CABINET

22nd July 2020

Subject: **Planning Improvement Peer Challenge – Report of the Peer Challenge Framework Delivery Group**

Cabinet Member: **Councillor Smith - Leader of the Council**

1. **Purpose of Report**
   To report to Cabinet on the work undertaken to implement the recommendations and actions arising from the Planning Improvement Peer Challenge undertaken by Local Government Association (LGA) in co-operation with the Planning Advisory Service (PAS)

2. **Links to Council's priorities and objectives**

   This report is linked to the Council's priorities of a Commercial and Democratically Accountable Council and Housing and Regeneration.

3. **Recommendations:**
   Subject to Cabinet approval of the changes set out in the report at Sections 7,8,9&10 Cabinet is asked to approve the following to implement the recommendations of the Peer Challenge Report:

   1. To note the progress on implementing the Local Plan and Development Management Committee Action plan and approve the revised actions.
   2. To approve the arrangements for Local Plan Delivery Board.
   3. To refer to the next meeting of the Council to appoint the Local Plan Delivery Board and Development Management Committee.
   4. To approve the Development Management Committee Handbook as amended.
   5. That the Peer Challenge Framework Delivery Group (Working Party) be asked to conduct a review in twelve months of the arrangements for the local plan Delivery Board and the Development Management Committee to identify any further adjustments or improvement to improve compliance with the recommendations of the Peer Challenge report to demonstrate to Government and other agencies monitoring the Council that the Committee is fit for purpose.

4.   **Background: Planning Improvement Peer Challenge**

The Peer Challenge is a robust and effective national improvement tool managed and delivered by the Local Government Association (LGA), the Planning Advisory Service (PAS) and a team of Local Government Peers.

At the Cabinet meeting on 22.1.2020 Cabinet considered a report presenting the Peer Challenge report arising from the Planning Improvement Peer Challenge undertaken by Local Government Association (LGA) in co-operation with the Planning Advisory Service (PAS).

The report set out in detail the findings and provided detailed feedback and 10 recommendations for the Council to implement.

The Council needed to evidence that the recommendations have been implemented as soon as possible.

Cabinet agreed to note the Peer Challenge Report and to note the ten recommendations in the Peer Review report.

Cabinet agreed to appoint a cross party working party the Peer Challenge Framework Delivery Group and approved the terms of reference of the Group reporting to the Council and the Cabinet as appropriate.

The Terms of Reference of the Group were to

- Receive the Peer Challenge Report and ensure that the Action Plan effectively addresses all of the issues highlighted in the Peer Challenge Report and monitors the delivery.

- Make such further recommendations it considers necessary to the Cabinet and Council in order to achieve national level best practice.

- Seek guidance and further support from the LGA and the Planning Advisory Service when they consider it necessary in order to deliver the report recommendations.

- Monitor the delivery of the Peer Challenge Action Plan and report to the Council and Cabinet accordingly.

- To consider and make recommendations to Cabinet and Council in respect of new Local Plan delivery arrangements.

5.   **Peer Challenge Framework Delivery Group 10.2.2020**

Preliminary remarks were made by the Leader seeking to move forward, draw a line under past history of the Planning Committee to address the recommendations in the peer challenge report.

The Working Party was reminded of the context leading to the Peer Challenge. The Council was and still at risk of intervention, the Council's ability to determine its planning decisions remained at risk. Government was continuing along with LGA and PAS to monitor the Council. The Council's reputation as a planning authority was poor. Public perception was that planning was tarnished.

The Working Party agreed the best way to address this was to demonstrate that robust processes were in place which were followed.

The Working Party considered and endorsed the recommendations. (Attached as Appendix 1) In discussion of behaviours the Group agreed that sanctions should be put in place to assist the Leaders of the Groups to deal with breach of process.

The Working Party was keen to see the Group established to progress delivery of the Local Plan which would provide the mechanism for local Member input.

The Working Party agreed that a follow up peer review should be undertaken to review process in implementing the recommendations. The resulting report would sign off and demonstrate to Government and other agencies monitoring the Council that the Committee was fit for purpose.

The Working Party agreed that a Sub group should meet to work up the actions for consideration to take forward and implement the recommendations in the Peer challenge report.

A meeting of the Sub group took place on 25.2.2020 where an Action plan was agreed. The Action plan was circulated to the Working Party.

6. **Peer Challenge Framework Delivery Group 30.6.2020**

The meeting took place to consider the work undertaken to comply with the recommendations in the Peer Challenge report. The Working Party was presented with the following:

1. Revised Updated Action Plan (to reflect the work undertaken)
2. Council Decision Framework
3. Local Plan Delivery Board
4. Development Management Committee Handbook

The new Local Plan Delivery Board and the Development Management Committee Handbook were presented to be considered together and not in isolation. Both compliment and supported each other as they described a new, open and transparent way of delivering development within the Borough. Both sets of documents had been considered and endorsed by the Panning Advisory Service and the Peer team and reflect the recommendations made in the Peer Challenge Report.

The Working Party considered the revised Action Plan; local plan delivery board document and Development Management Committee handbook. The Working Party were keen that action should be taken to move forward to progress arrangements to implement the recommendations from the Peer Challenge. A number of issues were raised at the Working Party which have been reviewed and revisions have been made to the papers which are now presented to Cabinet.

7. **Revised Action Plan**

The Action Plan is attached as Appendix 2. The Action Plan identifies the actions required to implement recommendations from the Peer Challenge report. This includes establishing the Local Plan Delivery Board to take forward delivery of the local plan and master planning of sites.

The plan identifies the actions to reconstitute the Development Control Committee in line with the PAS 10 characteristics of a good Planning Committee. There is no appointment of a vice – chairman of committee. Arrangements for the reconstituted Committee – Development Management Committee are encompassed in the Development Management Committee Handbook.

Issues raised at the Working Party regarding the use of substitutes have been revised and are incorporated in the Development Committee Handbook and are described below.

Similarly revisions have been made to the voting procedures and are described below.

An additional action has been identified to include arrangements for a review following the committee meeting. This change is also incorporated in the Development Management Committee Handbook.

8. **Local Plan Delivery Board**

The Local Plan Delivery Board document is attached as Appendix 3. This sets out the arrangements for the Board which provides Members with the vehicle to be involved in the delivery of the local plan, master planning and essential Infrastructure.

The Working Party's changes to the membership arrangements have been incorporated in Appendix 3 and are shown below:

Page 6 Membership
5.1   The Local Plan Delivery Board shall be formed of 9 members, including the Chairman.
5.2   The membership of the Board shall be cross party with 6 Conservative Party Group members and 3 Canvey Island Independent Party Group members.
5.3   The Membership shall be appointed at the Annual Meeting of the Council.

5.4 Two Cabinet Member appointed to the Development Management Committee can be members of this Board. One member of the Canvey Island Independent Party Group appointed to the Development Management Committee can be a member of this Board.

5.5 The officer input into the Board will be led by the Chief Executive or the Head of Place and Policy.

9. Development Management Committee Handbook

The Development Management Committee Handbook Appendix 4 draws together in a cohesive document the arrangements for the reconstituted Development Management Committee including appointment of the committee, membership, skills, training provision, behaviours, detailed process and procedures. The handbook has been produced to provide the basic information on the workings of the Development Management Committee so that members of the committee and those wishing to follow the workings of the Committee, or participate in the planning process ,will know what to expect.

Cabinet is reminded that the processes and procedures are not new but have been adjusted to improve transparency of decision making and provide confidence in decision making.

The Working Party's changes have been incorporated in Appendix 4 and are shown below.

Membership: Page 4
A specific member of the Cabinet is appointed to the Development Management Committee to act as liaison member reflecting formal guidance to ensure full exchange of information between the Executive and the Development Management Committee. A maximum of two further Cabinet Members can be appointed to the Development Management Committee.

Cabinet members cannot form the majority of a planning committee at any time.

A Cabinet Member cannot be Chairman of the Development Management Committee.
(Cabinet is advised that this is to ensure separation of the Executive and Regulatory functions of the Council.)

Substitutes: Page 5
Substitutes
A substitute member is one regarded as being able to attend where the regularly appointed member cannot.

Two substitutes per political party are permitted. Substitutions are permitted following agreement with the Monitoring Officer.
Reasons for the use of substitutes must be given. Substitutes should only be used when the regularly appointed members non-attendance is unavoidable e.g. for reason of ill health.

Substitutes must not be used if the regular member has an interest in an application. Interests should be declared following the process set out at Section 11.

Substitutes are required to attend all training sessions that regularly appointed members attend and to attend Development Management Committees as a non-participating member.

References to Committee Members in the handbook includes Substitute Members.

Overturns: P16/17 Overturn of Planning Officer Recommendation

- *Chairman reads out the Planning Officer recommendation as presented to them in the Committee item.*
- *Members vote on planning officer recommendation.*
- *Members vote against planning officer recommendation.*
- *Members are required to put forward valid and material planning reasons for not supporting the recommendation in the report. An alternative Motion cannot be proposed until those reasons have been given.*
- *Members must state what the Motion is and the reasons for it. The reasons must be precise and relevant.*
- *If valid and material planning reasons are given then the alternative Motion must be proposed and seconded.*
- *The Planning Officer will advise the Committee if they can sufficiently conclude the requirements of the revised motion for the application to be determined at that meeting or if a deferral is required. For example, if the proposed amendment requires a number of conditions to be considered the officer would need to defer to allow adequate time to correctly construct all conditions and then prepare a report to present them to the following Committee.*

No deferral required:
- *The Chair reads out the revised recommendation as per the motion Members vote on the revised recommendation.*

Deferral required:
- *A report will be prepared for a subsequent Committee.*
- *The report will include the reason for the revised Member recommendation. It will also include details of any other relevant matters e.g. conditions, S106 details, reasons for refusal. The report will also advise if the decision will require referral to the Secretary of State.*
- *Only one overturn of a planning officer recommendation will be permitted on an application.*

Consideration of a revised recommendation:
Agree with recommendation:

- *Chairman reads out the revised recommendation as presented to them in the second report.*
- *Members vote to agree the revised recommendation.*

Overturn of Revised Recommendation:
- *Chairman reads out the revised recommendation as presented to them in the Second Report.*
- *Committee vote against the revised recommendation.*
- *Chairman refers to previous planning officer recommendation.*
  Chairman reads out the planning officer recommendation as presented to them in the Committee item.
- *Committee to approve planning officer recommendation in light of no alternative motion being approved.*

Further changes have been made to Appendix 4

Deferrals: P17
Where an application has been considered and deferred to a future meeting for determination the Democratic Services officer needs to ensure that only those who considered the application at the first meeting can take part at the second meeting (including substitutes).
(This is to ensure consistent decision making and avoid legal challenge of the decision)

Review: P19 – mentioned under the Action Plan.
Committee Review.
Following each Development Management Committee, the Chairman, a Legal Officer, Governance Officer and Planning Officer will meet and review the meeting. This is an opportunity to identify any areas where processes were not followed and to identify potential training requirements to enhance member skill sets. Matters or issues of concern can also be identified and where appropriate referred for escalation through the Monitoring Officer.

10. **Proposals**
Subject to Cabinet approval of the changes set out above Cabinet is asked to approve the following to implement the recommendations of the Peer Challenge Report:
1. To note the progress on implementing the Local Plan and Development Management Committee Action plan and approve the revised actions.
2. To approve the arrangements for Local Plan Delivery Board.
3. To refer to the next meeting of the Council to appoint the Local Plan Delivery Board and Development Management Committee.
4. To approve the Development Management Committee Handbook as amended.
5. That the Peer Challenge Framework Delivery Group (Working Party) be asked to conduct a review in twelve months of the arrangements for the local plan Delivery Board and the Development Management Committee to identify any further adjustments or improvement to improve compliance with the recommendations of the Peer Challenge

report to demonstrate to Government and other agencies monitoring the Council that the Committee is fit for purpose.

11. Corporate Implications

(a) Financial Implications
Provision has been included in the Member training budget to put in place a training programme for the Chairman and members of the Committee.

(b) Legal Implications
The Executive cannot by law exercise regulatory functions Local Authority Functions & Responsibilities Regulations 2000.Therefore controls have been set on the appointment and arrangements for Cabinet Members' membership of the Development Management Committee to ensure separation of the executive and regulatory functions.

(c) Human Resources and Equality Implications
The Local Plan Delivery Board and the Development Management Committee will be supported from current resources.

12. Timescale for implementation and Risk Factors
Timescales are included in the report.
Failure to implement the Action Plan and implement the proposed arrangements could result in;
· Applications being called in for decision making by the Secretary of State.
· No involvement in strategic planning applications.
· Additional costs to support the work of the Planning Inspectorate.
· Lack of investment in infrastructure and other growth led funding.
· Extensive reputational damage to the Council as a planning authority.

Background Papers
Planning Improvement Peer Challenge Report Castle Point Borough Council
Report to Cabinet 22.1.2020
Notes of Working Parties 10.2020, 25.2.2020 & 30.6.2020

Appendix 1 Recommendations Planning Improvement Peer Challenge

R1 Urgently adopt a Local Plan, continue to ensure sufficient resources are allocated to taking it through to adoption, and develop stronger internal processes to secure deeper cross-party ownership to the commitments it contains on housing, employment and infrastructure. The political leadership should ensure they provide the political guidance necessary to ensure the Local Plan is agreed by Council.

R2 Address the issues identified and reconstitute a new modernised strategic Development Management Committee with a strategic focus – including a review of size, composition, behaviours, skills and complete modernisation of processes. Political leaders from all parties should ensure that Members with the appropriate skills and behaviours are appointed to the Committee.

R3. Adopt set of cultural behaviours across the Council that seek to build trust and confidence among officers and Members with support from the LGA, with collective agreement of how the behaviours will translate into actions. The political and managerial Leadership sets the example and demonstrates support for those with the appropriate skill sets fitting the relevant person specifications to sit on committee.

R4 Ensure the new Local Plan is promoted corporately and politically as the primary tool to drive housing and regeneration delivery in Castle Point. Political leaders from all parties should ensure that all members understand that the Local Plan is the delivery tool for growth.

R5 Proactively use the development of a housing trajectory and delivery action plan immediately. This must be embedded in Local Plan to provide further certainty.

R6 Develop an agreed stronger corporate narrative around the necessity and benefits of growth, and pivotal role of the Local Plan in shaping this, supported by a resourced and shared Communications Strategy to secure balanced communities for the longer-term future of all citizens and to add and build upon the strengths and delivery ambitions of the Association of South Essex Local Authorities (ASELA).

R7 Review the scheme of delegation so that the new strategic Development Management Committee focuses on delivery of the substantially higher number of projected major planning applications required to meet the housing delivery test.

R8 Officers and Members to co-design with external support, a more targeted and structured planning training programme with RTPI/PAS expert led input where necessary and with a stronger focus on probity and compliance with codes of conduct.

R9 Ensure that the new strategic Development Management Committee owns its own performance and sets key performance indicators in relation to speed, quality and delivery, regular performance reports should be presented and planning performance should form part of the Council's wider communication strategy for growth and planning to help build confidence that Castle Point is open for business.

 R10 Establish a structured developer/agent forum with the Planning Service at cabinet member level. _____

Recommendation	Actions required	Lead Officer	Timescale	Progress/ outcome	RAG
Local Plan					
1: Urgently adopt a Local Plan, continue to ensure sufficient resources are allocated to taking it through to adoption, and develop stronger internal processes to secure deeper cross-party ownership to the commitments it contains on housing, employment and infrastructure. The political leadership should ensure they provide the political guidance necessary to ensure the Local Plan is agreed by Council. (R1)	1.1 Develop programme of member engagement for ownership of and delivery of the Local Plan	Ian Butt	Apr-20	Complete. A series of workshops were held from July to October 2019, involving a core of administration members and briefings for all opposition members. Presentations to members were provided on a thematic basis including the review of each of the Plan's policies and each allocated site. feedback was provided at each subsequent workshop, and notes taken	
	1.2 Implement communication programme with members to clearly articulate the Community Benefits and outcomes from the Local Plan.	Ian Butt	Mar-20	This formed part of the workshops which included sessions on communications with residents and interest groups	
	1.3 Establish a cross party group led by Cabinet to share and understand the growth agenda.	Ian Butt	May-20	Local Plan Delivery Board Document	
2: Ensure the new Local Plan is promoted corporately and politically as the primary tool to drive housing and regeneration delivery in Castle Point. Political leaders from all parties should ensure that all members understand that the Local Plan is the delivery tool for growth. (R4)	2.1 Establish a cross party Local Plan Delivery Board to ensure a corporate, consistent and transparent approach to the delivery of the housing trajectory, masterplanning of major sites and essential infrastructure.

2.2 Develop terms of reference for Delivery Board | Ian Butt | April/May 2020 2.2 Terms of Reference March 2020 | Local Plan Delivery Board Document | |
3: Proactively use the development of a housing trajectory and delivery action plan. (R5)	3.1 Set up process for monitoring Housing Delivery Action Plan and Housing trajectory. Establish time frame e.g 6 mthly	Ian Butt	Jun-20	Local Plan Delivery Board Document	
4: Develop an agreed stronger corporate narrative around the necessity and benefits of growth, and pivotal role of the Local Plan in shaping this, supported by a resourced and shared Communications Strategy to secure balanced communities for the longer-term future of all citizens and to add and build upon the strengths and delivery ambitions of the Association of South Essex Local Authorities (ASELA). (R6)	4.1 Develop a shared and resourced communications strategy, linked to partners in South East Essex.	Ian Butt	Jun-20	Part of the new Corporate Plan via the Strategic Leadership Team. Central to the Plan will be the need for the Council to embrace and promote growth, the community benefits, for cabinet to act as Champions (individaully and collectively) and ensure resources are avialable to dleiver the growth agenda (including using increased income). This includes South Essex growth.	
5: Establish a structured developer/agent forum with the Planning Service at cabinet member level. (R10)	5.1 Establish a programme for engagement with developers / agents	Ian Butt	Jun-20	Ongoing. Regular meetings are being held with developers and agreement to planing performance agreements, the first of which has been drafted using the EPOA standard form template as the basis	
	5.2 Share learning and good practice across the sub region	Ian Butt	Ongoing	Quarterly Planning Policy reports to Cabinet. Local Plan examination monitiring ongoing. Working Groups for Canvey and the Local Plan delivery Group will consider best practice.	
Development Management Committee					

Recommendation	Actions required	Lead Officer	Timescale	Progress/ outcome	RAG
6: Reconstitute a new modernised strategic Development Management Committee with a strategic focus – including a review of size, composition, behaviours, skills and complete modernisation of processes. Political leaders from all parties should ensure that Members with the appropriate skills and behaviours are appointed to the Committee. (R2)	6.1 Review and reconstitute the Development Control Committee in line with PAS 10 Characteristics of a Good Planning Committee.	Diane Logue	May-20	Rename as Development Management Committee Membership amended to 10 Committee members.No vice-chairman.	(green)
	6.2 Review processes and introduce detailed procedure notes to include but not limited to: Rebranding Committee Chairs introductory note Rules and stages of debate Format and structure of meeting. Committee voting procedure Committee and Chair key responsibilities and attributes Probity in decision making Formality at Committee Review of seating arrangements Use of substitutes	Diane Logue	May-20	All items contained in Development Control Committee Handbook except; Chairs introductory note: Put into effect following Peer Review. No proposed amendments to current introductory statement. Review of seating arrangements. PDF of seating arrangements. Use of substitutes revised	(green)
7: Adopt a set of cultural behaviours across the Council that seek to build trust and confidence among officers and Members with support from the LGA, with collective	7.1 Commission LGA/PAS support	Diane Logue	May 2020 and ongoing	Documentation being prepared for PAS review. Training support to be commissioned	(orange)
	7.2 Develop set of agreed cultural behaviours	Diane Logue	May-20	Development Control Handbook	(green)

Recommendation	Actions required	Lead Officer	Timescale	Progress/ outcome	RAG
	7.3 Establish a specific mechanism to assist the leads of political groups with the the selection of members for committee. To include but not limited to agreement of person specifications for all Committee roles. Review planning guidance documents detailing behaviours and formalise and implement scheme of sanctions.	Ann Horgan	April 20 for May 20	Development Control Handbook	(green)
8: Review the scheme of delegation so that the new strategic Development Management Committee focuses on delivery of the substantially higher number of projected major planning applications required to meet the housing delivery test. (R7)	8.1 Review the scheme of delegation including call ins to focus on strategically important applications	Ann Horgan	April 20 for May 20	No changes proposed to call in procedures.	(green)
	8.2 Modernise existing codes and protocols	Diane Logue	April 20 for May 20	Development Control Handbook	(green)
9: Officers and Members to co-design with external support, a more targeted and structured planning training programme with RTPI/PAS expert led input where necessary and with a stronger focus on probity and compliance with codes of conduct.(R8)	9.1 Review PAS support packages on offer.	Diane Logue	Apr-20	Included in suite of training documents and in training plan	(green)
	9.2 Upskill training for members for dealing with larger strategic site. S106 CIL Local Plan sites	Ian Butt	June 20 ongoing	Need to set up training for the Local Plan Delivery Group prior to master planning.	(orange)
	9.3 Prepare comprehensive training plan. To include but not be limited to Annual mandatory training on planning committee procedures and policy as a pre-requisite for undertaking the Committee role. Competency assessment Behavioural and probity training. Codes of conduct. Chairing Committee training Declaration of interests Development management Committee specific training - e.g Permitted development Introduce key topic training for Committee	Diane Logue	May 20 ongoing	Development Management training programme.	(orange)
	9.4 Enhance the library of training materials and the central member repository.	Diane Logue	Ongoing	Revised	(green)
10: Ensure that the new strategic Development Management Committee owns its own performance and sets key performance indicators in relation to speed, quality and delivery, regular performance reports should be presented and planning performance should form part of the Council's wider communication strategy for growth and planning to help build confidence that Castle Point is open for business. (R9)	10.1 Introduce reporting to Committee of key performance indicators including but not limited to: Speed and quality of applications including EOT data. Housing trajectory Annual Monitoring report	Diane Logue	Jun-20		(orange)
Monitoring and compliance					

Recommendation	Actions required	Lead Officer	Timescale	Progress/ outcome	RAG
11 Ensure the implementation of the recommendations and action plan. (Internal recommendation)	11.1 Report from the working party to be produced and presented to Cabinet	Diane Logue	Jun-20		
	11.3 LGA follow up visit for review of implementation of recommendations and report furhter and advise MHLG	Diane Logue	Autumn 20		

Appendix 3

Local Plan Delivery Board

JULY 2020

Scope and Terms of Reference

Content

1. The Local Plan and Growth

1.1 The new Castle Point Local Plan promotes sustainable growth within the Borough. The Plan will cover the period 2018 to 2033 and proposes, inter alia:

- 5,300 new homes
- 28 hectares of new employment land
- Wide range of infrastructure projects, including a new school, health clinic and transportation projects
- Support for the continued regeneration of Canvey and Hadleigh town centres

1.2 To achieve this the Council has identified 24 sites for new housing development, and three sites for new employment (two of which have planning permission).

1.3 Supporting the Plan is an Infrastructure Delivery Plan (IDP). The IDP sets out the infrastructure requirements across the Borough to meet the demands of the new growth. It will be crucial that the IDP facilitates development and is delivered in a timely manner.

1.4 Growth, however, may not just be limited to the Local Plan allocations, and other sites (major windfall sites) may come forward, hitherto not considered, for development. These can have a significant impact on infrastructure, the local environment and contribute, if appropriate, to meeting local plan objectives, Therefore, many windfall sites may also be considered by this Board.

1.5 The Local Plan sets out the requirements for how site allocations should be delivered. **Appendix One** sets out the sites, trajectory (as defined in the Local Plan) and delivery method. The delivery method is a mix of master plans, development briefs, planning briefs or straight to a planning application.

1.6 The Local Plan Delivery Board is one part of a tripartite of measures to plan and deliver sustainable growth:

A   The new Castle Point Local Plan once adopted by the Council will be the development plan for the Borough (in addition to the Essex and Southend on Sea Waste Local Plan). Paragraph 2 of the NPPF (2019) states that 'planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material consideration indicate otherwise.'

B   Delivering and maintaining an up to date local plan will be an essential role of this Board, insofar as progressing allocated sites to the planning application stage within agreed timescales set out in the local plan housing trajectory to ensure that a five-year land supply is maintained and that the housing delivery test is passed. Failure to do either will result in the local plan becoming out of date.

Master plans and development briefs, with their support documents, including local infrastructure delivery plans, should accord with the local plan policies; and

C   The Development Management Committee will make decisions on planning applications, including those on sites allocated in the Local Plan where the master planning has been considered by the Local Plan Delivery Board. The Development Management Committee must consider planning applications in accordance with the Local Plan and any master plans or development briefs approved by the Council.

2.   Purpose of the Board

2.1   To provide Member input into the delivery of the Local Plan.

2.2   To advise Cabinet on progress on the Local Plan and delivery of development sites.

2.3   To provide leadership on the preparation of Master Plans and development briefs.

2.4   To act as a forum for engagement with partners, developers, the local community and other stakeholders as identified for each project.

2.5   To recommend to Cabinet master plans and development briefs for approval for public consultation and for adoption by Council (where applicable as Supplementary Planning Documents).

2.6   To provide a forum for engagement with Ward Members specific to the development site and proposal.

2.7   To reach a cross party consensus on matters relating to the Master Plans and development sites.

2.8   To make recommendations to Cabinet on Master Plans and the Development Management Committee on any planning application.

3.   Terms of Reference

a.   The Local Plan Delivery Board reports and makes recommendations to Cabinet.

b.   To focus on the preparation of master plans and delivery action plans for major development allocations in the new Castle Point Local Plan.

c.   To be the lead forum for discussion and debate on strategic planning matters for sites in the new Castle Point Local Plan.

d.   To support the implementation of local plan policy and monitoring.

e.   To agree and monitor progress against a work programme for the preparation of the master plans.

f.   To agree the form and extent of public consultation and engagement.

g.   To give guidance to officers and consultants in the preparation of master plans and the delivery action plan.

h. To advise other groups and partnerships, such as the Local Highways Panel and the Castle Point Regeneration Partnership.

i. To receive reports on the progression of the Local Plan sites against the Housing trajectory, the Five-Year Housing land Supply and Housing Delivery Test.

j. To co-opt Ward Members as required on specific projects.

k. To act as a forum for Pre-application advice in connection with local plan allocations.

l. To approve the commission of work associated with the preparation of master plans and development briefs subject to budget approval by Cabinet.

m. Discussing the scope of a Section 106 or similar agreement.

n. Other business to be agreed in accordance with the work programme and scope of the working group.

4. Exclusions

4.1 The Local Plan Delivery Board will not be concerned with operational matters associated with:

a. The administration of any planning applications
b. Determining any planning applications which fall within the delegated powers of the Head of Place and Policy
c. Drafting or amendment of local plan policy
d. Negotiating Section 106 or similar agreements
e. Negotiating and implementing Planning Performance Agreements
f. The management of any consultants.

5. Membership

5.1 The Local Plan Delivery Board shall be formed of 9 members, including the Chairman.

5.2 The membership of the Board shall be cross party with 6 Conservative Party Group members and 3 Canvey Island Independent Party Group members.

5.3 The Membership shall be appointed at the Annual Meeting of the Council.

5.4 Two Cabinet Members appointed to the Development Management Committee can be members of this Board. One member of the Canvey Island Independent Party Group appointed to the Development Management Committee can be a member of this Board.

5.5 The officer input into the Board will be led by the Chief Executive or the Head of Place and Policy.

6.   Co-opted members:

6.1   Local Ward Members will be co-opted onto the Board as required, for specific developments and as consultees to inform Master planning of those sites.

6.2   The Board may invite developers, other interested parties and partners to attend meetings as required to further the work programmes.

7.   Meetings:

7.1   Meetings will take place as required according to the work programme.

7.2   Due to the confidential nature of the discussions, all meetings will be held in private attendance will be by invitation only. A formal note of the meeting will be taken and will be published on the Council's website.

7.3   Meetings will be held at the Council Offices. Occasional on-site meetings will also be held, and these will be during normal office hours.

8.   Transparency and Conflict of Interest

8.1   All Members interests are declared in the Councillors Disclosure of Interest.

8.2   Any Member who has been approached by a developer or landowner or their agent or other person promoting the use of the land on a site within the scope of the working group must declare such an approach, including details of the date, whom and nature of the approach.

8.3   All Members are to abide by the Developer Protocol in Section 9.

8.4   Any Member or family member with a pecuniary interest or land adjacent to a site within the scope of the Board must declare such an interest and will be asked to forgo any participation in the Board relating to that site.

8.5   Any Member who has been a member of or affiliated with any protest group to the local plan and a site within the scope of the Board must declare such an interest and may be excluded from participation in the Board relating to that site.

9.   Developer Protocol

9.1   This protocol applies to all Members. It should be read alongside the Protocol and Code of Conduct for Planning Matters.

9.2   It is vital that Members act transparently in any dealings with landowners or developers or their agents on planning matters. The grant of planning permission or allocation in a local plan or approval of a master plan can be controversial and upsetting for residents, whilst provide a large financial return for the landowner and or developer. Ultimately it is the Council that approves plans and grants planning permission with decisions vested in Members.

9.3   Members need to be mindful that any association with a developer or landowner who benefits from Council planning policy or the grant of planning consent could be seen as improper, even if there has been no impropriety. This protocol does not cast doubt on the integrity of Members but seeks to protect Members from accusations and potential investigations into conduct.

9.4   Therefore, this Developer Protocol sets out an approach for interaction between Members and Developers that protects the duties of members, their and the Council's reputation, the public interest and the decision making of the Council.

9.5   It is inevitable that Members will encounter developers or landowners or agents or development promotors whether through normal channels, at surgeries, at Council meetings or at conferences and other events. Members may also know such individuals socially or through work. Any substantive discussion on proposals within the Borough should be avoided.

9.6   The Protocol and Code of Conduct for Planning Matters (Part 3 of the Constitution) does not prohibit Members from contact and providing assistance. That assistance is however, restricted:

'Members may assist applicants for planning permission or objectors to such applications by explaining the planning process. Members may also describe the Council's adopted planning policies but should not offer an opinion whether a particular proposal is consistent with those policies without consulting an appropriate Planning Officer.'

(para 6.1 of the Protocol and Code of Conduct for Planning Matters, Part 3 of the Constitution)

However, this Developers Protocol relates to contact that is beyond the scope of the Constitution and the discussion of matters of substance that could fetter the Members or Council's decision making.

9.7   **The Developer's Protocol is:**

If a Member is approached by a developer or landowner or agent or site promoter ('developer') of any site for development, including those within the Scope of the Local Plan Delivery Board, the Member must advise that person to contact the Head of Place and Policy or the Planning Services Manager or the Planning Policy Team Leader in respect of sites allocated in the Local Plan.

In the first instance officers will meet with the Developer. Notes shall be taken of that meeting.

If after that first meeting a proposal is to be developed, either:

The Developer will be advised to use the Council's pre-application service; or

A meeting will be arranged with the Local Plan Delivery Board; or

A planning application will be submitted without any further meeting.

Members must not meet with developers without Officers in attendance. This includes:

Any site allocated in the Local Plan or proposed for consideration in a future local plan;

Any site the subject of a planning application;

Where a scheme may be unacceptable in planning terms;

Any regeneration site identified in regeneration master plans; and

Any meetings that involve Section 106 negotiations.

Members of the Council's Committee that determines planning applications should avoid contact with Developers due to potential conflict with their decision-making role. The exceptions to this will be Pre-application meetings where Members attend; meetings of the Local Plan Delivery Board; or any other meetings or briefings arranged by Officers with Members present.

10.   Delegations

10.1   The Scheme of Delegation is not affected by the Local Plan Delivery Board.

Appendix One

Local Plan Sites, Housing Trajectory and Delivery Mechanism

Site	Key Outputs (lists not exhaustive)	Local Plan Trajectory			Delivery Mechanism in Local Plan policy (* with PPA)
		Years 1-5	Years 6-10	Years 11-15	
HO9 land west of Benfleet	850 homes School, health, access off A130, open spaces (including community woodland)	100	460	290	Master plan*
HO10 Land between Felstead Road and Catherine Road	101 homes Open spaces and network of paths	0	101	0	Master Plan*
HO11 Land off Glyders	30 homes Open space	5	25	0	Development Brief*
HO12 Site of the former WRVS Hall, Richmond Avenue	39 homes Open space, drainage mitigation	20	19	0	Development Brief
HO13 Land east of Rayleigh Road	455 homes Open space, early year nursery	100	290	65	Master Plan*
HO14 Land at Brook Farm	173 homes Open space	0	173	0	Master Plan*
HO15 Land South of Scrub Lane	55 homes	0	55	0	Development Brief
HO16 Land at Oak Tree Farm	65 homes	0	65	0	Master Plan*
HO17 Hadleigh Island	52 homes Library and arts centre	0	52	0	Development Brief
HO18 land north of Grasmere Road and Borrowdale Road	30 homes	30	0	0	Development Brief*

Site	Key Outputs (lists not exhaustive)	Local Plan Trajectory			Delivery Mechanism in Local Plan policy (* with PPA)
		Years 1-5	Years 6-10	Years 11-15	
HO19 Land at Glebelands	145 homes Open spaces	10	145	0	Master Plan *
HO20 The Chase	340 homes Open Space, college sports pitch re-provision, nursery	0	320	20	Master Plan *
HO21 Land fronting Rayleigh Road	60 homes	0	0	60	Master Plan*
HO22 Land at Thames Loose Leaf	12 homes	0	0	12	Development Brief
HO23 Land east of Canvey Way	300 homes Open spaces, new pathways	0	262	38	Master Plan*
HO24 Land west of Canvey Way	196 homes Open spaces	0	19	177	Master Plan*
HO25 Land at Thorney Bay Caravan Park	510 homes Land for Roscommon Way Phase 3	0	210	300	Master Plan*
HO26 Land at the Point	100 homes Relocation of businesses	0	0	100	Development Brief*
HO27 Walsingham House	32 homes	16	16	0	Development Brief
HO28 Land at Admiral Jellicoe	40 homes	40	0	0	Development Brief (site has planning consent subject to S106)
HO29 Land south of Haron Close	10 homes	10	0	0	Development Brief

Site	Key Outputs (lists not exhaustive)	Local Plan Trajectory			Delivery Mechanism in Local Plan policy (* with PPA)
		Years 1-5	Years 6-10	Years 11-15	
					(site has planning consent subject to S106)
HO30 Land at Haystack Car Park	14 homes	14	0	0	Development Brief (site has planning consent subject to S106)
HO31 Land at Kings Park	50 homes	25	25	0	Development Brief
HO32 244-258 London Road	50 homes Ground floor retail	0	0	50	Development Brief

Appendix 4

Development Management Committee Handbook
July 2020

Index:

1. Introduction

The Development Management Committee is one of the more familiar meetings that the Council holds.

It often attracts significant interest as a result of the planning applications it is responsible for determining.

The Development Management Committee carries out a regulatory function on behalf of the Council when making planning development decisions. The Committee has to operate within certain rules and procedures to ensure that development proposals are properly, fairly and efficiently considered in a transparent and open manner.

Members need to be well briefed, confident in their roles, principled and fair in attitude and in conduct. The pressure of these roles can be intense. It is in the interests of all that Members are supported and have access to information to assist in the understanding of the planning system and in making reasonable and well considered decisions. A theme which runs through the handbook is how closely the approach to planning matters is determined by the Code of Conduct for Members.

This handbook has been produced to provide the basic information on the workings of the Development Management Committee so that Members of the Committee and those wishing to follow the workings of the Committee, or participate in the planning process, will know what to expect.

2. The Planning System

Planning has a positive and proactive role to play at the heart of local government and local communities. It can:

- help councils stimulate growth and translate goals into action
- balance social, economic and environmental needs to achieve sustainable development
- deliver important public benefits such as new housing, infrastructure and local employment
  opportunities.

Planning law requires that applications for planning permission be determined in accordance with the development plan (the 'local plan' document(s), unless 'material considerations' indicate otherwise. 'Material considerations' include for example national policy in the form of the Government's National Planning Policy Framework and planning guidance notes.

Applications for planning permission submitted to the local planning authority are assessed by professional, qualified planning officers who will, based on the

development plan and any material planning considerations, make recommendations to the Development Management Committee.

Planning Committee members should not approve or refuse applications simply because they may like or dislike the proposals or refuse applications because that would be a popular decision.

The role of Members of the Committee is to determine each application in accordance with national and local planning policies, frameworks, guidance and legislation and with the policies in the Council's Local Plan unless 'material considerations' indicate otherwise.

The Planning Officer's report sets out the considerations that Members are invited to take into account in assessing each application.

3. The Development Management Committee

The 'Development Management Committee' is responsible for the Council's functions relating to planning and development management in accordance with the Council's constitution and scheme of delegation.

It makes decisions on planning applications in accordance with national and local planning policies, frameworks, guidance and legislation.

The Development Management Committee do not determine all the planning applications submitted to the Council. Many applications are simple and straight forward and are dealt with by Planning Officers using powers delegated to them from the Council. This enables the Planning Committee to concentrate on the major and significant proposals.

4. Membership of Development Management Committee

The Council appoints the Development Management Committee comprising of 10 councillors and 2 non-voting parish councillors.

A specific member of the Cabinet is appointed to the Development Management Committee to act as liaison member reflecting formal guidance to ensure full exchange of information between the Executive and the Development Management Committee. A maximum of two further Cabinet Members can be appointed to the Development Management Committee.

Cabinet members cannot form the majority of a planning committee at any time. A Cabinet Member cannot be Chairman of the Development Management Committee.

There is a range of guidance available for Members of the Development Management Committee and Members act at all times within the law and in accordance with the Code of Conduct for councillors, the Protocol and Code of Conduct for Planning Matters including the Planning Code of Good Practice as set out in the [Council's Constitution](#).

Being a local councillor and sitting on a planning committee
A councillor's primary role is to represent their ward and the people who live in it. However when members are on a planning committee, their role is to act independently and take the decisions in the best interests of the Borough as a whole, and to implement the Council's policies as set out in the development plan. Planning decisions are not whipped, and political considerations should not play a part in the decision-making process.

Substitutes
A substitute member is one regarded as being able to attend where the regularly appointed member cannot.

Two substitutes per political party are permitted. Substitutions are permitted following agreement with the Monitoring Officer.
Reasons for the use of substitutes must be given. Substitutes should be used when the regularly appointed members non-attendance is unavoidable e.g. for reason of ill health.

Substitutes must not be used if the regular member has an interest in an application. Interests should be declared following the process set out at Section 11.

Substitutes are required to attend all training sessions that regularly appointed members attend and to attend Development Management Committees as a non-participating member.
References to Committee Members in the handbook includes Substitute Members.

5. Ward Councillors
The elected Member is central to the planning system, whether as a member of the Planning Committee taking key decisions on planning applications or as a Ward Member representing and balancing the sometimes conflicting expectations of their constituents.

Role of a Ward Councillor
You are able to represent your constituents (whether as objectors, applicants or supporters) as you believe appropriate. This can include advising, helping, or campaigning for a particular outcome on an application, or simply passing on their comments to the planning case officer.

In conducting this business you should do so in accordance with the Code of Conduct for Councillors, and also in accordance with the Council's Planning Code of Good Practice. This is the code applicable to all Members and not necessarily those serving on the Development Management Committee.

Ward Members can, if they choose, address the Committee on a planning application. The member may be representing their personal views or may be representing their community.

The Ward Member will speak on the matter after any members of the public and /or the applicant have spoken.

The Ward Member may on occasion be a member of the Development Management Committee. They may still speak on a planning application but must be mindful of the need to declare interests and whether their stance means that they are likely to be considered as having pre-determined the issue. This may mean that they should not take part or participate in the debate or vote on that particular item, but it would not prevent the Member from participating in the rest of the meetings business.

New planning applications are published in a weekly list which is sent to all Councillors. Applications can also be found on the Council's website and can be searched for by date of receipt and by Ward.

The Local Plan Delivery Board
The new Castle Point Local Plan once adopted by the Council will be the development plan for the Borough. The Local Plan Delivery Board will provide leadership on the preparation of masterplans and development briefs for strategic sites. Ward members will be co-opted onto the board to engage in the process in relation to the specifics of development sites and proposals in their ward.

6. Pre-Application Meetings

Both national and local policy encourages applicants intending to submit a major planning application to carry out pre-application consultation. This should be done early enough in the process to allow the results from this initial consultation to influence the design where appropriate.

Pre application Meetings are an opportunity for early advice to be given about a proposed development based on the Local Plan and its adherence to policies. Ward Councillors are invited to attend pre-application meetings. They have the opportunity to review the proposals and share their views and matters of local knowledge or concern with developers.

Pre application meetings are organised by planning officers. Planning Officers chair the pre application meeting and control the agenda and discussion between

the Council and applicants/ agents and developers. Members must not attend any meeting unless it has been organised by the planning officers and has an officer present.

7. Members and Officers
Members and Officers have different but complementary roles.

A successful relationship between Members and Officers will be based upon mutual trust, understanding and respect for each other's positions.

Members are encouraged to ask questions of planning and or legal officers in advance or Committee meetings.

Codes of conduct
Both Members and Officers are guided by codes of conduct. The Council has adopted its own Protocol and Code of Conduct for Planning Matters, which must be complied with and to which this handbook is complementary. The Council's standing orders (procedure rules) and scheme of delegation set down rules which govern the conduct of Council business.

Planning Officers and serving Members of the Planning Committee must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.

Members should at all times think about how a reasonable member of the public, with full knowledge of the relevant facts, would view the matter when considering whether the Members' involvement would be appropriate

Planning Officers who are chartered town planners are additionally subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct.

Planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
Care needs to be taken in the use of social media, such as Twitter, Facebook or Instagram, by officers and councillors, where it relates to decision making functions.

8. Material planning considerations

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide. In general, planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

Material Planning Considerations (examples)	Non-Material Planning Considerations (examples)
• Previous planning decisions	• Strength or volume of local opposition
• Traffic generation	• Loss of property value
• Overlooking & loss of privacy	• Loss of a view
• Layout/density of the building proposed	• Disputes over access rights / ownership
• Loss of daylight or sunlight	• Competition
	• Restrictive covenants
	• Political considerations

Applying weight to a material consideration or policy

It's up to members, as decision makers, to decide how much weight to give to a particular material consideration; some might be more important to you than others. This is where judgement and balance come in to play. For example, members might agree that a proposal will have an impact on parking, or that there will be an element of overlooking, but overall, the scheme brings other benefits or is otherwise acceptable.

9. Lobbying of Councillors

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or emerging policy, will often seek to influence it through an approach to their Ward Member or to a member of the Planning Committee.

Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, and so care and common sense must be exercised by all parties involved.

Expressing opinions:

Although predisposition is permissible, however, it nevertheless remains good practice that when being lobbied, Members (and members of the Planning Committee in particular) should try to take care about expressing an opinion that

may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.

In such situations, however, Councillors could safely restrict themselves to giving advice about the process and what can and can't be taken into account.

Councillors can also raise issues which have been raised by their constituents, with officers. If councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at committee.

Conduct at Committee

If any Member, whether or not a Committee Member, speaks on behalf of a lobby group at Planning Committee they should withdraw once any public or Ward Member speaking opportunities had been completed in order to counter any suggestion that Members of the Committee may have been influenced by their continuing presence.

It is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way.

The striking of this balance is, ultimately, the responsibility of the individual councillor. Planning Committee Members should in general avoid organising support for or against a planning application and must avoid lobbying other Members of the Planning Committee.

10. Lobbying by Councillors

Members must not lobby fellow Members regarding their concerns, nor to attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken. Members are reminded not to put pressure on Planning Officers to put forward a particular recommendation.

Members should approach each meeting with an open mind. Decisions or discussions regarding how to vote should not take place at any political group meeting and Political Groups or members should never dictate how Members should vote on a planning issue

Members can join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, however, you should make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

11. Decision Making and Declaring Interests

The Council's code of conduct requires that disclosable pecuniary interests should be disclosed and such interests are kept on the register maintained by the Monitoring officer and made available to the Public.

Members should also disclose such pecuniary interests orally at a Planning Committee or other meetings, when they relate to an item under discussion.
If a Member has a disclosable pecuniary interest in an item under discussion they should withdraw from the committee, and take no part the decision

It is always best to identify a potential interest early on. If a Member thinks that they may have an interest in a particular matter to they should seek advice from the Monitoring Officer as soon as possible.

Public perception
If a Member has an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Members judgement, that interest must be declared and the member should withdraw from the Committee and take no part in the decision

Where Members have an interest they should not influence or participate, (or give the appearance of trying to influence or participate), in the making of any decision on the matter by the planning authority. Members must not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of your position as a Member. This would include using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

12. Predisposition, Predetermination, or Bias

Members of a Planning Committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.

Predetermination is where a Member has, or appears to have a 'closed mind'.
Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is indicative of a 'closed mind' approach and may leave the grant of planning permission vulnerable to challenge by Judicial Review.

Predisposition is where a councillor may have a pre-existing opinion or attitude about the matter under discussion but remains open to listening to all the arguments and changing their mind in light of the information presented at the meeting.

A councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased. For example, a councillor who says or 'tweets' from their Twitter account: 'Wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before the committee" will be perceived very differently from a councillor who states: 'Many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area'.

Committee Members should only exercise their separate speaking rights to address the Committee as a Ward Member where they feel unable to find another Ward Member to speak on behalf of residents. Where Committee Members do exercise speaking rights they have fettered their discretion to act as a member of the Committee and must advise the Chairman of the meeting that they wish to address the meeting in the capacity as a ward member. The Member must then leave the Committee and not take any part in the decision being taken.

13. Site Visits

Members may need to undertake site visits to gain a better understanding of a planning application.
A site visit is only likely to be necessary if:
- the impact of the proposed development is difficult to visualise from the plans and any supporting material
- there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing or the proposal is particularly contentious

Site visits are arranged by officers, and members are notified in advance of the date and time of the visit. Only members of the Development Management Committee, Planning Officers and any other supporting Council Officers e.g highways engineer, will be in attendance at a site visit.

Although attendance at site visits is not mandatory, members are strongly encouraged to attend whenever possible to ensure that they are familiar with the site characteristics. Attendance at site visits will be recorded.
Members should treat the site visit as an opportunity to seek information and to observe the site. Members should ask questions to the officers at the site visit or seek clarification from them on matters which are relevant to the site inspection but no views or opinions should be expressed at the site visit.

Whenever possible Members should try to arrive on time and together. Members arriving early and on their own will always be prey to lobbying. At the site visit Members should not engage in conversations with the applicant or a third party.

Officers will lead the site visit and anyone seeking to make representations on site will be advised that they should make representations in writing to the authority.

Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation.

14. Committee reports and presentations.

The Committee agenda is published at least five working days before the committee meeting. Limited copies are available on the evening but full copies can be found on the Council's website.

The planning officer's presentation to the committee will briefly describe the proposals and highlight the main issues that are the determining factor in relation to each application. Planning Committee Members will have read the reports and the presentation will focus on the key matters relevant to the application and will not refer to every consideration applicable to the application. Extracts from the application showing the proposals will be displayed on screens during these presentations, along with any additional appropriate illustrative material.

15. Making a Decision

Councillors must approach the decision on each application with an open mind. This means that whilst members may well have an opinion on a proposal, they must not have decided whether they think permission should be granted of not. They must be open to listening to the speakers, (including planning and legal officers and fellow Members), considering the merits of the proposal, and come to a view.

Planning decisions have to be taken in accordance with the law, the adopted Development Plan and any regulatory guidelines in force at the time as well as any other material considerations.

The Member's role is to ensure the correct application of planning policies. Planning Officers set out in their report how the planning application responds and relates to policies and give their professional assessment of the merits of the application. Committee members consider if the planning officer has applied their professional judgement in full accord with the policies and guidance.

Members should comply with the Council's procedures in respect of public speaking. Members should not feel that they need to contribute to the debate on every item, particularly if similar comments have already been made by another member. Members should avoid repetitious or irrelevant comments and ensure all comments are relevant and based on planning grounds.

Policy Conflicts

Decisions should be made in accordance with the policies in the Development Plan. However, it is often the case, especially with proposals which come to Committee and tend to be the largest, most complex and often most controversial schemes, that a development meets some policies but not others. This doesn't automatically make them unacceptable, though, as Members have to consider what harm is caused, how severe that is, and when looking at the scheme as a whole, would it justify a refusal of permission.

Members must make sure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. Members may have to justify the resulting decision by giving evidence in the event of any challenge.

Strength of local feeling

The number of objections received, or the strength of feeling amongst objectors, is not a material consideration to be taken into account in itself. Relevant planning issues raised by objectors, though, are material considerations and members can decide how much weight to give to those planning issues.

16. Format of Development Management Committee

Development Management Committees follow the same format at each meeting. The format is as follows;

Introduction from Chairman of committee:
The Chairman will open the meeting and will address each item on the Agenda in turn.

Apologies:
The Committee Officer will advise the Chairman of any Committee members who will not be attendance.

Members interests:
Members are required to disclose any pecuniary or non-pecuniary interests in relation to the applications on the agenda.
The nature of the interest will determine if a member is able to participate in the business of the meeting or if they will be excluded.
The Monitoring Officer and Deputy Monitoring Officer provide advice to members on interests.

Minutes:
Minutes from the previous Development Management meeting are put to the Committee for agreement.

Attendance and requests to speak:
The Chairman will announce the names of those persons wishing to speak to an Agenda Item.

- Some members of the public, agents or applicants and Ward Councillors who are not Committee members may have registered to speak. Only those who have arranged with the Committee Officer in advance of the meeting will be able to speak.

- One person will be able to speak in support of the application and one in objection.
- If more than one person wishes to speak priority will be given to those representing a group of people or those living nearest to the application.
- Speakers may speak for a maximum of 3 minutes.

Planning applications:

Each application will be taken in turn.

- The Chairman will read out the application proposal
- The Planning Officer will introduce and present the item and make their recommendation.
- Any speakers will be called.
- Committee members may ask questions of the Planning Officer.
- Committee members debate the proposal. Members will be invited to make any comments they may have on the proposal. (Members may speak for a maximum of 4 minutes. Members will have one opportunity to speak).

Voting:

- The Chairman will read out the Planning Officer recommendation.
- The application will be voted upon. Voting will be by show of hands and by simple majority with the Chairman having a casting (2nd) vote, where required.

  The detailed procedure for voting is below.

17. Voting procedure

Agree with Planning Officer Recommendation / Agree with amendments
- Chairman reads out the planning officer recommendation as presented to them in the Committee item.
- Members propose any amendments to the recommendation.
- An amendment to a recommendation must be proposed and seconded before it can be discussed.
- When an amendment has been proposed a Member, who has already spoken can speak again to the amendment.
- Members vote to agree the amendment. (If not agreed, reverts to planning officer recommendation for vote).
- Chairman reads out revised recommendation with amendment.
- Members vote on the revised recommendation.

Overturn of Planning Officer Recommendation
- Chairman reads out the Planning Officer recommendation as presented to them in the Committee item.
- Members vote on planning officer recommendation.
- Members vote against planning officer recommendation.
- Members are required to put forward valid and material planning reasons for not supporting the recommendation in the report. An alternative Motion cannot be proposed until those reasons have been given.
- Members must state what the Motion is and the reasons for it. The reasons must be precise and relevant.
- If valid and material planning reasons are given then the alternative Motion must be proposed and seconded.
- The Planning Officer will advise the Committee if they can sufficiently conclude the requirements of the revised motion for the application to be determined at that meeting or if a deferral is required. For example, if the proposed amendment requires a number of conditions to be considered the officer would need to defer to allow adequate time to correctly construct all conditions and then prepare a report to present them to the following Committee.

No deferral required:
- The Chair reads out the revised recommendation as per the motion
- Members vote on the revised recommendation.

Deferral required:

A report will be prepared for a subsequent Committee.
- The report will include the reason for the revised Member recommendation. It will also include details of any other relevant matters e.g. conditions, S106 details, reasons for refusal. The report will also advise if the decision will require referral to the Secretary of State.
- Only one overturn of a planning officer recommendation will be permitted on an application.

Consideration of a revised recommendation:
Agree with recommendation:
- Chairman reads out the revised recommendation as presented to them in the second report.
- Members vote to agree the revised recommendation.

Overturn of Revised Recommendation:
- Chairman reads out the revised recommendation as presented to them in the Second Report.
- Committee vote against the revised recommendation.
- Chairman refers to previous planning officer recommendation. Chairman reads out the planning officer recommendation as presented to them in the Committee item.
- Committee to approve planning officer recommendation in light of no alternative motion being approved.

Where an application has been considered and deferred to a future meeting for determination the Democratic Services officer needs to ensure that only those who considered the application at the first meeting can take part at the second meeting (including substitutes).

18. Development Management Committee Member Skills and attributes

Castle Point Council is committed to the provision of well-trained Committee members who possess the requisite skills, experience, knowledge and attributes in order to deliver robust, consistent and transparent planning decisions.

These skills and attributes fully comply with best practice including Local Government Association (LGA) and Planning Advisory Service (PAS) guidance. They help us to enhance the reputation of the Committee as well as the Council and protect both the decision-making process and the lawful standing of the Council in carrying out this function.

Members will be supported in enhancing their skill sets, with a full and comprehensive training package and Officer support.

An ideal Development Control Committee member will
- Maintain regular attendance at Development Management Committee
- Maintain regular attendance at Development Management Committee training.
- Be aware of and able to access both National and Local planning policies and guidance and Planning Law
- Be able to interpret and apply policies correctly
- Remain politically neutral and not to reference wards or political groups at Committee.
- Recognise and uphold the principles of the Local Government Code of Conduct
- Adhere to professional legal advice.
- Declare all relevant interests.
- Be professional in appearance and in use of language at all times.
- Be fully prepared for Committees, including having read all papers and having sought out clarification in advance where necessary.
- Adhere at all times to the rules of committee and the rules of debate.
- Have a history of good conduct with no occurrences of warning letters, investigations, misdemeanours or cautions in the preceding 5 years.
- Fully comply with local development Management Committee processes.
- Remain professional at all times and not address the public gallery or respond to public pressure.
- Not make statements outside of committee that could be construed as pre determination.
- Have respect for the chairman, committee members and officers of the authority.

Committee duties and responsibilities are set out at Appendix A
Committee culture and behaviours are set out at Appendix B.

19. Training for Development Management Committee Members

Members of the Development Management Committee are required to undertake training sessions to be able to undertake their Committee role.

Planning Committee members should endeavour to attend and actively participate in all specialised training sessions provided by the Council as such training sessions are designed to extend members knowledge of planning law, regulations, procedures, Codes of Practice and Planning Policy, and assist them in carrying out their role properly and effectively.

Examples of training are set out below.

Training requirement	Topic
Annual Mandatory Training	Planning committee procedures and policy
General Councillor training	Behavioural, probity / codes of conduct. Councillors role Declaration of interests
Development Management Committee specific training	How to make defensible planning decisions Context for planning decision making Probity in planning Learning from Appeals
Development Management topic specific training	Permitted development Material Planning considerations Key topic training for Committee – as required
Role specific training	Chairing Committee training

Committee Review.

Following each Development Management Committee, the Chairman, a Legal Officer, Governance Officer and Planning Officer will meet and review the meeting. This is an opportunity to identify any areas where processes were not followed and to identify potential training requirements to enhance member skill sets. Matters or issues of concern can also be identified and where appropriate referred for escalation through the Monitoring Officer.

20. Public participation at Development Management Committee Meetings

The Council welcomes the general principle that the public should be able to participate in the decision making process by speaking on planning applications at Development Management Committee meetings. The Protocol for Public speaking on planning applications at the Development Management Committee is set out in the Council's Constitution and that document outlines the procedure under which such spoken comments may be made, in order to ensure that the decision-making process remains fair and effective.

21. Frequently asked questions

When is the Development Management Committee held?
The Council publishes a calendar of meeting dates each year. This can be found on the Council's website. The Development Management Committee is usually held on the first Tuesday of every month. The Committee is available to be viewed online via the webcast on the Council's website.

When does the Committee meeting start?
The meeting starts at 19.00. It is held in the Council Chamber in the Council Offices, Kiln Road, SS7 1TF.

How long does the meeting last?
The meeting will be conducted in a business-like fashion and the Committee will follow the Council's rules of debate to deal with reports as quickly and efficiently as possible.

Which Members attend the Development Management Committee?
The Development Management Committee comprises 10 Councillors, all of whom have received training on planning and decision making.

Ward Councillors can attend in an observational capacity or to speak on an item but they do not form part of the Committee.

Who Chairs the Committee?
The Council appoints a Chairman to the Committee annually.
The Chairman will preside over the Committee Meeting.

Which Officers attend the Development Management Committee?
Various Officers of the Council will be present at Committee.
- Planning Officers: these officers will introduce and present the items on the report and respond to questions regarding planning policy and guidance.
- Legal Officers: the Legal Officers advise on points of planning and committee law and process.

- Committee Officer: these officers will advise on the Committee process generally, rules of debate and take minutes of the Committee meetings

Which planning applications does the Committee consider?
The applications before Committee are the most significant and controversial applications. The majority of applications are determined by Officers under delegated powers. The Councils Constitution gives full details of the scheme of delegation.

How do I get a copy of any reports to be considered at Committee?
The Committee reports which make up the Agenda are published at least 5 working days in advance of the meeting. Copies of agendas can be found on the Council's website https://www.castlepoint.gov.uk/agendas-minutes-library. A limited number of hard copies are also available at the meeting.

Can I attend Development Management Committee meetings?
All Development Management Committee meetings are open to the press and public and can be viewed online via the Council's website.

Can I speak at a Development Management Committee meeting?
Only those who have arranged with the Committee Officer in advance of the meeting will be able to speak and only on planning grounds. The Council has published guidance for speaking at Committee as detailed earlier in this handbook.

Does the Committee consider applications in the order listed on the Agenda?
The order of business can be changed taking into consideration;
Whether an application has been withdrawn or an officer is recommending deferral.
The level of interest on an application.
The number of public present for a particular item.
Whether anyone speaking on an item has indicated any special requirements.

What is the format of the meeting?
In summary:
Each application will be taken in turn.
The Planning Officer will introduce and present the item and make their recommendation.
Any speakers will be called.
Committee members may ask questions of the Planning Officer.
Committee members debate the proposal.
The application will be voted upon.

How do members prepare for the Committee?
Members will always approach the decision with an open mind. They will have read the reports in advance of the meeting, they may have visited the site, and

they will have listened to the speakers and the presentation from the Planning Officer.

How are decisions made?
Planning Officers make recommendations. The justification for the recommendation is set out in the report.
The Committee makes the decision, which can differ from the recommendation if it is based on justifiable planning reasons.
Planning decisions must be made in accordance with the relevant policies in the Local Plan and with regard to material considerations. Members need to decide and justify how much weight they give to different aspects and must consider the proposal in its entirety. The number of objections to a proposal is not in itself a reason to refuse a planning permission.

Can the Planning Committee decide not to follow the officer recommendation?
Planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a Section 106 obligation. Sometimes it will change the outcome, for an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations. If the Committee does decide to make a decision different to the recommendation there have to be clear justifiable and enforceable planning reasons to do so.

Members must be aware of the consequences and risks associated with overturning a Planning Officers recommendation;
Members who reject a planning application that planning officers have advised them to accept risk the decision being overturned on appeal, with the potential for costs awarded against the council if no sound reasons for the decision have been given.
The Chairman should seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation.

If the committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review.

How are decisions recorded?

Decisions on applications are recorded by the Committee Officer as minutes. Minutes are available to view on the Council's website.

How can I see the decision notices?

Decision notices confirming the decision on each application are sent to the applicant or agent within a few days of the meeting. The decision is available to view on the Councils website https://publicaccess.castlepoint.gov.uk/online-applications/. If a legal agreement is involved, the decision notice will be issued when the agreement has been concluded and signed.

Where do I find Committee Procedure rules?

The Council's Constitution sets out how the Council operates, including but not limited to the process for electing Councillors to Committees, the roles, responsibilities and functions of the Council, the details of each Committee, the roles and attributes of Councillors, the rules that govern Committee meetings. The Constitution is supported by additional supplementary guidance which is referenced above.

Appendices

Appendix A
Duties and responsibilities of Development Management Committee Members:

Chairman of Development Management Committee
Main purpose:
- To chair and manage Committee meetings and ensure that the Committee adheres to its terms of reference and rules of debate.
- To make decisions on planning applications in accordance with the terms of reference of the Development Management Committee.
- To consider schemes at pre-application stage in accordance with the terms of reference of the Planning Committee

Duties and Responsibilities (to include but not limited to):
- To show leadership and represent the interests of the Council.
- To ensure that meetings function in an orderly and efficient manner.
- To ensure that decisions are taken transparently and fairly.
- To review the performance of the committee and to support new members.
- To attend pre-committee briefings with officers.
- To attend all relevant training.
- To ensure that members of the public are clear about the roles and responsibilities of people at committee.
- To ensure that members of the public are clear about the decision-making process.
- To ensure that public speaking arrangements are implemented in accordance with standing orders.
- To prevent repetition in debate.
- To ensure that decisions made are clear and reflected in minutes.
- To take part in decision making as a committee member (not a member of Cabinet) and in accordance with the relevant code of conduct and terms of reference.
- To demonstrate by actions a thorough understanding of good governance, codes of conduct and planning law and guidance.

Member of Development Management Committee
Main purpose:
- To make decisions on planning applications in accordance with the terms of reference of the Development Management Committee and adhering to the rules of debate.
- To consider schemes at pre-application stage in accordance with the terms of reference of the Development Management Committee.

Duties and Responsibilities (to include but not limited to):

- To implement the Council's planning policies as set out in the Local Plan and supplementary planning documents.
- To help secure the Council's growth and regeneration objectives and delivery of housing.
- To demonstrate by actions an understanding of good governance, codes of conduct and planning law and guidance.
- To maintain high standards of procedure, behaviour and ethics in making decisions, in accordance with planning law and relevant codes of practice.
- To follow the Councils rules of debate.
- To attend all relevant training.
- To foster and maintain a disciplined approach to considering planning applications and pre-application schemes, namely:
- Having read the reports in advance.
- Attended site visits if appropriate.
- Approach decision making with an open mind.
- To develop constructive and respectful working relationships with officers.
- To seek early resolution of any points of clarification or concern from planning officers following publication of the report, before the committee meeting.

The withdrawal of committee membership will be considered for those members who have been found to have shown the following behaviours:

- Misquoting sections of planning guidance or referencing sections without the full context, in order to mislead or misdirect the Committee
- Making unsolicited approaches to other Committee members or attempting to influence voting.
- Perverse or unreasonable assertions being made as a statement of fact.
- Contact with developers and agents outside of structured planning officer attended meetings.
- A lack of respect for the Committee and its members
- Prejudicial statements and adverse comments including personal remarks.

A failure to abide with this person specification may result in a member being considered for removal from the DMC. Removal will be considered following discussions with the Leaders of the Political Groups within the Council together with the Chief Executive Officer and any agreed action will be taken in accordance with the powers which are available to the Chief Executive Officer to regulate the business of the Council.

Appendix B
Culture and Behaviours
Local Leadership
Positive behaviours:
- Engages with their community, canvasses opinion and looks for new ways of representing people.
- Keeps up-to-date with local concerns by drawing information from diverse sources, including hard to reach groups.
- Encourages trust and respect by being approachable, empathising and finding new ways to engage with others.
- Creates partnerships with different sections and groups in the community and ensures their involvement in decision-making.
- Mediates fairly and constructively between people and groups with conflicting needs.
- Works with others to develop and champion a shared local vision.

Negative behaviours:
- Doesn't engage with their community, waits to be approached and is difficult to contact.
- Maintains a low public profile, not easily recognised in their community.
- Treats groups or people unequally, fails to build integration or cohesion.
- Has a poor understanding of local concerns and how these might be addressed.
- Concentrates on council processes rather than people.
- Is unrealistic about what they can achieve and fails to deliver on promises.

Partnership working
Positive behaviours:
- Works proactively to build good relationships with colleagues, officers, community groups and other organisations.
- Emphasis on achieving shared goals by maintaining focus and mobilising others.
- Knows when to delegate, provide support or empower others to take responsibility.
- Makes people from all backgrounds feel valued, trusted and included (e.g., says 'thank you')
- Understands and acts on their role in building and shaping key partnerships at local, regional and national levels.
- Understands how and when to assert authority to resolve conflict or deadlock effectively.

Negative behaviours:
- Prefers to exert control and impose solutions by using status rather than through persuasion and involving others.
- Fails to recognise or make use of others' skills and ideas.

- Typically avoids working with people with different views or political values.
- Prefers to act alone and fails to engage or network with others.
- Often uses divisive tactics to upset relationships within their group, or council policies and decisions.
- Defensive when criticised, blames others and doesn't admit to being wrong.

Communication Skills

Positive behaviours:

- Provides regular feedback to people, making sure they are kept informed and manages expectations
- Regularly informs and communicates with their community using all available media (e.g. internet newsletters and email).
- Listens to others, checks for understanding and adapts their own communication style as required.
- Creates opportunities to communicate with different sectors, including vulnerable and hard to reach groups.
- Speaks confidently in public settings (e.g. in council and community meetings, and the media).
- Communicates clearly in spoken and written forms (e.g. uses appropriate language and avoids jargon or 'council speak').

Negative behaviours:

- Slow to respond to others; tends to communicate only when necessary.
- Doesn't listen when people are speaking and uses inappropriate or insensitive language.
- Communicates in a dogmatic and inflexible way.
- Unwilling to deliver unpopular messages, uses information dishonestly to discredit others.
- Tends not to participate in meetings and lacks confidence when speaking in public.
- Presents confused arguments using poor language and style.

Political Understanding

Positive behaviours:

- Demonstrates a consistency in views and values through their decisions and actions.
- Helps to develop cohesion within and between different groups and also between different groups and the council.
- Clearly communicates political values through canvassing and campaigning.
- Actively develops their own political intelligence (e.g. understanding local and national political landscapes).
- Looks for ways to promote democracy and increase public engagement.

- Is able to put party politics aside and work across political boundaries when required, without compromising political values.

Negative behaviours:

- Lacks integrity, has inconsistent political values and tends to say what others want to hear.
- Puts personal motives first or changes beliefs to match those in power.
- Has poor knowledge of group manifesto, values and objectives.
- Fails to support political colleagues in public.
- Doesn't translate group values into ways of helping the community.
- Lacks a clear political vision of what they would like to achieve.

Scrutiny and challenge
Positive behaviours:

- Identifies areas suitable for scrutiny and ensures that citizens and communities are involved in the scrutiny process.
- Quickly understands and analyses complex information.
- Presents concise arguments that are meaningful and easily understood.
- Understands the scrutiny process, asks for explanations and checks that recommendations have been implemented.
- Objective and rigorous when challenging process, decisions and people.
- Asks challenging but constructive questions.

Negative behaviours:

- Doesn't prepare well or check facts and draws biased conclusions.
- Too reliant on officers, tends to back down when challenged.
- Fails to see scrutiny as part of their role.
- Too focused on detail, doesn't distinguish between good, poor and irrelevant information.
- Uses scrutiny resources inappropriately (e.g., on issues over which they have no influence).
- Overly aggressive: prefers political 'blood sports' to collaboration and uses scrutiny for political gain.

Regulating and monitoring
Positive behaviours:

- Understands and acts on their judicial role in meeting legal responsibilities (e.g., duty of care, corporate parenting).
- Uses evidence to evaluate arguments and make independent, impartial judgements.
- Chairs meetings effectively, follows protocol to make sure all views are explored and keeps process on track.
- Understands and abides by the councillor's code of conduct.

- Follows legal process, balances public needs and local policy.
- Monitors others' performance and intervenes when necessary to ensure progress.
- Is committed to self-development, seeks feedback and looks for opportunities to learn.

Negative behaviours:
- Doesn't declare personal interests, makes decisions for personal gain.
- Fails to check facts or consider all sides and makes subjective or uninformed judgements.
- Leaves monitoring and checks on progress to others.
- Makes decisions without taking advice, considering regulations or taking account of wider issues.
- Misses deadlines, leaves business unfinished, doesn't prepare for meetings and lacks balance between council and other commitments.