless there are good planning reasons to come to a different decision.
- Come to their decision only after due consideration of all of the information available to them, including the local information that Members are uniquely placed to access, but always remembering to take decisions on planning grounds alone. If Members feel there is insufficient time to digest new information or that there is insufficient information before them, then they should seek an adjournment to address these concerns.
- Not vote on a proposal unless they have been present to hear the entire debate, including the officer update and any public speaking.
- Make sure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the development plan, that they clearly identify and understand the planning reasons leading to this conclusion and that they take into account any advice planning, legal or other officers give them. Their reasons must be given prior to the vote and be recorded. Be aware that they may have to justify the resulting decision by giving evidence in the event of challenge.
- Members should avoid requests for officers to speed up or delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.
- seek to attend relevant training and briefing sessions organised from time to time for them.

9.6 The role of Planning Officers at committee is:

- to use professional judgement when recommending decisions on applications and other planning matters.
- to provide professional advice to the committee on planning applications and other matters at any point in the meeting.

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Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 23 July 2019**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **PLANNING COMMITTEE IMPROVEMENTS**

Contact Officer: Tim Horsman, Planning Development Control Manager
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

Following a light touch review of planning committee processes by the Planning Advisory Service, a number of recommendations are put forward by Officers for Members to consider. These recommendations are set out in the report, along with suggestions as to how these might be taken forward.

2. **RECOMMENDATION(S)**

Members are asked to agree the recommended actions in the report below. The committee is asked to agree that the resolution be taken forward by Officers in consultation with the Chairman and Vice Chairman, and progress be reported back to committee as soon as practicable, but in any event before the end of 2019.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 67.2ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Council requested that the Planning Advisory Service (PAS) carry out a review of the Council's planning committees in order to inform potential service improvements and to assist with sound decision making.
- 3.2 Officers have subsequently drawn up a number of recommendations to help take forward improvements to the planning service and in particular the operation of planning committees and this report seeks committee agreement to suggested actions following on from these recommendations.
- 3.3 The recommendations are set out below with suggested actions to be taken forward by Officers and / or Councillors:

PAS Recommendation	Proposed Action
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach
13. Where motion goes against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken	Councillors to note and action
14. Deferral of items where there is a	This is potentially too onerous and would create

risk of losing appeal and / or costs	unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report
19. Effective compulsory training should be provided for all committee members including substitutes and a list of trained Members retained	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.
20. Regular reports on performance of planning and appeals team	Quarterly reports to DCC

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage. Better decision making may result in a reduction of costs awarded against the Council at appeal.

5. LEGAL IMPLICATIONS

- 5.1 Suggested measures should reduce the likelihood of legal challenge against planning decisions

Non-Applicable Sections:	PERSONNEL IMPLICATIONS POLICY IMPLICATIONS IMPACT ON VULNERABLE ADULTS AND CHILDREN PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) 2013

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Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Thursday 3 October 2019**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **PLANNING SERVICE IMPROVEMENTS**

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

Following a light touch review of planning committee processes by the Planning Advisory Service, a number of recommendations were put forward by Officers for Members to consider. These recommendations were set out in a report to this Committee in July 2019, along with suggestions as to how these might be taken forward. This report provides an update on these recommendations and some specific matters for the Committee to consider.

2. **RECOMMENDATION(S)**

1. **Members are asked to note the timescales and updated actions set out in the report.**
2. **Members are asked to agree the proposed method for determining whether cases are reported to Development Control or Plans Sub Committee (see recommendation #3 and paras 3.4 - 3.7 below).**
3. **Members are asked to confirm the changes to the delegated powers and types of cases which are currently routinely reported to committee (see recommendation #4 and paras 3.8 – 3.12 below).**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 52.19ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Council requested that the Planning Advisory Service (PAS) carry out a review of the Council's planning committees in order to inform potential service improvements and to assist with sound decision making.
- 3.2 Officers have subsequently drawn up a number of recommendations to help take forward improvements to the planning service and in particular the operation of planning committees and this report seeks committee agreement to suggested actions following on from these recommendations.
- 3.3 The recommendations are set out below with suggested actions to be taken forward by Officers and / or Councillors and updated since the July 2019 report to this committee to include an update with timescales:

PAS Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft	Draft to be completed by end of November 2019
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria provided for agreement – see below
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Suggested changes provided for agreement – see below
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Officers have noted improved information is being received with 'call ins' as recommended
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	Separate report on this agenda
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Draft to be completed by end of November 2019
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	Expected to be trialled at November DCC
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Draft to be completed by end of November 2019
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	To be reported to November DCC
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing

12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach	No action at present
13. Where motion goes against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken	Councillors to note and action	Ongoing
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Improvements targeted for DCC November 2019
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing and first presentation to Members took place on 16 th September
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee	No action at present

	Members and in the committee report	
19. Effective compulsory training should be provided for all committee members including substitutes and a list of trained Members retained	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	Draft training programme to be presented to November DCC
20. Regular reports on performance of planning and appeals team	Quarterly reports to DCC	Report on this agenda

Recommendation #3 – Criteria for applications for Development Control Committee

- 3.4 Currently there are no agreed criteria to distinguish Plans Sub Committee (PSC) cases from Development Control Committee (DCC) cases. Following discussions between the Chairman, Vice Chairman and Officers, it is recommended that rather than introduce a specific criteria (such as all major applications) to determine which cases are considered at DCC, it would be preferable to have a system with some discretion but which provides more clarity than at present.
- 3.5 Having a specific threshold such as all major applications would mean it would be more difficult to avoid non-strategic applications being considered by DCC (for example a very small development on a site large enough to qualify as a major application, or a minor amendment to a previously approved major application).
- 3.6 It is therefore proposed that Officers will produce a monthly list of major applications received which will include recommended decision making route (delegated, PSC or DCC). This will be sent to the Chairman and Vice Chairman for a response within a set period (possibly 3 working days) so that strategic DCC cases can be identified and their decision route agreed at the earliest opportunity. The decision making routes agreed will then be followed with the only exception being identified delegated cases which are subsequently called in to committee, which will go to PSC.
- 3.7 This approach would also assist with some of the other points raised in the PAS report around Member / Officer liaison and major applications.

Recommendation #4 – Scheme of delegation to be broadened

Side Space

- 3.8 Although not formally excluded from delegated powers in the Council's constitution, DCC have previously resolved that any cases which involve development of 2 or more storeys and do not provide a 1 metre sidespace (in relation to Local Plan Policy 8) and where Officers wish to approve should be considered at committee and this has become standard practice. However, many of these cases are not controversial and could be determined under delegated authority.
- 3.9 Officers would recommend that all such cases be left for Officers to determine unless called in in the normal way. It has also been suggested that cases in Conservation Areas and Areas of Special Residential Character remain subject of committee decision. Members are asked to

consider this and whether normal call in powers could apply.

New Commercial Development

- 3.10 At present the delegated powers exclude all new build commercial development (except extensions, resubmissions and revisions). This means that some very minor and / or uncontroversial cases are reported to committee. It is recommended that this be altered to require only major applications for new commercial development, to allow smaller uncontroversial schemes to be determined under delegated authority.

New Housing Development

- 3.11 The current threshold for new housing development under delegated powers is 10 units or less. Whilst this threshold does not currently cause many cases to be considered at committee that would not otherwise, if the Council does start to receive more housing applications following the adoption of potentially higher housing targets in the new London Plan, it may be helpful for this threshold to be raised further, to say 20 units so that uncontroversial schemes up to this size could be considered under delegated powers.
- 3.12 With all of the above suggested changes, normal Councillor 'call in' powers would still apply.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings and other commitments involving greater staff input or external support.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.

5. LEGAL IMPLICATIONS

- 5.1 Suggested measures should reduce the likelihood of legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) 2013 Bromley Council Constitution

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 26th November 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING SERVICE IMPROVEMENTS

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service and seeks Member approval for the new committee report template for planning applications and topic list for training.

2. **RECOMMENDATION(S)**

1. **Members are asked to note the timescales and updated actions set out in the report.**
2. **Members are asked to agree the new draft committee report template**
3. **Members are asked to agree the topic list for training**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.7m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 52.19ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft	See para 3.2 below
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria agreed at DCC in October 2019
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Changes agreed at DCC in October 2019
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	First report came to DCC in October 2019 and will be reported every six months
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	See para 3.6 below and Appendix 1
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	Expected to be trialled at DCC. Also see recommendation below
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	See para 3.6 below and Appendix 1
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	Reported on this agenda
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach	No action at present
13. Where motion goes against Officer recommendation, clear reasons for refusal or	Councillors to note and action	Ongoing

conditions to be agreed before vote is taken		
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory training should be provided for all committee members	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not	See para 3.11 below

including substitutes and a list of trained Members retained	need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	
20. Regular reports on performance of planning and appeals team	Quarterly reports to DCC	Next report January 2020

Recommendation #1 – New Local Planning Protocol

- 3.2 The Planning Advisory Service report put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. This protocol would allow members and officers have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication ‘Probity in Planning’.
- 3.3 A Protocol is currently being drafted and will be presented to the January Development Control Committee for agreement.
- 3.4 The basic structure of the document will be as follows:
1. Introduction
 2. Referral of Applications to Committee
 3. Agenda and Reports
 4. Site Visits
 5. Late Representations
 6. Public Speaking Procedure
 7. Order of Proceedings
 8. Decision Making and Voting
 9. Councillor and Officer Code of Conduct
- 3.5 This approach would provide an agreed foundation for good decision making in Bromley and help avoid potential for ‘designation’ as well as challenges against decisions made including appeals and possible successful costs claims against the Council.

Recommendation #7 & 9 – Improvements to Committee Reports

- 3.6 Officers have carried out research on practice from other Boroughs and carefully reviewed the existing committee report format. The result of this work can be seen at Appendix 2 in the form of a new draft committee report format template and extracts from an example report.
- 3.7 Key changes can be summarised as follows:
- The header of the report has been redesigned to include all key information
 - Paragraphs are all now numbered
 - Reason for consideration at committee is included
 - Summary information about the application is provided in table form including: land use, number of dwellings, parking spaces, number of representations, amounts and type of s106 contribution
 - Consultee comments are summarised and not normally reproduced in full

- Images including site photos and extracts from application drawings are used
 - Conclusion is much more concise and sets out clearly the matters to be considered
- 3.8 The changes are intended to convey key information more readily to help Members and the public understand the key planning considerations which are being considered. The addition of pictures and drawings will also enhance the content of the reports and assist in decision making.
- 3.9 If the proposed changes are accepted, it would be the intention to introduce the new draft format from early in 2020 to both Plans Sub Committee and Development Control Committee.
- 3.10 The possibility of visual aids using a screen to accompany the consideration of applications at Development Control Committee is also being explored.

Recommendation #19 – Effective Training for Members

- 3.11 Officers are working on a comprehensive training offer for all Member and not just those who sit on planning committees. It is appreciated that training in person may not always be convenient so other methods of delivery will be made available where possible and information will be made available afterwards for reference.
- 3.12 A proposed initial topic list for training is set out below, however the training programme is intended to be adaptive and training on relevant topics can be introduced as and when needed / appropriate:
- Advertisement Control
 - Community Infrastructure Levy (CIL) and Section 106 Agreements
 - Conservation and Heritage
 - Green Belt
 - Housing Supply
 - Introduction to Planning
 - Permitted Development Rights
 - Planning Appeals
 - Planning Conditions
 - Planning Enforcement
 - Predetermination and Disclosure of Interests
 - Telecommunications
 - The Development Plan and Decision Making
 - Urban Design
 - Viability in Planning
- 3.13 Work is currently ongoing to provide a webpage that can be accessed by all Members which will include information about the Planning team at Bromley, the Local Planning Protocol, a rolling training schedule, information from past training sessions and other useful documents and links, plus key headline planning news in a simple and easy to digest format. Dates for the first training sessions will be circulated to all Members before the New Year.
- 3.14 It has also been arranged that Development Control Committee will now be held every 2 months on a more regular cycle with immediate effect. This will enable better forward planning for the selected major applications to be considered within target timescales.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings and other commitments involving greater staff input or external support.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.

5. LEGAL IMPLICATIONS

- 5.1 Suggested measures should reduce the likelihood of successful legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) 2013 Bromley Council Constitution

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Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 28th January 2020

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING SERVICE IMPROVEMENTS

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service.

2. **RECOMMENDATION(S)**

1. Members are asked to approve the new committee report template used in this agenda for planning applications to be used for all DCC and PSC reports

2. Members are asked to agree the draft Local Planning Protocol for referral on to General Purposes and Licensing Committee, Executive and Full Council for adoption as part of the Council's Constitution

3. Members are asked to ensure that full planning reasons are given when call in is requested for planning applications

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning Department
 4. Total current budget for this head: £1.615m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 52.19ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft	See para 3.2 below – draft Protocol attached for consideration
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria agreed at DCC in October 2019
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Changes agreed at DCC in October 2019
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing – some requests still being received without reasons – Members are reminded of the agreed approach
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	First report came to DCC in October 2019 – next report to March DCC
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Planning application reports on this agenda in new format for final approval
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	Expected to be trialled at DCC. Also see recommendation below
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Planning application reports on this agenda in new format for final approval
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	Reported on this agenda
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach	No action at present
13. Where motion goes against Officer recommendation, clear	Councillors to note and action	Ongoing

reasons for refusal or conditions to be agreed before vote is taken		
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory training should be provided	In person and online training (at least quarterly) to be offered by	In progress

for all committee members including substitutes and a list of trained Members retained	Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	
20. Regular reports on performance of planning and appeals team	Previously agreed for quarterly reports to DCC, however now meetings are every 2 months, to be reported to each meeting	Report on this agenda

Recommendation #1 – New Local Planning Protocol

- 3.2 The Planning Advisory Service report put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. This protocol would allow members and officers have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication ‘Probity in Planning’ which strongly encourages the adoption of a local code.
- 3.3 A Draft Local Protocol is appended to this report for consideration. It is intended that once approved by Development Control Committee, the Protocol will then be considered by General Purposes and Licensing Committee, Executive and the Full Council, to ultimately be adopted as part of the Council’s Constitution.
- 3.4 The PAS publication ‘Probity in Planning’, which is the key advice document for Local Planning Authorities for both Councillors and Officers, was updated and republished in December 2019 and is also appended to this report.
- 3.5 The advice in ‘Probity in Planning’ has been updated throughout and it is recommended that any Member or Officer involved in the planning process should read the entire document. To highlight particular changes, the 2019 version includes the following updated sections:
- Page 7 – expanded section on Councillor and Officer conduct following the publication of the Local Government Ethical Standards Report in 2019 (www.legislation.gov.uk/ukpga/1989/42/contents) and increased emphasis on Councils adopting their own code of conduct.
- Pages 8 – expanded text on interests
- Page 14 – a new section on gifts and hospitality
- Page 17 – expanded section on Officer reports
- Page 19 – expanded section on decisions which differ from the recommendation
- Attention is also drawn to the section on Councillor site visits on Page 21

Recommendation #5 - 'Call ins' to be in writing with clear planning reasons

- 3.6 Some 'call in' requests are still being submitted without clear planning reasons and Members are reminded of the agreed approach as set out above.

Recommendation #7 & 9 – Improvements to Committee Reports

- 3.7 The planning application reports on this agenda are in the new format for Members to approve the format for all future planning application reports to Development Control and Plans Sub Committee.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings and other commitments involving greater staff input or external support. This will need to be assessed.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.
- 4.3 As a result, if these recommendations are approved and implemented, the impact on workloads and costs be need to be monitored, with a view to manage these changes within existing resources.

5. LEGAL IMPLICATIONS

- 5.1 Suggested measures should reduce the likelihood of successful legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) December 2019 Bromley Council Constitution

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Wednesday 18th March 2020

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING SERVICE IMPROVEMENTS

Contact Officer: Tim Horsman, Assistant Director Planning & Building Control
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service.

2. **RECOMMENDATION(S)**

1. **Members are asked to agree the Local Planning Protocol for referral on to Full Council in April 2020 for adoption as part of the Council's Constitution**
2. **Members are asked to agree the updated scheme of delegation for AD Planning & Building Control for consideration at Full Council in April 2020 for adoption as part of the Council's Constitution**
3. **Members are asked to agree the approach set out in this report in respect of planning conditions and 'Lists' for planning committee agendas and reports**
4. **Members are asked to agree the recording of Plans Sub and Development Control Committee Meetings and whether they wish recordings to be published**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning Department
 4. Total current budget for this head: £1.653m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 66.8ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	To be adopted by Full Council in April as part of Council Constitution	See para 3.2 below – draft Protocol attached for consideration
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria agreed at DCC in October 2019 and in operation
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Fully revised draft version of AD Planning delegated powers attached to this report for agreement – see para 3.5 below
5. ‘Call ins’ to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing
6. ‘Call in’ monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	Report on this agenda
7. Format of committee agenda to be reviewed including ‘Lists’	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Planning application reports on this agenda in new format for final approval – also see para 3.7 below
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	To be taken forward as set out in Planning Protocol see Para 3.X below
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	New report format agreed at Jan 2020 DCC and to be rolled out fully from April PSC – further information on conditions set out in Para 3.7 below
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	To be next reported to May DCC
11. Less emphasis on ‘local view’ at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in	Ongoing

	respect of Member training and approach	
13. Where motion goes against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken	Councillors to note and action	Ongoing
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory	In person and online training (at least quarterly) to be offered by Planning,	In progress

training should be provided for all committee members including substitutes and a list of trained Members retained	Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	
20. Regular reports on performance of planning and appeals team	Previously agreed for quarterly reports to DCC, however now meetings are every 2 months, to be reported to every other meeting	Report on this agenda

Recommendation #1 – New Local Planning Protocol

- 3.2 The Planning Advisory Service report put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. This protocol would allow members and officers have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication ‘Probity in Planning’ which strongly encourages the adoption of a local code.
- 3.3 Following initial consideration at January DCC, the draft Local Planning Protocol is appended to this report for final consideration by DCC. It is proposed to be considered at Standards Committee on 12th March following publication of this agenda and therefore any requested changes by Standards Committee will be reported verbally, and a revised draft published before the meeting if necessary.
- 3.4 It is intended that once approved by Development Control Committee, the Protocol will then be considered by Full Council in April 2020, to be adopted as part of the Council’s Constitution.

Recommendation #4 – Assistant Director Planning Delegated Authority

- 3.5 As part of a Council-wide review of Delegated Authority, the Assistant Director Planning’s delegated powers have been fully reviewed. The current and proposed updated versions are attached to this report for initial agreement by DCC before the fully revised version is presented to Full Council in April.
- 3.6 The key changes are set out below:
- reordering and rationalisation of existing powers into more coherent format
 - addition of requirement for reason when Members call in to withdraw delegated powers
 - removal of power to determine cases in CA and ASRC without one metre sidespace
 - addition of power to revoke hazardous substances consent
 - addition of power to agree s106 spending
 - addition of power to agree fees across the service in accordance with legislation
 - addition of CIL powers
 - addition of written agreement for delegated and non delegated matters with Chairman of DCC in respect of all Planning Policy matters

Recommendations #7&9 – Improvements to Committee Reports

- 3.7 Members approved the format of future planning application committee reports at DCC in January 2020. The planning application reports on this agenda include a revised approach to planning conditions which provides for a clear description of each condition in a list at the end of the report.
- 3.8 Providing the complete wording of each condition for larger applications was taking up a considerable amount of space on the agenda and creating additional potentially unnecessary paper wastage. The previous approach to conditions was to use a short code at the end of each report to reference each condition; however that did not make clear what the condition required. The approach set out in this agenda is proposed as a compromise between the full and short code approach and Members are asked to agree this for all planning application reports moving forwards.
- 3.9 Members are also asked to agree the deletion of ‘Lists’ from Plans Sub Committee agendas as these are at this time no longer considered to assist with the determination process. Council applications will continue to be clearly identified in the report header. Members should note that this would include the removal of List 4 and therefore any applications reported with a recommendation for refusal could be permitted at the same meeting.

Recording of Planning Committee Meetings

- 3.10 Members are also asked to consider whether the recording of Plans Sub and Development Control Committee meetings would be helpful to those attending and those unable to attend, if they were subsequently published.
- 3.11 There are a number of benefits of this including the availability of clear transcript of decision making, which can be useful at appeal, in dealing with complaints and to defend cost claims. The public availability of recording would enable those who could not attend a particular meeting to listen back to the discussion.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings and other commitments involving greater staff input or external support. This will need to be assessed.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.
- 4.3 As a result, if these recommendations are approved and implemented, the impact on workloads and costs be need to be monitored, with a view to manage these changes within existing resources.

5. LEGAL IMPLICATIONS

- 5.1 The recommended measures should reduce the likelihood of successful legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) December 2019 Bromley Council Constitution

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Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 14th July 2020

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING SERVICE IMPROVEMENTS

Contact Officer: Tim Horsman, Assistant Director Planning & Building Control
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service. Aspects in this report were originally published on the agenda for the DCC in March 2020, and were subject to delegation, however some matters required Councillor decisions and these are reported below.

2. **RECOMMENDATION(S)**

1. **Members are asked to agree the Local Planning Protocol for referral on to Full Council for adoption as part of the Council's Constitution.**
2. **Members are asked to agree the approach set out in this report in respect of planning conditions and 'Lists' for planning committee agendas and reports.**
3. **Members are asked to agree the recording of Plans Sub and Development Control Committee meetings and consider whether they wish the recordings to be published.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning Department
 4. Total current budget for this head: £1.653m
 5. Source of funding: Existing revenue budget 2019/20
-

Personnel

1. Number of staff (current and additional): 66.8ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	To be adopted by Full Council as part of Council Constitution	See para 3.2 below – draft Protocol attached for consideration
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria agreed at DCC in October 2019 and in operation
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Adopted in May 2020
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	Report on this agenda
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Planning application reports on this agenda in new format for final approval – also see para 3.7 below
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	To be taken forward as set out in Planning Protocol see Para 3.2 below
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	New report format now fully implemented - further information on conditions set out in Para 3.7 below
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	To be reported to future DCC
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach	Ongoing
13. Where motion goes	Councillors to note and action	Ongoing

against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken		
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory training should be provided for all committee members including substitutes and a	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly	In progress, first training session on probity successfully delivered.

list of trained Members retained	encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	
20. Regular reports on performance of planning and appeals team	Previously agreed for quarterly reports to DCC, however now meetings are every 2 months, to be reported to every other meeting	Ongoing

Recommendation #1 – New Local Planning Protocol

- 3.2 The Planning Advisory Service report put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. This protocol would allow members and officers have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication ‘Probity in Planning’ which strongly encourages the adoption of a local code.
- 3.3 Following initial consideration at January DCC, the draft Local Planning Protocol is appended to this report for final consideration by DCC. The draft was considered at Standards Committee on 12th March and their resolution was as follows:
- 1. The draft protocol be strengthened to clearly emphasise that all decisions in relation to planning applications have to be based purely on material planning considerations;*
 - 2. All councillors sitting on the Development Control Committee and its Sub-Committees should be fully conversant with the report of the Planning Advisory Service and the Probity in Planning document as these document clearly set out the expectations for standards of behaviour; and*
 - 3. Once the Planning Protocol has embedded the Chairman of the Development Control Committee be invited to a Standards Committee meeting to discuss the impact of the Protocol.*
- 3.4 The text has been slightly updated to reflect recommendation 1 above and the updated draft is appended to this report. It is intended that once approved by Development Control Committee, the Protocol will then be considered by full Council, to be adopted as part of the Council’s Constitution.

Recommendations #7&9 – Improvements to Committee Reports

- 3.5 Members approved the format of future planning application committee reports at DCC in January 2020. The planning application reports on this agenda include a revised approach to planning conditions which provides for a clear description of each condition in a list at the end of the report.
- 3.6 Providing the complete wording of each condition for larger applications was taking up a considerable amount of space on the agenda and creating additional potentially unnecessary paper wastage. The previous approach to conditions was to use a short code at the end of each report to reference each condition; however that did not make clear what the condition required. The approach set out in this agenda is proposed as a compromise between the full and short code approach and Members are asked to agree this for all planning application reports moving forwards.
- 3.7 Members are also asked to agree the deletion of ‘Lists’ from Plans Sub Committee agendas as these are at this time no longer considered to assist with the determination process. Council

applications will continue to be clearly identified in the report header. Members should note that this would include the removal of List 4 and therefore any applications reported with a recommendation for refusal could be permitted at the same meeting.

Recording of Planning Committee Meetings

- 3.8 Members are also asked to consider whether the recording of Plans Sub and Development Control Committee meetings would be helpful to those attending and those unable to attend, if they were subsequently published. This meeting and the previous DCC meeting have been broadcast on the internet due to meeting constraints created by the COVID-19 pandemic, and Members may wish to consider options for the longer term future involving technology in light of this, which does make the meetings more accessible to those who may not be able to attend in person.
- 3.9 There are a number of benefits of recording / broadcasting meetings, including the availability of clear transcript of decision making, which can be useful at appeal, in dealing with complaints and to defend cost claims. The public availability of recording would enable those who could not attend a particular meeting to listen back to the discussion.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings, technology and other commitments involving greater staff input or external support. This will need to be assessed based on specific proposals / decisions.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.
- 4.3 As a result, if these recommendations are approved and implemented, the impact on workloads and costs be need to be monitored, with a view to manage these changes within existing resources.

5. LEGAL IMPLICATIONS

- 5.1 The recommended measures should reduce the likelihood of successful legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) December 2019 Bromley Council Constitution

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 25th March 2021

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING SERVICE IMPROVEMENTS

Contact Officer: Tim Horsman, Assistant Director Planning & Building Control
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service.

2. **RECOMMENDATION(S)**

1. **Members are asked to note the updates below.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning Department
 4. Total current budget for this head: £1.653m
 5. Source of funding: Existing revenue budget 2020/21
-

Personnel

1. Number of staff (current and additional): 66.8ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	Completed	Protocol has been adopted as part of Constitution
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Completed	Criteria agreed at DCC in October 2019 and in operation
4. Scheme of delegation to be broadened	Completed	Adopted in May 2020
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing
6. 'Call in' monitoring to be reported to DCC	Completed	Report on this agenda and every six months
7. Format of committee agenda to be reviewed including 'Lists'	Completed	New report format now fully implemented
8. Officer role at committee to be reviewed including presentations	Completed	Updated role as set out in Planning Protocol
9. Quality of committee reports to be improved	Completed	New report format now fully implemented
10. Review of appeal decisions and costs to be reported to DCC	Completed	Reporting every six months
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach	Ongoing
13. Where motion goes against Officer recommendation, clear reasons for refusal or conditions to be agreed before vote is taken	Councillors to note and action	Ongoing

14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing – has been overtaken to some degree by COVID-19 and virtual committees. See further discussion below.
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Presentations occurring in the majority of significant major preapps / applications; Ward Members to be sent individual communication for major applications received in their Ward
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory training should be provided for all committee members including substitutes and a list of trained Members retained	In person and online training (at least quarterly) to be offered by Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from the new Local Planning Protocol.	In progress, training sessions being delivered approximately every 3 months on key topics

20. Regular reports on performance of planning and appeals team	Completed	Reporting regularly to DCC
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Local Planning Protocol

- 3.2 Since the last reporting on this the Planning Protocol has been fully adopted as part of the Council's Constitution.

Planning Advisory Service Review

- 3.3 As can be seen above, a large proportion of the matters raised in the 2019 Planning Advisory Service (PAS) report have been implemented or are ongoing. It is now nearly 2 years since the original PAS report, and Officers have been in discussions with PAS about the possibility of carrying out a review of the report based on the changes made since 2019.
- 3.4 Initial discussions have been around a review of the matters previously covered in the PAS report alongside a review of lost major appeals. This would include a review of how committees are functioning and whether the issues raised have been successfully addressed, with potential for further recommendations.
- 3.5 Confirmation of this and further details will be reported to DCC in May.

Virtual Planning Committee

- 3.6 Whilst it is clear that many support a return to 'in person' committees as soon as possible, Members are asked to consider the benefits of virtual committees, in particular to the public who have experienced much improved accessibility. Residents who may not have been able to attend the Council Chamber have over the last year been able to follow meetings over the internet and this represents a positive outcome in terms of encouraging public participation in planning matters.
- 3.7 The committee may wish to consider whether some form of hybrid virtual / in person meeting, or broadcast of meetings via audio and / or video would be a positive step to continue for planning committees once the COVID restrictions have been lifted, to retain these benefits of wider engagement. This would of course depend on the legislative position and the Council's approach to committee meetings in general.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no significant costs expected at this stage including the expected further support from the Planning Advisory Service.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.

5. LEGAL IMPLICATIONS

- 5.1 The recommended measures should reduce the likelihood of successful legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) December 2019 Bromley Council Constitution Bromley Local Planning Protocol

Report No.
CSD21069

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **STANDARDS COMMITTEE**

Date: **15 July 2021**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **MONITORING OFFICER'S GENERAL REPORT**

Contact Officer: Philippa Gibbs, Deputy Democratic Services Manager
Tel: 020 8461 7638 E-mail: Philippa.Gibbs@bromley.gov.uk

Chief Officer: Director of Corporate Services

Ward: All Wards

1. Reason for report

1.1 To update the Committee on a number of standards issues -

- Dispensations granted
- Gifts and Hospitality declarations
- Register of Interests
- Work Programme and Matters Outstanding
- Committee for Standards in Public Life
- Recruitment of an Additional Independent Person
- Complaints

2. **RECOMMENDATION(S)**

That the Committee notes and comments on the Monitoring Officer's report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £359k
 5. Source of funding: Revenue budget
-

Personnel

1. Number of staff (current and additional): 6.67fte (although Standards Complaints are filtered by either the Democratic Services Manager or Deputy Democratic Services Manager in consultation with the Monitoring Officer)
 2. If from existing staff resources, number of staff hours: The number of staff hours requires fluctuates depending on the volume of complaints received at any given time.
-

Legal

1. Legal Requirement: Statutory Requirement: Local Government Acts 1972 and 2000 and subsequent legislation.
 2. Call-in: Not Applicable: This report does not involve an executive decision.
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The standards system affects all Members of the Council, and potentially any member of the public who considers that a member may have breached the Code of Conduct.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

Dispensations Granted

- 3.1 The Council has delegated to the Monitoring Officer, in consultation with members of the Urgency Committee, the authority to grant dispensations to Councillors to attend and speak at meetings of the authority in circumstances where, under the Code of Conduct, they have a disclosable pecuniary interest (Scheme of Delegation to Officer, Part 2A, 3 (xxv)). Where these dispensations have been sought, they are typically about town planning issues, where the Code of Conduct means that councillors have less opportunity to assert their interests than other residents, or about employment, where technically there is a disclosable pecuniary interest, but in practice that interest is not significant.
- 3.2 Since the last meeting the Monitoring Officer has granted the following dispensation to Councillor Simon Fawthrop:

Gifts and Hospitality Register

- 3.2 Under the Code of Conduct, Councillors are required to declare gifts and hospitality received due to their role as Councillors over the value of £25. These are published on the Council website, with a link from each Member's page. Since the last meeting no Members have registered the receipt of any gifts or hospitality.

Register of Interests

- 3.3 Under the Localism Act 2011, the Register of Interests is required to be published on the Council's website, and a link to each Councillor's declaration is provided on their page. Members of the Standards Committee are asked to review the Register of Interest prior to the meeting. The online Register of Interest will also be available at the meeting.

Work Programme and Matters Outstanding from Previous Meetings

- 3.4 Full Council at its meeting on 8th April 2019 decided that all Council Committees and Sub-Committees should include provision at scheduled meetings to consider matters outstanding from previous meetings. These matters will often form part of the future work programme. A summary of matters outstanding from previous meetings is attached at [Appendix 1](#).
- 3.5 The Council's 2021/22 programme of meetings includes three scheduled meetings of this Committee. The Committee's next meeting is scheduled to take place on Tuesday 7th December 2021. Members of the Committee are requested to consider what issues they wish to consider at future meetings.

Committee for Standards in Public Life (CSPL)

- 3.6 In a recent CSPL blog concerning the development of a model Code of Conduct for authorities (<https://cspl.blog.gov.uk/2021/05/25/a-model-code-of-conduct-for-local-authorities/>), the Chairman of the Local Government Association picked up on two key issues:
- (a) Next month the LGA will be publishing guidance to support effective implementation of the LGA's new Code (for those Authorities who choose to adopt that model code). As such the LGA will be considering what more it can do to improve standards.
- (b) The LGA has also published a "Rules of Engagement" infographic for Councillors which can be pinned to a social media profile.

- 3.7 Within the blog the Chairman of the LGA discussed the work being developed to give councillors a framework for their online engagement. The LGA tools are designed to give all users a clear 'code' by which they should operate, with a clear statement that users can be blocked, or posts deleted, if they fail to comply. And they emphasise the importance of formal channels for casework, and that some responses may take time. The LGA has also collated some of the top tips for handling online abuse into a quick reference infographic.
- 3.8 At one of its future meetings, the Standards Committee may want to spend some time considering what more can be done to support councillors in how to deal with on-line abuse.

Recruitment of an Additional Independent Person

- 3.9 Every principal local authority must appoint at least one independent person to be consulted by the authority or by members of the authority on standards issues. Bromley currently has two Independent Persons however, in the interests of business continuity, the Standards Committee is asked to give consideration to putting in place arrangements for the recruitment of a third Independent Person.
- 3.10 At the last meeting the Committee agreed that arrangements should be made to recruit an additional Independent Person. An advertisement will be placed over summer in anticipation of in person interviews being held as national Covid restrictions are eased.

Complaints

- 3.11 A summary of recent complaints against Councillors, since the Committee's last meeting, is included in the Part 2 Appendix 2. As these complaints contain personal details about Councillors and complainants, and also as the Councillors concerned have not necessarily done anything that is clearly against the Code of Conduct, this information is included on the part 2 (private) agenda. In addition to the usual summary of complaints presented to the Committee, details of the outcomes of two Code of Conduct Complaints relating to the same planning application have been included for further information.
- 3.12 There are no formal standards investigations at present.

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Work Programme and Matters Outstanding from Previous Meetings

Matters Outstanding from Previous Meetings:

Minute No.	Issue	Update
3. (27.10.20)	That training attended by Members be reviewed at a future meeting.	An item will be scheduled once the 2021/22 Programme of Meetings has been approved by Full Council.
5. (27.10.20)	That consideration be given to developing a Code of Practice for Members around the use of social media and the need to maintain high ethical standards.	

Work Programme:

The following dates for meetings of the Standards Committee have been identified in the Programme of Meetings:

Thursday 15th July 2021

Tuesday 7th December 2021

- Review of Training Attended by Members

Tuesday 8th March 2022

- Consideration of arrangements of Code of Conduct Training for Councillor Induction May 2022

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Agenda Item 9

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of the Local Government Act 1972.

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