

ITEM 14

EXMOOR NATIONAL PARK AUTHORITY

14 NOVEMBER 2006

THE OPERATION OF THE AUTHORITY'S PLANNING COMMITTEE

Report of the Chairman of Standards Committee

Purpose of Report:

To report the recommendations of the Authority's Standards Committee in relation to the operation of its Planning Committee

Legal Implications:

The administration of planning control is a statutory function of the Authority.

Human Rights Act 1998 Implication:

Human Rights is an issue which is often relevant to the administration of the Authority's planning functions.

Financial Implications:

Some savings would result if the membership of Planning Committee was reduced in size.

National Park Purposes:

The administration of planning control is an important function of the Authority. An efficient and well run Planning Committee facilitates the attainable of National Park purposes.

RECOMMENDATION:

That the Authority considers reducing the membership of the Planning Committee to 11 or 15 members or such other number as the Authority considers appropriate.

-
1. As Authority members know the Standards Committee is required by the Local Government Act, 2000 to promote and maintain high standards of conduct and to assist members of the Authority to observe the Model Code of Conduct.
 2. The four independent members of the Committee have been attending meetings of the Planning Committee and indeed other meetings as well. By sitting in the "public" seats at the various meetings members have been able to observe each meeting at arms-length and have been able to gauge public perceptions as to the conduct of meetings. Arising from this various issues have arisen about audibility, room layout, arrangements for the public and so on. Some of these issues have already been brought to the chairman of Planning Committees attention and steps have been taken to accommodate them.
 3. One of the concerns that the Standards Committee has is the large number of people included in the monthly meetings of Planning Committee – up to 25 Authority members with several Authority officials in attendance means a large number of people are involved at each meeting. This has made for a difficult meeting to manage and whilst the Standards Committee applauds the Planning Committee's Chairman for his handling of the meeting they feel that the Authority's planning functions could be better handled by a Committee of fewer members.

4. The Standards Committee accepts straightaway that the constitution of the Authority's Committees is a matter for the Authority to settle. However, they feel that the Authority should consider carefully whether planning decision - making would be easier to manage and would be better understood and accepted by the public if its numbers were reduced. With a Committee of, say, 11 or 15 there would be an opportunity for all bodies represented to have a seat viz. the two County Councils, the two District Councils, parish members and members appointed by the Secretary of State. We believe a reduction would not harm the quality of decisions made, but may well enhance the quality and clarity of debate leading up to these decisions.
5. We asked the Authority's Solicitor to prepare a paper and a copy is attached. At its meeting on 20 October the Standards Committee resolved to bring the matter to the Authority's attention. Also set out below are details obtained from the Yorkshire Dales National Park Authority which earlier this year set up a Planning Committee of 15 members from its membership of 26. The advantages which were seen to flow from that reduction in membership ought to be available also to the Exmoor situation.

Catherine Hodgson
Chairman Standards Committee

Comments from the Yorkshire Dales National Park Authority on reducing the size of their Planning Committee from 26 to 15 Members

- The main impetus for reducing the size of the Committee came from recommendation by their auditors investigating 'Probity in Planning'. There was also comment in the Authority's peer review performance assessment report that the Committee was too unwieldy and dominated by a number of issues.
- The streamlined Committee met for the first time in August 2006 and has now held three meetings. The experience so far has shown that the Committee is far better managed and there have been no perceived disadvantages to date.
- The 15 members of the Committee comprise members drawn from 4 County Councillors, 4 District Councillors, 4 Secretary of State members and 3 Parish members. Initially the Parish members felt somewhat aggrieved by being reduced to 3, but the firm lead of the Committee Chairman has eased the situation. The four groupings on the Authority make their own nominations for members to sit on the Committee.
- A substitute scheme operates, whereby if a member is unable to be present at a meeting he/she nominates another member from his/her group to attend. However, those members willing to act as substitutes must have been fully trained in planning. Members who have not undergone this are not permitted to be substitutes. Some of their members are not interested in being involved in planning.
- Authority members not involved in the Committee can go along to meetings to speak on particular applications/planning issues and this forms part of Public Question Time, where such members are invited to speak after the public. They are not, however, permitted to join in the general debate.

Appendix

EXMOOR NATIONAL PARK AUTHORITY

STANDARDS COMMITTEE – 20 OCTOBER 2006

The Constitution and Working of the Planning Committee

Report of The Solicitor and Monitoring Officer

Purpose of Report:

At the request of the Standards Committee to inform the Committee of the role, function and working of the Authority's Planning Committee and to outline possible changes for consideration by the Authority.

Legal Implications:

The administration of planning control is one of the key statutory functions of the Authority. The Authority is the sole planning authority for the National Park.

Financial Implications:

Any reduction in the number of members of the Planning Committee would lead to some savings in expenditure.

RECOMMENDATION:

To ASK the Authority to consider reducing the number of members serving on the Planning Committee. Numbers could be reduced to 11 or 15 from July 2007 onwards. The 11 or 15 members could be allocated in direct proportion to the overall membership of the Authority.

1. INTRODUCTION

- 1.1 Under the Town and Country Planning Acts the Authority is the sole planning authority for the National Park. It thus determines all applications for planning permission submitted by all applicants including those of other local authorities.
- 1.2 The number of planning applications determined in 2005 was 307 of which 63 were determined by the Planning Committee and 244 (80%) were determined by the National Park Officer under the scheme of delegation. Authority members are made aware of all planning applications which are submitted and can make a written request that a particular application which would otherwise be determined by the National Park Officer/Chief Executive is brought to the Committee for determination where there are planning reasons for doing so.

- 1.3 The great majority of applications submitted are for relatively minor development or for minor amendments to existing permissions which often generate no objection from the bodies consulted and from local neighbours. It makes sense therefore that such applications are determined by the National Park Officer under the scheme of delegation.
- 1.4 All planning decisions taken by the Committee are made openly. The public and press can attend. Interested parties be they applicants, objectors or others may address the Committee for up to 2 minutes prior to the determination of the relevant application (“public question time”).
- 1.5 Applicants have the right to challenge any refusal or imposition of an unwanted condition by way of an appeal to the Planning Inspectorate. Most appeals are now dealt with by written exchanges of cases by the Authority and the aggrieved applicant. Others are dealt with at “Hearings” which are fairly informal. The more important appeals are settled at “Local Inquiries”.
- 1.6 The subject of planning often engenders strong feelings by those affected by a proposed development. The advent of the Human Rights Act, 1998 is an important factor in the planning process and has heightened people’s expectations when they perceive their rights are affected. Nationally the function of planning control generates many complaints to the local government ombudsman for claims of maladministration. Ever since the advent of The Ombudsman in 1974 and for every year the second most investigated subject is the planning function. (The function which generates the most complaints is housing). The National Park has however had only one finding of maladministration since the Ombudsman service was introduced under the Local Government Act, 1974.
- 1.7 The general functions of the Standards Committee are to promote and maintain high standards of conduct by Authority members and to assist them in observing the Model Code of Conduct. One member of the Standards Committee usually attends monthly meetings of the Planning Committee to observe its operation and the conduct of members. In the past various suggestions have been made about the conduct of the meeting, seating arrangements, public attendance and audibility. Many of these issues could be better resolved if the Committee comprised fewer members. This report sets out suggestions as to how this might be achieved. However, the make-up of the Planning Committee is of course a function of the Authority and the Standards Committee’s primary function is to promote high standards of conduct. However, there would be fewer difficulties in relation to managing the meeting if the Committee comprised say 11 members or 15 members.

2. CONSTITUTION OF THE PLANNING COMMITTEE

- 2.1 Planning control is a function of the Exmoor National Park Authority under the Environment Act, 1995 where it is the “sole planning authority”. The Authority is empowered to delegate the function to a Committee of whatever size it deems appropriate subject only to the provisions of schedule 7 of the Environment Act, 1995 viz.
 - (a) that the membership of any committee includes both local authority members and at least one member appointed by the Secretary of State (“local authority” members are members appointed to the Authority by the two County Councils, Devon and Somerset and the two district councils West Somerset and North Devon. “Secretary of State” members are members appointed by the Secretary of State to represent the national interest and the parish members who were brought onto the Authority in 1997).
 - (b) that the division of members of the Authority who are members of the Committee between local authority members and members appointed by the Secretary of Sate is as nearly as possible in the same proportions as the make up of the Authority itself.

(c) that any quorum of the Committee includes at least one local authority member and at least one appointed by the Secretary of State.

2.2 The Authority decided in 1997 that its Planning Committee should comprise all 26 Authority members (although the current Committee comprises 25 members as one member has decided not to take up a seat). This number will inevitably reduce in 2007 when the Authority will reduce to 22 members under changes introduced by central government.

2.3 For other National Parks the position is currently as follows:

Authority	Authority total membership	Number on Planning Committee
Peak District	38	23
Broads Authority	26	19
Northumberland	22	22
Yorkshire Dales	26	15
North York Moors	26	26
Snowdonia	18	18
New Forest	22	14
Dartmoor	26	26
Brecon Beacons	24	24
Pembroke Coast	15	15
Lake District	26	19

3. ADVANTAGES AND DISADVANTAGES OF THE CURRENT SYSTEM.

3.1 The sole advantage of all Authority members having a seat on the Committee is that all are thereby concerned with the planning function and are involved in all planning decisions.

3.2 The disadvantages are obvious

(a) the Committee may be considered unwieldy, is difficult to accommodate satisfactorily and is unnecessarily large to determine what is usually only a small number of planning applications each month. Last year for example 63 applications were considered by the Committee, an average of around 5 a meeting.

(b) The meeting room is difficult to manage satisfactorily as it needs to house up to 26 members, officials and members of the public and their representatives. However, various ways are being tried to improve matters and to ensure observers can both see and hear what is going on.

(c) All 26 members need training in the planning functions. If there were fewer of them training would be easier to arrange and manage.

(d) The expenses of a 26 strong committee are obviously higher than those for a committee of fewer members.

4. REDUCING THE SIZE OF THE COMMITTEE.

4.1 Several National Park Authorities like Exmoor operate a Planning Committee comprising all Authority members. However the Yorkshire Dales with an Authority membership of 26 has set up a Planning Committee of 15 and the New Forest has a committee of 14 of its 22 members.

For Exmoor with a similar or smaller number of members it would be possible to ensure each of the Authority's representative bodies have seats – viz. the two county councils, the two district councils, parish members and members appointed by the Secretary of State.

4.2 The precise smaller number of a reconstituted Planning Committee is a matter for the Authority to settle. There are various options to achieve a smaller committee. Two possibilities are:

- (a) reduction to 11 members Such a Committee could comprise 2 Somerset County Councillors, 2 West Somerset District Councillors, 1 Devon County Councillor, 1 North Devon District Councillor, 2 Parish members, 3 Secretary of State members.
- (b) reduction to 15 members Such a Committee could comprise 3 Somerset County Councillors, 2 West Somerset District Councillors, 2 Devon County Councillors, 1 North Devon District Councillor, 3 Parish members and 4 Secretary of State members.

Notes:

- Other variations are, of course, possible. The Authority's overall numbers will in any event reduce to 22 in 2007.
- Approximately $\frac{2}{3}$ of the area of the National Park lies in Somerset and $\frac{1}{3}$ in Devon.

John Whitcutt
Solicitor & Monitoring Officer