

Summary

Involving councillors early and throughout the application and determination process leads to better development and better planning decisions.

Councillors should meet with the applicants of strategic schemes during the pre application and determination periods.

Training for all councillors will result in better development, better decisions and better meetings.

Training should be provided for new councillors as well as refresher courses for experienced councillors.

A clear process should be established for keeping councillors well informed of emerging strategic proposals.

Councillors can meet applicants to establish the facts of a scheme. This will not disqualify them from voting, providing they do not express a view on the scheme's merits.

After submission, councillors and applicants should build on contact established in the pre application phase.

Councillors can be briefed on an application by the applicant during the determination period.

Site visits by councillors determining major schemes are an essential part of the determination process.

Councillors should be familiar with a scheme prior to committee and have met with applicants.

Applicants should be able to present to committee and address issues raised by objectors.

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Connecting Councillors with Strategic Planning Applications:

A Good Practice Guide for London

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Increasing complexity in planning applications and policy makes early involvement of councillors critical, especially in strategic planning applications. The benefit to applicants, boroughs and communities is greater certainty and clarity in decision making. This guidance is aimed primarily at borough heads of planning, solicitors and relevant councillors and is designed to help boroughs increase the role of councillors prior to formal decision making.

Government Office for London, London Councils and London First, supported by the Association of London Borough Planning Officers (ALBPO) and sponsored by Argent, British Land and London Communications Agency, commissioned Arup to undertake research into current borough practice with respect to involving councillors in strategic applications, and councillor training. Twenty four boroughs were interviewed. There is a wide variety of practice of how councillors engage with applicants. The research report is downloadable from our websites, addresses for which are shown below. This guidance note, drawn from the research, confirms that it is appropriate and important for councillors to meet applicants in the application process, and when handled correctly this does not disqualify councillors from voting.

This guide combines those practices in London considered to be working well. Ideas are presented for each stage of the application and determination process. We do not seek uniformity of procedures across London.

The guidance deals specifically with the involvement of councillors and does not examine procedures for involving members of the public. This will be covered in borough statements of community involvement (SCI). To ensure transparency in the overall process we recommend that borough SCIs detail how the public will be involved in new processes adopted from this guidance.

The guidance is not exhaustive but highlights key areas where councillors' involvement in the planning process can be maximised. We recommend this guide as a 'menu' of good practice. Boroughs may like to choose options that best fit their individual circumstances. We strongly recommend that all boroughs should have procedures in place which ensure that councillors are well trained and are made aware of strategic schemes before they take their decision at committee.

We also recommend that two other elements should be in place. Every borough should already have a specific protocol or code of conduct for councillors involved in planning, and this should be regularly reviewed. There should also be a regular training programme for councillors, especially those with planning roles.

We hope this guide will help to improve the quality of decisions in London.

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Councillor Training

Pre Application Involvement

Post Submission Involvement

Involvement at Committee and Decision Making

Essential to allow all councillors an early opportunity to ask questions, raise issues and to meet applicants.

Councillors can continue to ask further questions and should be informed of progress by officers

Essential training

Training for all councillors will result in better development, better decisions and better meetings.

Training should be provided for new councillors as well as refresher courses for experienced councillors.

Essential training should be provided on borough procedure, councillor code of conduct/borough protocol and planning policy. This should be provided to new councillors and to refresh the knowledge of existing councillors.

Councillors should be specifically trained in how to engage with applicants to ensure they get the most from the process without prejudicing themselves, e.g. asking factual questions. Most importantly, committee members should not debate the merits of a scheme with applicants.

The pace of change in the planning system is expanding the range of subjects with which all councillors, whether on cabinet, the planning committee or as ward councillors, need to be familiar and up-to-date.

A commitment to councillor training in the following key areas is considered best practice:

- Planning protocols, codes of conduct, probity and scrutiny;
- Development plan: London Plan and UDP/LDF policy;
- PPS and material considerations;
- Planning law and practice;
- Planning obligations (Section 106 agreements and tariffs) and planning conditions;
- Development economics and viability;
- Sustainable design; and
- Appeals: their implications and costs.

Training providers

Whilst training can be provided successfully in-house, in association with the borough solicitor, there may be benefit in using external training providers or working with other borough colleagues.

The Planning Advisory Service (www.pas.gov.uk) is a portal to external training.

Contact between councillors and officers

A clear process should be established for keeping councillors well informed of emerging strategic proposals.

- Regular meetings between the head of planning and the chair and vice-chair of the planning committee, to keep them up to date with emerging developments. These may involve the leader, the cabinet member for planning and the chief executive on major initiatives.
- The head of planning meets the leader and the relevant cabinet member(s) on specific proposals. Discussion should focus on the facts of the scheme.
- Planning committee members should be kept informed about the facts of significant emerging development.
- Officers brief ward councillors on the facts of significant proposals.

Contact between councillors and applicants

Councillors can meet applicants to establish the facts of a scheme. This will not disqualify them from voting, providing they do not express a view on the scheme's merits.

Contact between councillors and applicants should be encouraged in the pre application phase and should be supported by a clear code of councillor conduct.

More formal contact between applicants and councillors can usually be arranged by officers. A selection of best practice is highlighted below. Officers should highlight issues, discussion should focus on facts, and minutes should be taken. Debate should not be entered into on the merits of a scheme. In all cases, the borough protocol should clearly indicate how members of the public will be involved in the overall process.

- **Ward councillor briefing:** run by officers, attended by applicants. The facts of a scheme are discussed. Councillors respond only to the facts of the scheme which are communicated to applicants by officers.
- **Development forum:** for strategic schemes, chaired by the head of planning or planning committee chair and attended by a selection of councillors, including ward councillors and representatives of different parties. Applicants make a presentation and ward councillors, but not planning committee members, ask questions of the applicant.
- **Planning committee member briefing:** all planning committee members are invited to a site visit at which applicants make a presentation. The briefing continues at a meeting where the applicant presents the scheme. Officers summarise policy issues, third party views and other issues for consideration.
- **Senior member briefing:** senior councillors (executive members, cabinet and lead members), but not planning committee members, meet applicants and external groups. Subsequently they brief colleagues on the facts of the case – no value judgements are made. On strategic schemes this may involve the full council.

Presentations by applicants

After submission, councillors and applicants should build on contact established in the pre application phase.

Councillors can be briefed on an application by the applicant during the determination period.

Information-sharing meetings, attended by councillors and officers where the applicant presents and answers factual questions, are an important part of the determination process. Regard should be given to the borough protocol. Formal minutes should be prepared and reproduced in the officer's report.

Planning panel

Formal meeting held between councillors (possibly a sub-group of the planning committee), officers, applicants and third parties. The meeting can take place at or near the proposed development site. Third parties may ask questions, preferably tabled in advance.

Planning forum

For strategic cases, a forum is convened and chaired by the head of planning, shortly after the application has been submitted. The full planning committee is invited with local ward councillors and third parties. Questions are taken by the applicant from all participants.

Site visits

Site visits by councillors determining strategic schemes are an essential part of the determination process.

Councillors must be familiar with the site before decision making. Site visits by councillors are best practice and are essential in the understanding and consideration of strategic applications. They should take place prior to the committee meeting so that councillors are familiar with context and characteristics.

- All major application sites should be identified for a visit;
- All the planning committee must be invited;
- Applicants should be invited to make a factual presentation and respond to questions;
- If involved in the site visit, third parties should only attend as observers to avoid a debate on the proposal's merits;
- Ward councillors should be involved;
- Councillors should only vote where they have a good understanding of the site and the proposal prior to the committee meeting.

The committee process

Councillors should be familiar with a scheme prior to committee and have met with applicants.

Applicants should be able to present to committee and address issues raised by objectors.

Prior to committee

Councillors should receive essential planning training before they determine applications.

Councillors should be aware of the scheme and should have had the opportunity to raise issues at an early stage whether pre application, post submission, or both.

Councillors should be familiar with the site and have undertaken a site visit.

Pre-committee meetings between officers and the chair (and other senior members) enable strategic applications to be highlighted and procedural committee issues agreed.

The protocol should include a proper opportunity for applicants to consider and respond to objections.

Given the time constraints of committee meetings, the most complex schemes may merit a special meeting, or a series of meetings, to enable the issues to be discussed in appropriate detail. One of the meetings may be held at the proposed site.

At committee

Clear protocols concerning proceedings at planning committee are essential.

- Councillors should be discouraged from requesting a site visit once the application gets to committee and should not request a deferral if they have not attended a pre-committee meeting or an organised site visit.
- Committee members should be present for the entire debate to be able to vote.
- Ward councillors should have the same speaking rights as members of the public.
- The borough protocol / code of conduct should give clear guidance on what constitutes a conflict of interest. To determine validity in advance of the committee meeting, declarations of interest should be raised formally with the borough solicitor or the chief planning officer.