

Scope for Church Road, Otham Review

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	

Executive Summary

The report sets out the proposed scope for the review of the lessons learned in relation to the Church Road, Otham planning decision.

Purpose of Report

Decision on the scope of the review

This report makes the following recommendations to this Committee:

To approve the scope for the Church Road, Otham review as set out in 3.2 to be reported back to this Committee on 8 September 2021

Timetable

Meeting	Date
Democracy and General Purposes Committee	10 March 2021
Democracy and General Purposes Committee	8 September 2021

Scope for Church Road, Otham Review

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The report recommendation supports the achievement of the objectives by seeking to review and improve Council decision making.</p>	Angela Woodhouse, Head of Policy, Communications and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of the cross cutting objectives by seeking to review and improve Council decision making.</p>	Angela Woodhouse, Head of Policy, Communications and Governance
Risk Management	Set out in the risk section at paragraph 5.1 of the report.	Angela Woodhouse, Head of Policy, Communications and Governance
Financial	The proposals set out in the recommendation need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Angela Woodhouse, Head of Policy, Communications and Governance
Legal	The Council have power to do anything which is calculated to facilitate or is conducive or	Principal Solicitor

	incidental to the discharge of any of their functions under s111 of the Local Government Act 1972. A review seeking to improve Council decision making would be within this remit.	Contentious and Corporate Governance.
Privacy and Data Protection	No impact	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No impact	Angela Woodhouse, Head of Policy, Communications and Governance
Procurement	No impact	Angela Woodhouse, Head of Policy, Communications and Governance

2. INTRODUCTION AND BACKGROUND

2.1 The Policy and Resources Committee on the 3rd of February met to consider challenging the outcome of an appeal against refusal of planning consent and an associated non-determination appeal concerning a site in Church Road Otham where the Planning Inspector decided that the proposed development should be approved.

2.2 As a result it was agreed that:

"Lessons be learned from the experience of the Church Road application; and that the terms of reference and lines of enquiry be suggested and presented to the Democracy and General Purposes Committee for consideration."

2.3 This report sets out the proposed scope for the review, based on the discussion at Policy and Resources and Councillor feedback received after the meeting.

2.4 The scope has been developed to explore the concerns of Councillors with a view to any lessons and recommendations for change being applied to improve processes in the future. Care has been taken not to stray outside of the concerns relating to this particular case into a broad review of the planning process. The focus of the review will be regarding the decision making process rather than the merits of the decision itself.

3. AVAILABLE OPTIONS

3.1 Democracy and General Purposes Committee have been asked by the Policy and Resources Committee to consider the scope of the review to be conducted. The results of the review and any recommendations will be reported back to this Committee. The Committee has three options:

- To approve the scope as set out at 3.2.
- To amend the scope as set out at 3.2 and approve.
- To not agree a scope and not carry out a review.

3.2 Proposed Scope

Timeline

Findings to be reported back in the form of a report to this Committee on 8 September 2021.

Lines of enquiry:

- The advice and communication between Councillors and Officers (throughout the process including assisting with the counter argument) and handling of recommendations which are overturned.
- Whether the Local Plan site criteria were adhered to at all stages of the planning process regarding this site.
- Whether there was sufficient understanding and consideration of the objectors' concerns.
- Whether there was sufficient understanding of the Local Plan and other relevant development plan documents.
- Should consideration have been given to applying 'Grampian conditions' in this case.
- The significance and weight given to Statutory Consultee objections (mainly Highways) and the evidence needed to sustain or counteract an objection.
- Whether ward member involvement was appropriate and any improvements that need to be made.

- The transparency of the process.
- And from the above the lessons learned and what measures, if any, are recommended to improve decision making in a similar situation.

Methodology

The review will be undertaken by the Head of Policy, Communications and Governance with the support of the Democratic and Electoral Services Team.

Key stakeholders will be involved in the review including Councillors involved across the Committees involved in the process and in particular the Chairmen of Policy and Resources, Planning and the Strategic and Planning and Infrastructure Committees. Ward member engagement will also be sought. Key officers to be involved will be the Head of Planning and Development and the Head of Mid Kent Legal Services.

Views will be sought via interviews and through surveys.

External planning advice will be sought.

Desktop research:

- Review of committee reports including counsel's advice and meetings relevant to the matter.
- Review of complaints and FOIs relating to this case
- Review of webcast footage of committee meetings

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to approve the scope that has been put forward.
- 4.2 The scope has been drafted on the basis of the discussion held at the Policy and Resources Committee where the review was requested. Councillor views were also submitted as suggested at the meeting and have been reflected in paragraph 3.2.
- 4.3 The Committee can make amendments to the review and agree additional or less lines of enquiry or request a different approach other than that set out is undertaken, the impact on staff and councillor time will need to be considered as well as the scale of any work.
- 4.4 The Committee could choose not to scope and undertake a review if it deemed a review was not appropriate. This would mean that the wishes of

Councillors to review the decision making process relating to this case would not be fulfilled and is not recommended.

5. RISK

- 5.1 The purpose of the review is to identify any lessons learned and recommendations for improvement which should mitigate future risks in similar high profile cases.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The scope of the review has been developed with reference to the discussions held at Policy and Resources Committee and other Councillors input.
- 6.2 The scope includes consulting with stakeholders in the process including councillors.
- 6.3 The proposal is to bring back the review conclusions to this Committee with recommendations for decision in September 2021.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The approach and next steps for the review are set out in section 3 and includes desk top research and consultation with a range of stakeholders.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None