CONSTITUTION WORKING PARTY

5 February 2019

6.30 pm

Town Hall, Watford

Contact
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For information about attending meetings please visit the council's website.

Publication date: 28 January 2019

Committee Membership

Councillor K Hastrick (Chair)
Councillor S Bolton (Vice-Chair)
Councillors N Bell, S Johnson, A Khan, I Sharpe and D Walford

Agenda

Part A - Open to the Public

1. **Apologies for absence**

2. **Disclosure of Interest (if any)**

3. **Constitution Review** (Pages 3 - 23)

   Report of Democratic Services Manager following Councillor Bolton's review of the constitution. Constitution Working Party are asked to consider recommendations to forward to Council.

4. **Report and Recommendations in relation to PAS Review of Development Management Committee** (Pages 24 - 41)

   Report to Development Management Committee which will be considered on 6 February. CWP is invited to make any comments to feed into DMC discussions.

Part A

Report to: Constitution Working Party

Date of meeting: 5 February 2019

Report author: Democratic Services Manager

Title: Constitution Review

1.0   **Summary**

1.1   The Mayor, Peter Taylor, appointed Councillor Stephen Bolton to carry out a review of the constitution in May 2018.

1.2   Meetings have taken place to discuss various aspects of the constitution and the report is to present ideas for the way forward for Portfolio Holders' consideration.

1.3   A review has also been carried out by the Planning Advisory Service (PAS) of the Development Management Committee and there may be further recommendations to be considered by Council arising from this. It is intended that a report on the PAS recommendations goes to Development Management Committee on 6 February.

2.0   **Risks**

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
If terms of reference are not updated for Major Projects Board then there will continue to be a lack of clarity for councillors	Councillors do not get actively involved in discussions	Updating terms of reference, ensuring councillors' role is clear	Treat	2
Deletion of Highways Forum will result in councillors not being able to participate in meetings relating	Councillors will not have input into highways matters	The Highways Liaison Meetings (HLM) are bi-annual and open for all members to attend to have input into highways issues being discussed. It is proposed that these continue. The Transport	Treat	2

to highways matters		and Infrastructure Section Head reports on Watford issues to the HLM. If this ceases to be the case then there will be a need for review.		
If the terms of reference are not updated for Planning Policy Advisory Group it may not be as effective	Councillors are not able to fully input into the Local Plan process and other planning policy considerations	Updating the terms of reference to ensure they stay relevant for the work of planning policy	Treat	2

3.0 **Recommendations**

3.1 For Constitution Working Party to consider which suggestions to take forward to the Full Council meeting in March 2019:

- Review the terms of reference for Major Projects Board (Appendix B)

- Change the name of Major Projects Board to Major Projects Forum.

- Reduce the number of meetings of the Major Projects Forum from four to three per year.

- Abolish the Highways Forum.

- Review the terms of reference for the Planning Policy Advisory Group (Appendix C)

- Set a schedule of Planning Policy Advisory Group meetings to take place quarterly.

- Review the terms of reference for the Housing Policy Advisory Group (Appendix D)

- Combine the two Licensing Committees into one Licensing Committee to cover all areas of Licensing.

- To review scrutiny proposals and consider what to adopt for the new municipal year

- To consider establishing themed forums on Health and Wellbeing, and Sustainability.

- To add another bullet point in the constitution, as set out in 5.7.2, to help to clarify what negates a motion when an amendment is proposed.

- To agree a revised role profile for the Chairman of the Council (Appendix A)

- To adopt a new way of selecting the Vice Chairman of the Council as outlined in 5.8.4.3

Further information:
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Report approved by: Head of Democracy and Governance

4.0   **Preparation work**

4.1   Meetings were held with the Mayor, Councillor Bolton, the Head of Democracy and Governance and the Democratic Services Manager to identify parts of the constitution to review. The following were identified:

- Review of Major Projects Board, Highways Forum, Planning Policy Advisory Group and Housing Policy Advisory Group.
- Review of wording in the constitution around 'negating a motion' in a Full Council meeting.
- Review of the overview and scrutiny committee structure.
- Consideration of whether to combine the Licensing Committee and Licensing Committee (Licensing Act 2003) into one committee.
- Consideration of various ways to select the next Vice Chairman of the Council.

4.2   The Planning Advisory Service also carried out a review of the Development Management Committee (DMC) and recommended some changes to the council. There may be some aspects from this report which members would like to consider adopting following a report to DMC on 6 February. The recommendations will come to March Full Council meeting.

4.3   Research was carried out by the Democratic Services team on the various aspects and meetings were held with Councillor Bolton and officers to discuss scrutiny and committees. Councillor Bolton also consulted a number of councillors.

5.0   Committee Review

5.1   As stated above, the committees reviewed were Major Projects Board, Highways Forum, Planning Policy Advisory Group and Housing Policy Advisory Group.

5.2   Major Projects Board

5.2.1   Previously known as the Procurement and Contracts Board (established in 2003), it was re-constituted to Major Projects Board part way during 2010/2011. The Board was originally set up following the Best Value Procurement Review and the resulting Performance Improvement Plan. It was an advisory group that had a strategic and operational role. It had regular reports from the Procurement Manager and oversaw the implementation of the Performance Improvement Plan. It received information about contracts before they were awarded. It was then changed during 2010/11 to Major Projects Board, following a decision at Cabinet on 13 December 2010. The lead officer was the Managing Director. Its main focus was to act as an advisor to Cabinet on procurement strategy and act as the member interface for all the major projects currently being undertaken by the Council.

5.2.2   During discussions with officers and members, the Board was seen as a useful cross-party briefing. However, members were not clear about their role on the Board; which was viewed by officers as a forum for receiving feedback from members on aspects of ongoing projects.

5.2.3   Meetings were occasionally cancelled, as some projects were taking place over a number of years and there may not be anything to update at the time of the scheduled meetings.

5.2.4   Meetings of the Major Projects Board were usually exempt under the Access to Information Act, Part B, as information was shared with members about ongoing projects; in particular involving sensitive finance or commercial data.

5.2.5   Future arrangements

5.2.5.1 Renaming the Major Projects Board to Major Projects Forum to reflect that it is not a decision making body, rather it is somewhere for members to discuss and give their feedback on projects.

5.2.5.2 Review the terms of reference in order that they are clear for members on what the remit of the committee is and what is expected of them.

5.2.5.3 The meeting frequency be changed to every four months, therefore three meetings per year.

5.3   Highways Forum

5.3.1   Following the county's decision to abolish the Hertfordshire Highways Joint Member Panels from October 2012, the Highways Forum was established to give Watford members the opportunity to discuss Watford Borough Council led highways projects. Prior to this, Watford officers were able to present through the Joint Member Panel meetings.

5.3.2   The terms of reference of the Highways Forum state that it should consider and give views to Hertfordshire County Council (HCC) on any consultation documents or policies brought forward by the County Council on highways issues that affect Watford. It should also formally respond on behalf of Watford at any briefing meeting called by HCC on highways issues. The Forum could recommend to HCC any highway projects for Watford that they consider should be adopted by HCC.

5.3.3   The Highways Forum has not met since October 2015. Since then the Transport and Infrastructure Section Head has been presenting updates at the Watford Highways Liaison meetings; these meetings allow local councillors to engage with the county on district wide and strategic highways matters. HCC provides access to the agenda so WBC officers can ask for items to be included if they think they would be useful, even if they are WBC-only schemes. Given the compact nature of the borough and the large number of joint highways schemes, it works well to present updates alongside Highways officers in a meeting which all members can attend.

5.3.4   Future arrangements

5.3.4.1 Given the access to the HLM agendas and that all members are invited to these bi-annual briefings, it is not considered that the Highways Forum needs to continue. There are considerable benefits to working jointly with Herts Highways to provide these regular updates to members.

5.3.4.2 Previously, WBC officers provided details of Traffic Regulation Orders (TROs) via the Highways Forum; these could now be presented at the Highways Liaison Meeting if requested. However details of all TRO decisions are published on the WBC's website. Updates received from HCC are also circulated by e-mail to all members or may be included in the Members' Information Bulletin or in future on the Members Portal.

5.4   Planning Policy Advisory Group

5.4.1   The Planning Policy Advisory Group (PPAG) held its first meeting in December 2006. It is chaired by the Regeneration and Development Portfolio Holder and supported by the Planning Policy team. It is a cross-party group appointed at Annual Council.

5.4.2   PPAG was originally set up to enable members to provide input into the Local Development Framework and to discuss emerging planning documents and matters.

5.4.3   Until recently meetings were held sporadically and peaked when there were new documents to be reviewed. Presently, they are scheduled in approximately monthly as Planning Policy are preparing the Local Plan. Meetings are open for all members to attend though they are not held in public as confidential and commercial matters are discussed. It is not a decision-making meeting. This arrangement is particularly valued by planning policy officers.

5.4.4   Future arrangements

5.4.4.1 It is proposed to have an advanced schedule of quarterly meetings. These dates could also be used for member briefings on planning policy if needed rather than setting up extra dates.

5.4.4.2 It is suggested that joint meetings with Housing Policy Advisory Group may be beneficial when there are planning issues to be discussed which also affect housing (this has happened previously when requested by the services.)

5.4.4.3 It is proposed to review the terms of reference of the group to ensure they are fit for purpose for the forthcoming work and also to review again in two years to maintain relevance.

5.5   Housing Policy Advisory Group

5.5.1   The Housing Policy Advisory Group (HPAG) was agreed by Council at its meeting on 16 November 2011. It is an opportunity for informal meetings, not held in public, which provide a forum for cross party councillors and officers to exchange views on what is happening in housing. Its aim is to provide a steer for policy direction prior to a formal decision at Cabinet and/or Council. Members are able to report the public's views about housing matters.

5.5.2   The terms of reference for HPAG were reviewed two years ago with the Portfolio Holder to enable there to be constructive contributions from members to housing policy work. HPAG also provides education to members to set a common

understanding of issues and how the council tackles those issues.

5.5.3 Meetings take place quarterly which are thought to be the right frequency, though with the opportunity for joint meetings with PPAG where appropriate. HPAG covers an area which is ever changing and needs to be at the forefront of members' minds, especially as it is one of the council's priority areas.

5.5.4 The membership is agreed at Annual Council. It is not a decision-making body.

5.5.5 Future arrangements

5.5.5.1 In the meetings which have taken place it was clear that HPAG was a forum valued both by members and officers. Therefore, it is proposed that it continues in the same way but looks for opportunities to combine meetings with PPAG where appropriate. In keeping with the rest of the review, officers have looked at the Housing Policy Advisory Group (HPAG) terms of reference which are attached as a draft at Appendix D.

5.6 Licensing committees

5.6.1 At present there are two Licensing committees: Licensing Committee and Licensing Committee (Licensing Act 2003).

5.6.2 The Licensing Committee is responsible for:

- Approving licensing policies related to hackney carriages, hackney carriage operators and drivers and private hire operators and drivers;
- Approving the Hackney Carriage fare tariff;
- Approving byelaws relating to acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis;
- Approving other policies within Environmental Health, except for those related to the Licensing Act 2003 and Gambling Act 2005.

5.6.3 Licensing Committee (Licensing Act 2003) is responsible for the following:

- Considers the Council's Licensing Policy under the Licensing Act 2003 and makes recommendations to Council;
- Considers the Council's Statement of Principles under the Gambling Act 2005 and makes recommendations to Council;
- Approves the Licensing Act Annual Report;
- Approves draft responses to Government consultations related to the Licensing Act 2003 and Gambling Act 2005;
- Approves and makes amendments to the Sex Establishment Venue Policy

5.6.4 Both meetings are run consecutively on the same day. However, as they are two separate meetings, it requires the chair to finish one meeting and start the next with apologies, disclosures of interests etc. repeated. The committees have the same membership.

5.6.5 The committees were initially established when the Licensing Act 2003 came into force in 2005.

5.6.6 Future arrangements

5.6.6.1 Research carried out by the Democratic Services team has shown that a number of councils have combined their Licensing Committees e.g., Dacorum and Hertsmere Councils.

5.6.6.2 It will make the meeting flow better to have the Licensing Committees combined rather than stopping one meeting and starting another within the same evening. It would also be easier for the public to understand. The new singular committee would simply be called the Licensing Committee.

5.7 **Future Scrutiny Arrangements**

Presently there is an Overview and Scrutiny Committee, Budget Panel and Outsourced Services Scrutiny Panel. The Overview and Scrutiny Committee can set up task groups proposed by councillors, officers or members of the public, there is also a standing task group to look at the Community Safety Partnership.

Below is set out proposed future scrutiny arrangements for consideration.

It is proposed to retain the Overview and Scrutiny Committee and one Finance Scrutiny Committee and to have a set number of task and finish groups. It is proposed to change the name of Budget Panel to Finance Scrutiny Committee as it is clearer to the public that it is a scrutiny committee.

5.7.1 Overview and Scrutiny Committee

The Overview and Scrutiny Committee would retain nine members (politically balanced) and the membership would also include the Chair of the Finance Scrutiny Committee. Presently Overview and Scrutiny has nine scheduled meetings but some of these are 'call-in' only meetings. It is proposed that under future arrangements all nine meetings are held in order to cover the increased remit as shown below.

Areas to be covered:

- Community Safety Partnership scrutiny – the main item of at least one meeting each year to scrutinise the workings of the CSP as per legal requirements
- Quarterly performance reports – to include council performance and also outsourced and shared services performance figures (excluding Finance)
- Contracts for large outsourced services e.g., Veolia, SLM, HQ Theatres, Parking
- To hear call-ins of executive decisions and councillor calls for action
- To have an overview of the work of the Finance Scrutiny Committee and any Task Groups, including receiving final reports of task groups
- Watford 2020
- Regular review of the Notice of Executive decisions
- Follow up progress on agreed scrutiny recommendations
- Scrutiny of topics as identified by members

5.7.2   Financial Scrutiny Committee

It is proposed to reduce the number of members on the committee to seven, rather than the nine members presently on Budget Panel (politically balanced). As mentioned above the Chair should also be a member of the Overview and Scrutiny Committee. Currently, by convention, the chair has been a member of an opposition group. The Financial Scrutiny Committee would meet five times per year which is the same frequency as Budget Panel currently.

Areas to be covered:

- Reviews fees and charges, the draft budget and final budget proposals and forwards any comments on these areas to Cabinet.
- Reviews the quarterly Finance Digest; the Medium Term Financial Plan and the Asset Management and Capital Strategy.
- Awareness of how the council raises its income, e.g. through commercial ventures, council tax, business rates retention
- Recommendations relating to areas not including the budget setting process would go to Overview and Scrutiny
- Annual review of Croxley Business Park

5.7.3   Scrutiny Task Groups

The proposal below is based on the council's current committee structure, taking into account the proposed effects of changing the scrutiny structure (i.e., removing OSSP and CSPTG). It does not account for further changes which could be proposed by the Mayor which require Democratic Services support, particularly evening meetings, or changes made to other existing committees such as Major

Projects Board etc. It must also be recognised that as a result of proposed Watford 2020 reductions the Democratic Services team will be reducing in size and officers could be taking on additional civic responsibilities which are not currently part of their roles. This may require members to be more pro-active and contribute towards research for scrutiny task groups independently outside of formal meetings. If further evening meetings are required to support new boards/forums then the number of scrutiny task which can be supported may be reduced.

Proposal: Set up 3 task groups per year, to be chaired by different councillors and if possible by those who are not already a chair of another committee

Each task group to consist of 3- 5 members and to hold a maximum of three formal public meetings. The task groups would not be politically balanced. The dates of the meetings would be established in advance for three task groups and agreed at Annual Council.

Initial topic suggestions could come from discussions with Leadership Team, the Mayor and Portfolio Holders prior to elections for areas where scrutiny could assist policy development. Any further suggestions from members or the public could be given priority as the second or third task groups of the year. Officers' suggestions of topics will be considered and allocated subject to task group availability. The March Overview and Scrutiny Committee meeting will agree the first task group of the next municipal year. Replacements could be nominated to the task group prior to the first meeting if the original member is not re-elected. Overview and Scrutiny Committee will be encouraged to maintain a rolling work programme for task groups.

In order to facilitate member and officer discussions and planning, the chairs of the task groups should be agreed at the Overview and Scrutiny Committee when the task groups are established. This will enable best use of the three formal meetings available rather than using one solely for planning. Officers would write to members in advance to ask who would like to be on the task group and also ask those interested in chairing to put their name forward with reasons for wanting to be chair. These would then be forwarded to Overview and Scrutiny Committee for consideration; if more than one member put themselves forward there may be a vote at Overview and Scrutiny Committee if consensus cannot be reached.

All task group meetings should be public, unless the content comes under one of the exemption rules for it to be considered Part B. Therefore, agendas and minutes would be published in accordance with the same schedule as the main committees and members of the press and public could attend.

5.8   Additional Forums

5.8.1   The Mayor has proposed setting up additional forums on specific topics. These would cover Health and Wellbeing and Sustainability.

5.8.2   The Forums would have a membership of nine, which would be cross-party. The meeting frequency would be once or twice per year. Membership would be appointed at Annual Council.

5.8.3   The Chair would not receive an SRA and the Forum would not be decision making, it could only make recommendations. The Forum would be similar in format to Major Projects or HPAG/PPAG.

5.9   Negating of motions at Council

5.9.1   As part of the Constitution Review, it was requested that the wording in the constitution was clarified with regards to what constitutes negation of a motion at Full Council when it is amended.

5.9.2   At present the Constitution states the following:

"**Amendments to Motions**

a)An amendment to a motion must be relevant to the motion and will either be:
i) to refer the matter to an appropriate body or individual for consideration or reconsideration
ii) to leave out words
iii) to leave out words and insert or add others
iv) to insert or add words
as long as the effect of ii) - iv) is not to negate the motion"

5.10   Future proposals

5.10.1 A review of other council's constitutions was undertaken and although largely similar wording was found there were some slight variations which were considered.

5.10.2 It is proposed to add the following to the existing wording (presently used by Bristol City Council) set out above to help clarify what negates a motion:
"v) an amendment must not:
1) *be a direct negative of a motion or*

2) *seek to introduce into the motion a new issue unrelated to the subject dealt with in the motion."*

5.11   Selection of the Vice Chairman

5.11.1   At present it is the custom that the Vice Chairman of the Council becomes the Chairman in the following year (subject to re-election if required).

5.11.2   The next Vice Chairman of the Council is selected based on seniority. This takes into account the length of service which a councillor has accrued. Previous service is taken into account even if it is not continuous.

5.11.3   The present position is that there are a number of members who are relatively new to the council and therefore have not accrued a great number of years' service. Also, some long serving members do not wish to take up the role of Vice Chairman and then Chairman and Portfolio Holders cannot be Vice Chairman or Chairman as they are members of the Executive. The role of Chairman and Vice Chairman require the member to act impartially and therefore they should not hold any other position of authority, e.g. chair or vice chair of a committee or leader of a political group.

5.11.4   Future proposals

5.11.4.1   It is proposed to alter the way in which the Vice Chairman is selected to enable members who may be interested in the role to put themselves forward for consideration regardless of their length of service. This would make it possible for a councillor to use the role as a development opportunity since the Vice Chairman and Chairman's year contains many occasions for public speaking, meeting community groups, promoting the council within and outside the Borough and, when Chairman, chairing the Full Council meeting.

5.11.4.2   It is also proposed to adopt an updated role profile for the Chairman of the Council. This is to enable any member who might be interested in undertaking the role as well as the member in the role to help them understand what the role involves and to clarify the relationship between the Chairman and Elected Mayor. An updated role profile for the Chairman is attached as Appendix A.

5.11.4.3   Below is the suggested method for selecting the Vice Chairman of the Council, it is based on Bournemouth Borough Council's procedure:

"Election of Vice Chairman at Full Council
1. Officers to write to members to ask for nominations for Vice Chairman in February. Nominations cannot include the Elected Mayor or the current Vice Chairman in January.

2. Any nominations received will be passed to the Democratic Services Manager for them to contact those nominated to confirm they are happy to have their name put forward for the role. Also to confirm that anyone nominated is not up for election in the following May. Nominations to be received no later than the 28 February.

3. At the Full Council meeting in March the Chairman will announce who has been nominated and ask for those members (and no others) to be formally proposed and seconded.

4. If only one member is proposed and seconded they will be the Vice Chairman for the forthcoming municipal year.

5. If more than one member is proposed and seconded then Council will be asked to vote for their preferred candidate. The candidate with the most votes will be elected as Vice Chairman. If there is a tie in the number of votes for first place the Chairman would have the casting vote.

6. It will continue to be custom and practice that the Vice Chairman will be Chairman in the following Municipal Year."

6.0 Implications

6.1 Financial

6.1.1 The proposed arrangements can be met within the present members allowances budget.

6.1.2 There will be a saving from the removal of the Special Responsibility Allowance (SRA) for the Chair of Outsourced Services Scrutiny Panel of £7,930pa. A review of SRA's could be carried out in the future with the Independent Members Remuneration Panel if members wished to re-visit these.

6.2 Legal Issues (Monitoring Officer)

6.2.1 The Head of Democracy and Governance comments that these proposals if agreed will be discussed at the Constitution Working Party and then be recommended to Council.

6.3 Equalities, Human Rights and Data Protection

6.3.1 Having had regard to the council's obligations under s149, it is considered that an equality impact assessment is not required. The changes proposed still allow members to carry out their role. The changes proposed to the selection of the Chairman will allow more members to be able to put themselves forward who may

be presently excluded from selection due to their length of service.

6.3.2 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

6.4 **Staffing**

6.4.1 None

6.5 **Accommodation**

6.5.1 None

6.6 **Community Safety/Crime and Disorder**

6.6.1 None

6.7 **Sustainability**

6.7.1 None

Appendices

Appendix A – Updated Role Profile for Chairman of the Council
Appendix B – Draft revised terms of reference for Major Projects Board
Appendix C – Draft revised terms of reference for Planning Policy Advisory Group
Appendix D – Draft revised terms of reference for Housing Policy Advisory Group

Background papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

- Watford Borough Council Constitution
- Bournemouth Council Constitution
- Bristol City Council Constitution

Watford Borough Council

Chairman Role Profile

Overview

- ➢ To act as the Civic Representative of the Council.
- ➢ To be first citizen of Watford
- ➢ To promote civic pride in Watford

Key Responsibilities

- ➢ To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors the Elected Mayor and the interests of the community and to ensure order and courtesy at all times
- ➢ To ensure that the Council meeting is a forum for debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive members to account
- ➢ To ensure that the Public Gallery strictly adheres to Council rules during Council meetings
- ➢ To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary
- ➢ To employ a second, or casting vote in the event of an equality of votes on any question before the meeting
- ➢ To be the conscience of the council
- ➢ To promote public involvement in the Council's activities
- ➢ To attend such civic and ceremonial functions as the Council determines appropriate in accordance with protocol that the Mayor will have first right of refusal of attending a civic event/accepting an invitation. Therefore, all invitations will go to the Elected Mayor in the first instance and the Mayor will decide whether:
  - o To attend
  - o To pass to the Deputy Mayor
  - o To pass to a Portfolio Holder
  - o To pass to the Chairman
  - o No one on behalf of the Council should attend
- ➢ If, having been passed the invitation, the Chairman cannot attend an engagement they may decide to pass the invitation to:
  - o The Vice Chairman
  - o The Freemen of the Borough or a Past Chairman

- ➢ To host fund raising events throughout the year to support their chosen charities. Though this should not be the main focus of the Chairman's year

and officers should not be expected to spend a disproportionate amount of time arranging fundraising events and holding meetings with charities. The office of Chairman provides a higher profile for the charities in their year of office which is part of the benefit alongside any fundraising activities.

➢ To host other civic events within the constraints of the budget and subject to the agreement of the Elected Mayor
➢ To co-host the presentation of awards alongside the Elected Mayor at the annual Audentior Awards (or equivalent) event. The Elected Mayor will take precedence in making arrangements for any joint event.
➢ To lead the Remembrance Sunday ceremony with the Elected Mayor
➢ To work closely with the Member Services & Civic Events Officer in the organising of events and diary management and keep this officer fully informed.
➢ To be a member or patron, ex officio, of organisations in Watford

Skills required

➢ The ability to chair meetings, to facilitate open discussion, to work in a cross party environment and to ensure that the business on the agenda is dealt with properly and in accordance with the Council's Procedure Rules.
➢ The ability to act in a non-political capacity during their term of office (especially during Council meetings). This includes:
  o Not using position for own re-election
  o Avoiding controversial political roles such as chairing major committees, standing for parliamentary and mayoral elections
➢ Strong interpersonal skills with the ability to communicate effectively and courteously with all sections of the community and maintain impartiality
➢ To be able to speak clearly and confidently in public settings
➢ To be able in public to work methodically and with discipline through an agenda or other similar prepared list or document

Vice Chairman

➢ To act as the deputy to the Chairman in all of the above.

Current Allowances:

£4,000 Chairman
£2,000 Vice Chairman

Time required:

As an indication there may be approximately 200 engagements per year with an average time of two hours each. Length of engagement can vary considerably from

a few minutes (to be present at a flag raising ceremony) or several hours (a charity dinner or awards event).

Major Projects Forum (previously the Major Projects Board) – proposed Terms of Reference

Membership

Major Projects Forum will have 7 seats to include at least one member from each political group, as elected at Annual Council.

Terms of Reference

For members to be updated on the progress of major capital and property projects, to ask questions and with the opportunity to provide feedback and advice.

In particular, the Forum will:

- Have an awareness of the ongoing developments of all major projects and be briefed on progress at the conclusion of the various phases.
- Be consulted at an early stage of a project to identify where there is scope to influence.
- Conduct post-project reviews to help identify lessons learnt.
- Not be required to make decisions or be politically balanced.
- Meet every 4 months in the municipal year - although this may be less frequent as projects can take place over a number of years.

Current major projects include:

- Watford Business Park
- Intu extension
- Croxley View
- Ascot Road
- Hart Homes
- Metropolitan Line Extension
- Riverwell
- Town Hall redevelopment
- Watford Junction redevelopment

Planning Policy Advisory Group
Terms of reference
January 2019

Purpose
The Planning Policy Advisory Group (PPAG) is an informal group providing cross-party advice to planning policy officers and to the Portfolio Holder on the development of local planning policy prior to discussions at Cabinet and Council.

PPAG has no decision-making authority.

PPAG meetings are held in private as confidential and commercial matters are discussed.

Membership
PPAG comprises the relevant Portfolio Holder plus eight members drawn from a cross-section of the political make-up of the council. Membership is appointed at Annual Council for one municipal year. It is not politically balanced.

Meetings are chaired by the relevant Portfolio Holder. A deputy chair is also appointed.

Wider attendance at meetings is welcome from all members.

Secretariat
The main secretarial support for PPAG is provided by planning policy officers, who agree agendas, write reports, take minutes, send attendance reminders and note attendance.

In addition, democratic services officers compile the schedule of meetings, collate and distribute agendas, and record attendance.

Arrangements
Meetings will normally be held on a quarterly basis, prior to meetings of the Portfolio Holders with the heads of service. However, there may be times when meetings will be more or less frequent, depending on the programme of work.

A schedule of meetings will be included in the annual calendar of council and committee meetings. Additional meetings will be arranged by planning officers in discussion with democratic services officers and the relevant Portfolio Holder.

Papers will normally be circulated to PPAG members at least 5 working days in advance of a meeting.

Minutes will normally be circulated to PPAG members, group leaders and the Mayor within 7 working days of the meeting.

Joint meetings should be arranged with the Housing Policy Advisory Group (HPAG) where this will prove helpful to the development of relevant policies.

Contact
Jack Green
Spatial Planning Manager
jack.green@watford.gov.uk

Housing Policy Advisory Group

Terms of reference (January 2019)

Purpose of the Housing Policy Advisory Group (HPAG)
To provide a discussion and advisory forum for council elected members and officers on strategic housing and housing-related issues relevant to the area covered by Watford Borough Council.

HPAG has no decision-making authority. It is an advisory group to officers and the Executive.

Aims/responsibilities of the HPAG
- To support and enable officers in achieving the council's key corporate objective over the period 2016-2020 of managing housing need
- To receive, comment and advise on information about housing and housing-related issues relevant to the area covered by Watford Borough Council.
- To enable greater joined up working within Watford Borough Council and between the council and external partners in meeting the key corporate objective of managing housing need in the borough

Role of the HPAG
- To take a strategic and holistic overview of housing and housing-related issues in the area
- Advise on practical outcomes for managing housing need in the council's area

Membership
HPAG comprises the relevant Portfolio Holder plus eight elected members drawn from a cross-section of the political make-up of the council. It is not politically balanced. Membership is appointed at Annual Council for one municipal year. Elected members' attendance is recorded. Wider attendance by all members is welcomed.

Expectations of members
Members are expected to
- Provide a political and strategic steer to Housing Team officers on housing and housing-related issues
- Assist with unblocking any barriers to achieving the corporate aim of managing housing need in the Watford area

Meetings
HPAG will
- Meet once every quarter, additional meetings will be arranged if required
- Be chaired by the Housing Portfolio Holder
- Be serviced by the council's Housing Team
- Usually be held in private
- Arrange joint meetings with Planning Policy Advisory Group to discuss the development of relevant policies

Reviewing the Terms of Reference
The Terms of Reference for the HPAG will be reviewed annually.

Part A

Report to: **Development Management Committee**

Date of meeting: **6 February 2019**

Report author: **Head of Development Management**

Title: **Report and Recommendations in relation to PAS Review of Development Management Committee**

1.   Summary

1.1   The Council invited the Planning Advisory Service (PAS) to undertake an independent review of its planning committee process and provide advice in relation to any potential areas of improvement or best practice. This followed a successful LGA review of the Council in 2017. It was felt that a follow on in specific areas would be worthwhile, particularly as Watford was facing considerable development pressures and it would be useful for an independent view on how the service was shaping up to deal with the development applications and pressures associated with these. The review was not done on the basis that the service or the way the council conducted its business was failing, but more on the basis of whether there were things that should be looked at.

1.2   As part of the review, PAS spoke to a number of key stakeholders including members of the committee from both groups, the Portfolio Holder for Regeneration and Development, external parties who attend committee and various council officers. They also observed a sitting of the Development Management Committee (DMC) on 6 September 2018.

1.3   The purpose of this report is to share the findings of this work with DMC, facilitate discussion on them and provide some initial recommendations from the Head of Development Management. There are matters which will require wider consideration outside the committee and, as such, this report is not intended to provide a comprehensive response or action plan on all the issues.

2.   Recommendations

a)   Members are asked to agree the officer recommendations as follows:

1.   That the committee supports the proposal to encourage greater public use of the ground floor of the Council Chamber during DMC meetings.

b)   Members are asked to provide their views on how they might wish officers to proceed in relation to:

1.   The introduction of measures as set out in 3.1 of this report.

2.   The introduction of a limited call in procedure as set out in 4.5 – 4.7 of this report.

c)   Members are asked to note the PAS report and the comments of the Head of Development Management in relation to other matters.

Further information:
Nick Fenwick
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01923 278044

3.   Detailed report

3.1   A copy of the final PAS report is attached at Appendix 1. In addition to this report, PAS provided separate guidance on practical measures which could be taken to avoid any perception of block voting (as raised on page 6 of their report). The suggestions were:

a)   Seat the committee members in alphabetical order rather than in party groups.
b)   Provide name plates for all attending the committee in order that members cannot hide behind anonymity.
c)   Stop any group meetings immediately before the committee, as it reduces the opportunity to exert pressure in the background.
d)   Continue with member development emphasising the point that they are individually representing the council in applying local and national planning policy.

3.2   It should be noted that PAS have suggested that option a) (alphabetical seating arrangements) has been used elsewhere and worked well. Anecdotally they have suggested that elsewhere it has also appeared to have the effect of empowering some of the less confident members and providing them with confidence to make their own decisions.

3.3   Whilst there are a number of recommendations, these are based on the views and experience of the two individuals conducting the review (a former officer operating as Head of Development Management/Planning and a senior elected member working within a district council/county council environment). The report does not identify any significant issues but more of suggestions to be considered. However, I would guide members to consider the Watford context and whether the suggestions will add any significant value to decision making and assisting with some procedures.

4.   Considerations

Committee Composition

4.1   a) Number of Portfolio Holders sitting on Development Management Committee.

PAS noted that there are a relatively high number of Portfolio Holders on DMC. They questioned whether a lower proportion of Portfolio Holders might have benefits, but did not express a definitive view. The notional concerns are acknowledged, however, officers have not perceived any lack of nuanced decision making in relation to local matters. This is perhaps a matter that may be a problem in larger geographical boroughs, but Watford is relatively small and the majority of members have a good level of familiarity with the wider and local issues. It is also noted that the presence of Portfolio Holders on the committee does help to ensure that strategic issues and wider council objectives are addressed in the debate and this is of particular value in ensuring planning matters are properly considered. This is particularly important in a fast changing legislative framework as there have been considerable planning changes in the past 5 years with more to come in the immediate and foreseeable future.

4.2   Having regard to the above, I do not share the concerns of the PAS report, however it is recognised that there are benefits in enabling the wider membership of each group to gain experience in planning. Ultimately the decisions around appointments are to be taken by the members and potentially it is something for members to consider at Annual Council and is not considered to be a pressing issue at the present time.

4.3   b) Size of Development Management Committee.

To mitigate the relatively high number of Portfolio Holders sitting on DMC, it is suggested that the size of the committee be increased to 11. This comment is

noted, however officers do not share the view expressed by PAS. An increase in the size of the committee would have little, if any, impact on the quality of debate or decisions, but would significantly increase the administrative burden associated with committee decisions which would not represent a prudent use of council resources. Accordingly it is recommended that the size of the committee is maintained as at present.

Scheme of delegation

4.4   The PAS report notes that small scale applications appear on the agenda, perhaps unnecessarily, but this is triggered by the current delegation procedures, which require all major applications and those applications which attract 4 or more objections and are recommended for approval to be determined by the committee. It recommends monitoring this point in case increased development pressures lead to increased agenda sizes.

4.5   The report also notes that there is no 'call in' procedure and recognises that little appetite for change was observed.

4.6   Currently the arrangements do not cause undue administrative burden in terms of the number of applications referred to the committee. It is also noted that the 'call in' procedures operated by many other councils are often open to abuse and used inappropriately. They generally serve to increase the administrative burdens of reaching a decision and increase delay and uncertainty without doing anything to genuinely improve the quality of decision making, causing frustration to both local people and applicants, where non planning issues raised by the emotion of the development proposal are conflated with material planning considerations.

4.7   It is, however, noted that the current arrangements are somewhat 'one sided' enabling a proposal to be 'referred' to committee by objectors who have concerns about the proposal, but with no similar provisions relating to developments which have wider support within the community. The Head of Development Management does have the ability to elect to send such cases to committee, but this is not formalised.

4.8   Officers would welcome the views of the committee on whether a protocol should be provided which might allow a 'call in' to be instigated by agreement between the Head of Development Management and the Chair/Vice Chair in limited circumstances.

Format and process of the meetings

4.9   a) Length of Officer Presentations

The PAS report expressed the view that officer presentations should be shorter, in effect simply serving to introduce the application rather than summarising issues. While this may reduce the length of meetings, officers are mindful that the meetings are held in public and that the proceedings should be coherent for the general public as well as members. Officers consider that members should be aware of the main issues and provide their professional advice rather than merely rely on providing basic facts and details within the report. For this reason it is not proposed to change the process substantially, however, officers will endeavour to keep presentations concise and would welcome feedback from members on any cases where they feel the presentation has been too lengthy. Members will note that reports have been written in a more concise and streamline way to reduce the amount of text to focus on the key points. It is felt that a presentation draws all of these things together, including providing an update on any changes and amendments that need to be considered following the publication of the report. It is also useful for the public and applicants attending the committee to see that the application has been given due attention and consideration.

4.10   b) Length of member debates

The report observes that there is potential for debates to be extended. This comment is noted, however there is a balance between ensuring adequate and fair debate and reaching decisions in a timely fashion. Members are asked to note the comment, however, it is ultimately a decision for the committee and Chair as to how long a particular matter should be discussed depending on the complexity of the application and issues that arise.

4.11   c) Suggestion that ward councillors should be invited to speak first

The suggestion is noted, however, officers do not perceive any particular issues with the current speaking order or see any merit in changing the current arrangements.

4.12   d) Chair should take a less prominent role

The suggestion is noted, however, the Chair is a committee member of the committee with voting rights and is entitled to take part in the discussion and express views.

4.13   e) Voting procedures

The report suggests that voting procedures are not clear, although it should be noted that they follow the protocol used for all council committees. Officers note this point and acknowledge that other councils have more formalised procedures requiring motions to be put forward and seconded. Overall, it is not considered that any formal change of procedure is required, however, it is important that the Chair is clear about what members are being asked to vote on at the end of deliberations.

4.14   f) Consideration of a deferral and overturn procedure

The report proposes the introduction of a deferral and overturn procedure. This suggestion is noted, however, officers do not consider such a procedure to be either necessary or positive. Applications are not reported to the DMC unless there is adequate information upon which to make a decision and the Local Planning Authority is required to take timely decisions on the applications before it without delay.

4.15   The committee has the ability to defer applications under existing rules, however, the power should only be used in exceptional circumstances. It is considered that to normalise this process through the drafting of a procedure note would only serve to encourage poor practice.

4.16   It is acknowledged that there have been a small number of instances whereby a motion has been put forward to overturn the officer recommendation and there has been difficulty in articulating reasons for refusal. However, there are better mechanisms to address this without causing unnecessary delay and this is considered below.

4.17   g) Better articulation of motions for refusal

It is noted that on occasion this has caused issues on a small number of cases and officers recommend the following measure to mitigate against this:

i)   Firstly, officers would encourage members to discuss any concerns about a proposal with them in advance of the meeting. It is perfectly acceptable for members to discuss matters with officers without any concerns about pre-determination. The better informed officers are about potential concerns, the better they will be able to assist on the night.

ii)   Secondly, in the event of a member overturn, it is considered acceptable for members to provide a broad outline of the reasons for refusal at the meeting with a motion that the full and final wording of

the reasons be agreed by officers in consultation with the Chair outside the meeting.

4.18   h) Site visits

The report recommends early site visits for the largest and most complex applications. These comments are noted, however, the majority of the committee members are very familiar with the borough and it is not considered that any changes to the current arrangements are required. In many authorities with a large geographical area some members will not be familiar with the area. Members at Watford usually approach an officer/chair of the committee if they feel a site visit is necessary which is usually agreed to. Where they do take place, these occur before the committee which is good practice avoiding delay to the decision making.

Customer experience

4.19   It is accepted that the layout of the Council Chamber offers poor visibility and engagement for members of the public not participating in the meeting. It is proposed that in future members of the public should be seated in the downstairs area of the Council Chamber on the understanding that the gallery will continue to be used where a large number of people attend. In order to accommodate this, some changes to the seating arrangements for the committee and speakers will be required. The longer term position will need further consideration.

Speaking time

4.20   Having reviewed the contents of the PAS report, officers have undertaken a review of practice at other authorities and considered past experience of how parties (members of the public, applicants and ward councillors) utilise the existing time.

4.21   The practice for councils varies considerably but in many cases councils allow a 3 minute period for parties to address the committee.

4.22   However, overall, my recommendation would be that this does not appear to be causing any particular issue at Watford and many speakers do not utilise the full time allocation. Therefore, the time remains as at present but be reviewed in the event that the number of agenda items increase in future. No change is recommended

Pre-meetings

4.23   The pre-meetings are considered unusual but beneficial to the committee assuming they are used for clarification of the facts only and not for discussion of the merits of an application. It is an opportunity to clarify any updates and amendments that have been made since the publication of the report. These comments are noted but no further action or changes are considered necessary.

Block voting

4.24   In relation to this matter I am confident that the committee understands the need to take decisions based on planning matters only and exercises this duty with due care. However, it is clear that the work undertaken by PAS has, at the very least, identified a perception that block voting may happen and even the perception that voting may not be on planning grounds could represent a risk to the reputation of the council. Accordingly, I would invite the members of the committee to discuss this matter and consider whether any of the measures set out in Section 3 of this report should be implemented.

Protocol for code of conduct for members on Development Management Committee

4.25   The report suggests the need to introduce a specific code of conduct for DMC. This suggestion is noted, however, the council already circulates best practice to members and provides annual training on relevant matters. It is not considered that it is necessary to adopt a specific code of conduct for members of the DMC.

Involvement of ward members in pre-application discussions, including MARF

4.26   The suggestion of wider involvement for ward members in pre-application discussions is noted. MARF was introduced for major applications a few years ago and, has by and large, been successful in giving developers a steer about proposals before an application is formally submitted so that it is broadly in line with policy while leaving the finer detail and decision to the planning committee. Many local authorities do not have such a scheme but it has been recognised again, that it is good practice for some member involvement in pre-application discussions involving major or complex developments. Wider involvement of members could be explored but it would be difficult to administer, particular on cross ward developments and would require adequate safeguards to be put in place to protect members which may 'compromise' them speaking at development management committee.

A matter that the review has not taking into consideration is that officers always encourage developers to undertake community engagement including involvement of local ward members which is found to beneficial. Again considered as best practice, many developers do undertake this in some form or other as they see the benefits. In addition it is felt that members at Watford do seek advice and comments from officers which has benefits that sometimes lead to amendments and enhancements to a scheme. No change is recommended.

Appendices

PAS Peer Review of Development Management Committee, Watford Borough Council, September 2018

Introduction

1. With a desire to learn and share best practice on decision-making processes, Watford BC requested the Planning Advisory Service

    • provide a light touch review of the Council's Development Management (DM) Committee, and

    • advise whether it is operating effectively.

2. The review has been carried out by Cllr Theresa Higgins of Colchester Borough Council, until recently chair of the Planning Committee, and formerly a member of Essex County Council and Martin Vink, a consultant on behalf of PAS but formerly Development Manager at Ashford Borough Council

3. In delivering the review we identified its scope as set out in Appendix 1.

4. In order to review the DM Committee processes in line with the scope, and make recommendations based on an assessment of evidence, we have taken account of the following sources of information:-

    a) Publicly available material from Watford BC (constitution, Committee reports etc.)

    b) National best practice guidance

    c) Reviewers' own experience

    d) Observations through attendance at the Development Management Committee meeting of the 5 September 2018

    e) 1:1 interviews with Councillors, Council staff, and public stakeholders

General comments relating to Development Management Committees

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

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

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

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

7. Planning, legal, and democratic support officers of the Council all have clear roles to play in supporting their Councillors in ensuring the DM Committee is efficient, effective, and upholds the highest standards of decision making. Training, guidance material, report writing, presentations and advice at Committee all need to be effective and regularly reviewed in the light of a changing environment.

8. All councils need to be satisfied that the operation of its DM Committee is delivering value for money. The Council needs to be satisfied that there is a good match between the significance of the

decision to be made on each of the applications which form the agenda for each meeting, and the substantial time and resource costs associated with a planning application being determined by Committee.

Background

9. Watford Borough Council covers a small area (8 sq m) on the northern edge of London inside the ring of the M25. Links to the main road and rail networks are good . Development pressures are strong with major developments taking place in the town centre eg INTU and at regeneration sites such as Riverwell/Waterside.

10. The Borough has an adopted Core Strategy Part 1 (2013), saved policies from 2003 and a number of Supplementary Planning Documents including a Character Area Study, Residential Design Guide, an approach to Tall Buildings and Commuted Sums for Affordable Housing. The publication of Part 2 of the Local Plan was interrupted by the reassessment of housing need and a revised version is due to be published for consultation this month. The Council is also working with 5 districts and Hertfordshire County Council to deliver a strategic plan for this wider area.

11. The principal issues facing the Council are:

   • the lack of a 5 year housing land supply

   • the delivery of large numbers of new housing during the life of the Local Plan. The assessed need for new homes has increased from 280 pa in the Core Strategy to 580 (2016) to nearly 700-800 (subject to review under the new methodology). Because of the Borough's small area, most of which is built up and the constraints of Green Belt, delivery of these housing numbers will require a paradigm shift in the nature of the design of new housing incorporating higher densities and tall buildings.

   • providing affordable housing and viability of schemes

   • promoting economic development, and

   • providing the infrastructure to support the current and expected population increase.

Application Performance April 2017 - March 2018

	Total	Determined in agreed time	Not Determined in agreed time	% in agreed time	Watford BC Target
Majors	23	20	3	87%	90%
Minors	211	198	13	94%	92%
Others	536	509	27	95%	92%

Application Performance April 2018 - June 2018

	Total	Determined within agreed time	Not Determined within agreed time	% within agreed time	Watford BC Target
Majors	5	5	0	100%	90%
Minors	44	34	10	77%	92%
Others	140	116	24	83%	92%

12. The speed of handling major planning applications is very good but speeds for the remaining applications has dipped in recent months. The proportion of majors being approved is slightly low at 75%. The quality of decisions (% overturned at appeal - 24 months to the end of June 2017) was 5.6% well inside the Government target of 10%.

13. The proportion of all applications approved is below the average for authorities in England.

14. There are 9 out of 36 Councillors who sit on the DM Committee. The Committee's terms of reference, speaking and voting procedures are set out in the Council's Constitution (Part4 (2). Members are bound by the Council's general code of conduct (Constitution Part 5(1)), which incorporates the 7 Standards of Public Life identified in the Localism Act 2011:

    - **Selflessness** – public interest

    - **Integrity** – not open to inappropriate influence/private gain

    - **Honesty** – truthful; declaration of interests and gifts

    - **Objectivity** – use best evidence; impartial; non-discriminatory

    - **Accountability** – open to scrutiny

    - **Openness** – open and transparent decisions in public

    - **Leadership** – uphold and exhibit standards and behaviours

15. There is no specific Protocol or Code of Conduct for Members when handling planning matters (see comments and recommendations and link to Colchester's code below)

Assessment

16. Our overall impression is that there are many areas of good performance and practice in relation to the DM Committee at Watford. We heard the Committee described as "a high performer". We set out below our comments and conclusions against the scope of the review set out in appendix 1.

Purpose

- *Is it clear that members of the Committee fully understand their role?*

  - We found:

  - A Committee which grasps the issues and understands the town and its residents.

  - A realistic approach to new development recognising the demands being placed on the Borough.

  - Customers reported a recent "sea change" in the approach of the Council with clearer positive messages around development in Watford.

  - The size of the Committee is acceptable but, given our comments on the number of cabinet members on the Committee it might benefit from being increased to 11. We understand there are members waiting to be on the Committee. . Good use of a regular Chair's Briefing to highlight issues and programme future meetings.

- *Do the delegated agreement and process for 'call ins' serve to support the Committee members and officers in making best use of their time to look at the 'right' applications?*

  - The size of the Committee agendas over the previous year has been reasonable

  - The Committee does not have a "call in" procedure for Ward Members. Our discussions found no appetite for change.

- Small scale applications appear on the agenda perhaps unnecessarily but this is triggered by the current delegation procedures. These require all major applications and those applications which attract 4 or more objections to be determined by the Committee. As development pressures build this might extend the size of agendas. This should be monitored going forward and options for maintaining suitable sized agendas explored, perhaps utilising member calling instead.

- *Do members understand the process, and is the information they receive relevant and concise?*

  - Officer presentations at Committee can be too long.

  - We were told that debates can also be overlong, although we did not see that.

  - Presentations at the members information gathering pre-meet duplicate those in the main Committee. Are they necessary?

  - Whilst Part 2 of the Local Plan is not currently available the Council is actively working towards its delivery. Other supplementary planning guidance is in place to inform decision making and assist applicants in making applications.

Format and Process

- *How are applications debated and voted on?*

  - There is a mature debate. Debate at Committee kept to the appropriate planning issues and decisions appropriately reflected this debate.

  - Councillors and officers adopt a pragmatic approach to working within the constraint of not having a 5 year housing land supply.

  - The Committee have a clear awareness of the strategic vision for the Council and how the planning process can facilitate much of its delivery.

  - Should the Ward Member(s) be invited to speak first on any application after the speakers to give a local perspective?

  - The Committee was well chaired, although the Chair would be advised to take a less prominent role in debates.

  - Voting procedures at the Committee are not clear. All applications at the meeting we attended and the majority looking at previous minutes, are proposed by the Chair. We do not see this as his role and is not good practice.Whilst only a motion is required for a vote to be taken (ie no seconder is required) we observed that in several cases votes were taken without a clear motion from the floor. This can easily be rectified by the Chair asking those who speak whether they are proposing a motion or not. There is a potential for debates to be extended and the ability of the Chair to focus on a motion from the floor could curtail this.

  - The Committee has no procedure for deferral of decisions which are contrary to officer recommendations when a decision could make the Council vulnerable at appeal and awards of costs. We discussed the [“Deferral and Recommendation Overturn” Procedures at Colchester Borough Council](#) as a useful tool.

  - Motions for refusal are not always clearly put or sufficiently well defined to enable officers to formulate effective reasons for the minutes and decision notices.

- *Does the standard, clarity and layout of Committee reports support the Committee process?*

  - The new report format is concise and well structured, concentrating on the essential issues.

- *Does the presentation of Committee reports by Planning Officers support the Committee process?*
  - Although unusual the pre Committee information meeting is welcomed by the Committee and considered beneficial. It is well understood that such a meeting can only be for clarification of the facts of a case and cannot under any circumstances include any discussion on the merits of an application.
  - Officer presentations at Committee can be too long. They should assume the report has been read and not feel it necessary to repeat the arguments for and against the recommendation.

- *What is the process for Councillor site visits, how are views recorded and reported back to Committee?*
  - Site visits are carried out in accordance with the councils procedure rules and are fact finding visits only. There is no debate at these visits and members find them helpful. Some members would want to have more visits but with the size of the Borough and the high levels of local knowledge this is not thought necessary at the moment. Consideration should be given however to early site visits for the largest and most complex applications.

- *Does the Committee chamber layout support the Committee process?*
  - See Customer Experience below.

- *How effective are the arrangements for training Committee members?*
  - see Quality and improvement section below

Customer Experience

- *How is public engagement managed at the Committee?*
  - Speakers at the Committee appreciated the welcome and clear guidance provided.
  - Customers told us, and we saw, the welcoming and inclusive style of the Chair of the Committee
  - Customers reported a well run, professional and effective Committee. It is perceived as being open and transparent.
  - Committee agendas are available well in advance and easily accessible for customers via the mod.gov app.
  - Improving use of IT to deliver the Committee has been beneficial.
  - Paper copies of agendas are provided at the Committee meetings but only in the main body of the Chamber.
  - Financial viability information on planning applications is available for public scrutiny

- *How could public understanding of the role, and limitations of the planning Committee be improved?*
  - The AV screen in the Council Chamber is difficult for officers to use but we are told that changes are in hand but being delayed by listed building issues. A solution might be to have moveable screens on stands visible from various parts of the chamber.
  - The layout of the Council Chamber is restrictive and intimidating for those taking part in proceedings.
  - The customer experience at the Committee meeting is very poor.

- Customers are directed to a rear entrance which is poorly signposted from the main entrance to the chamber.

- The gallery - referred to as "The Strangers Gallery" - has poor visibility of proceedings, much of the Committee cannot be seen.

- No member of staff is in the gallery to assist the public

- No agendas are available in the gallery

- No information available of how the Committee will operate or on emergency evacuation procedures is available.

- Improvements to communications to members and customers by providing tailored individual updates on key moments in the life of an application could be made eg submission, Committee date, date and nature of the decision and any appeal. All of these could be generated via the current software systems in the planning department and would support the Watford 2020 agenda.

- Should proceedings be broadcast?

- *How should public representations be managed during the Committee?*

  - The public welcomed the opportunity to address the Committee and currently have 5 minutes to make their comments. This is longer than many councils and 3 minutes may be more effective.

Roles and Responsibilities

- *Is the role of Councillors on the Committee, and more widely, understood in relation to the handling of planning applications and ensuring probity?*

  - Members were clearly aware of their role but there is a general perception by all participants in the Committee process that there is frequent block voting by political groups. We also observed it. Such a perception significantly undermines the reputation of the Committee and does not accord with codes of practice for Councillors where, when making decisions on planning applications they should

    - act "reasonably", as defined within planning law

    - act honestly, fairly and openly

    - approach each application on its own merits and with an open mind

    - carefully weigh up all the relevant material planning considerations

    - ensure that the reasons for any decision are clearly stated and based upon relevant material planning considerations

  - There was also anecdotal evidence of members of the Committee acting in a partisan way in relation to their ward and not making decisions on a borough wide basis. This causes consistency issues.

  - There is no specific Planning Code of Practice for Members and we believe that the Council would benefit from more tailored advice and procedures. An example is provided in the link to Colchester's above.

  - There is recognition of the importance of pre application involvement but a nervousness amongst members to be seen to pre-dertermine applications. Members should be assure that

they can fulfil this role and still be able to contribute to the debate and voting at Committee. Again a Planning Code of Practice would bring clarity and advice.

- Officers should encourage and facilitate the involvement of Ward Members in pre application discussions to ensure early discussion of local views and issues. Their involvement should not be prevented on grounds of commercial confidentiality. Ward members should be trusted to maintain confidentiality.

- Officers should seek greater opportunities for effective and meaningful member and community involvement in pre-application discussions particularly around major developments.

- The introduction of the Major Application Review Forum (MARF) is seen as a very positive and helpful innovation in pre application engagement. There is, from our limited discussions, public and political support for representation at these fora by a relevant ward member to clarify the local dimension and key issues.

- *Is the role of the Portfolio Members at Committee understood by all concerned?*

  - Almost half of the Committee (4 out of 9) are members of the Council's Cabinet. Whilst this brings a sharp focus on strategic issues and delivery to the Committee, we question whether a lower proportion would provide a more nuanced view incorporating the local perspective.

- *Is the support from officers at the Committee consistent and of high quality?*

  - There is a good dialogue between officers and members conducted in an atmosphere of mutual trust and respect.

  - Officers provide flexible advice and clearly explain relevance of national and local policy and where local policy is out of date.

Quality and Improvement

- *How effective are the arrangements for training Committee members?*

  - Annual training on planning matters is provided and all members of the Committee and substitutes are required to be trained. Additional training on specific topics is also provided on a frequent basis. A list of trained members is available.

  - Training could be extended to viewing the results of decisions on the ground and evaluating what went well and what didn't. Further training opportunities should include design especially in relation to higher density housing and the implications of the new NPPF

- *What monitoring and review arrangements are in place for the Committee to assess its performance?*

  - Reports to the DM Committee on the performance of the Planning Department and on the results of appeals are sporadic. These should be presented on a regular/quarterly frequency.Reporting on appeals should explain the reasons for refusal and the Inspectors decision which would provide a very good way of examining issues and good training.

Conclusions

17. We found a Committee with dedicated and effective members and officers which is well run and making defensible decisions . In the sections above we have identified areas of good practice and made suggestions where improvements would be beneficial identified areas where improvements could be made

We hope the insights provided are helpful, and that you are able to take forward many of the suggestions and we wish you well for the future.

Cllr Theresa Higgins and Martin Vink

September 2018

Appendix 1 - SCOPE OF THE REVIEW

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

Purpose

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

Format and Process

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

Customer Experience

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

Roles and Responsibilities

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

Quality and Improvement

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