Overview

Communities and Local Government (DCLG) commissioned Arup to carry out research into how councillors are involved in planning decisions. The final report was published earlier this year.

This paper concentrates on a limited number of issues: at what stage members get involved, the different approaches to members determining applications, and the degree of involvement of planning members in policy development and forward planning.

The authors make some recommendations to improve the process, such as stressing the need for planning training for all members, early involvement within carefully observed parameters, and encouraging informal arrangements, such as consultative forums.

This report is useful but not ground-breaking. There is clearly a lot going on currently around this issue, and the Planning White Paper is due out soon. The LGIU will continue to participate in the debate about the future of the planning system and the role of councillors within it.

Briefing in full

Background

Arup were commissioned by Communities and Local Government to analyse the relationships between planning committees, officers and executive members in local authority planning decision-making. Their final report was published in January 2007. The study also considered whether current arrangements and procedures are leading to the most effective governance of planning within local authorities.

The researchers did a review of background information, including relevant literature, recent good practice guidance and appeals data held by the Planning Inspectorate; a questionnaire survey of English planning authorities and the membership of the Home Builders Federation; and interviewed planning officers and members from authorities all over England.

The authors set out a series of hypotheses and then 'test them out' from the evidence they have taken.

The key findings
Early Member involvement

- There are a wide variety of approaches to member involvement at the pre-application stage, from 'none at all' to positive encouragement.
- A considerable volume of good practice guidance is available on this subject. Much good practice encourages engagement, but also advises caution, and some authorities are now reluctant to get involved in discussions prior to the planning committee meeting.
- Where authorities have set out clear lines of engagement, pre-application involvement is considered to be beneficial for applicants and for the authority in reaching a better quality planning decision.

Specific recommendations include:

- Authorities should update their Codes of Conduct to reflect the support for early member involvement which is now advocated in national guidance.
- Codes of Conduct should include advice which relates specifically to the planning process, and clear lines of engagement should be drawn with regard to pre-application involvement in particular.
- Detailed Protocols and DC Consultative Forums could be used more widely.
- Monitoring Officers should be fully informed of the potential benefits of early member involvement.

Democratic decision-making

A range of decision-making structures are in use across the country. The influence of party politics was found to be less significant than the individual committee members’ skills, knowledge and experience.

The research findings did not strongly support the assumed view that the application of a democratic decision-making process produces a predictable planning decision. It is far from clear that the predictability of such decisions is a direct effect of the democratic nature of the processes involved. The fine balance between the relevant planning issues makes it difficult to predict the outcome of some applications.

Recommendations include:

- A high level of trust must be established between members (especially planning committee members) and officers, in order to maximise the effectiveness of the delegation arrangements.
- An appropriate balance must be achieved between the degree of delegation and the continuing involvement of councillors in planning decision-making.
- All members of the council should receive training in planning matters and it should be compulsory for planning committee members.
- Councils should consider replacing Area Committees (i.e. those with a geographical remit) with a series of committees that have an authority-wide remit, and meet on a rolling monthly basis.
- Authorities should consider removing the option of referral up to full council with an arrangement to refer the most contested decisions to a strategic planning committee or other sub-committees made up of members with planning training.

Decisions contrary to officer recommendations
The research showed that decisions contrary to officer recommendation account for a very small proportion of the overall determinations each year, and the authors conclude that there is not sufficient evidence that this is a significant problem in England. They may occur more frequently in areas with out-of-date development plans – where there is more scope for interpretation of the policy context, or on occasions where there is less than optimum communication between members and officers. In many cases it may simply be that the planning issues are very finely balanced.

Although there are ways that could reduce the number of contrary decisions, the authors say that "we do not conclude that any authority should be aiming to eliminate these entirely; there should always be scope for members to express a different view from their officers".

Links between policy and decision-making

The researchers hypothesised that closer links between policy and development control result in better (more predictable) planning decisions: members who are aware of the policy framework within which they make their decisions are clearly more likely to take more account of that policy, with the consequence that their decisions are more likely to be more predictable and more robust.

It was found that:

- Although around 45 per cent of councillors are actively involved in development control decision-making in an average authority, few members of the planning committee are involved in forward planning to any meaningful extent.
- This has a potentially negative impact on the extent to which members feel they have 'ownership' of the policies which they are expected to implement through the granting or refusal of planning permission.
- Regular 'policy update' training events were found to be beneficial to members and to the quality of their decision-making.
- The promotion of closer links between policy and development control would help to foster more consistent, plan-led, decision-making and potentially increase the scope for elected members to get involved in planning.

Further recommendations include:

- The portfolio holder for planning should be closely involved with the work of the planning committee; for example, should sit on the committee (but should not normally be the chair).
- Authorities should consider introducing a strategic planning liaison group or similar body to reinforce the links between policy and decision-making, and in particular to oversee the implementation of development plan policy in practice.
- Policy topic ‘champions’ should be encouraged to act as more of a link between policy-makers and development control decision-makers, in tandem with their officer counterparts.

Conclusions

The report concludes that there is no uniform approach to councillor involvement in planning decisions:

"there are some common elements, but the differing local decision-making contexts mean that some degree of flexibility is required across the country. Different local planning
authorities have approached the issue with varying degrees of caution, although good practice guidance suggests that councillor involvement is to be welcomed as long as the parameters are clearly defined”.

Comment

The report is a factual one and its recommendations are largely pragmatic. We particularly endorse the recommendations on the need for early involvement of members within clear parameters, and on the need for compulsory training for planning members, with training for all members being promoted as well.

There has been an active debate about councillors and planning over the last few months. The context to this report on councillor involvement in planning decisions is the wide ranging planning reform that has taken place, the implications for the member role of the recommendations in the Barker reviews of housing supply and on land-use planning, the Local Government White Paper, and the forthcoming Planning White Paper. This report is useful but not key to developments.

LGIU has previously commented on the proposals in the Local Government White Paper, and on recommendations from Kate Barker, which could have important implications for the democratic process and planning. We will continue to participate in those debates.

Additional Information

The LGiU publication, Planning Simplified: A Guide for Councillors, is supported by the RTPI, TCPA, RICS and has been commended by the Minister. It is essential reading for all councillors, particularly those who are not on the planning committee but will face planning issues in their ward. It is £10 for affiliates but there are bulk discounts for copies ordered for all councillors on the council. The publication can be ordered through the LGiU website www.lgiu.gov.uk

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