

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	All

Executive Summary

The report at Appendix A sets out the findings of the review into the Church Road, Otham case following a request from Policy and Resources Committee for an independent review to identify the lessons to be learnt. This Committee is asked to review the findings of the report and approve its submission to Policy and Resources.

Purpose of Report

Review and recommend to Policy and Resources.

This report makes the following recommendations to this Committee:

Note the findings and recommend the following actions to Policy and Resources for implementation:

- a) That external planning training on the officer role and role of statutory objectors is provided to Councillors appointed to Planning Committee and the Planning Referral body as part of the annual Councillor development programme.
- b) The Member development programme include training on the Local Plan and its significance.
- c) Councillors be encouraged to attend meetings of the SPI Committee on the Local Plan as well as all briefings on the plan and the planning policy team include all groups in briefings.
- d) More information be provided to the public on the planning process and how objections are considered starting with additional information on the Council's website.
- e) An annual training event be held as part of the Councillor training programme run by an external agency such as PAS on the planning process, objections and how they are weighted and considered to aid councillors in ward work.

Timetable	
<i>Meeting</i>	<i>Date</i>
Policy and Resources Committee	3 February 2021
Democracy and General Purposes Committee	10 March 2021
Democracy and General Purposes Committee	23 November 2021
Policy and Resources Committee	15 December 2021

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, the additional training proposed can be met within the existing member training funding.	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 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.	Interim Deputy Head of Legal Partnership.
Privacy and Data Protection	No impact	Corporate Insight, Communities and Governance Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities and Communities Officer
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
Biodiversity and Climate Change	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 Committee agreed the key lines of enquiry and scope of the review at its meeting on 10 March 2021 following a request from the Policy and Resources Committee. An external advisor was appointed to assist the Head of Policy, Communications and Governance with the review. Democracy General Purposes are asked to consider the findings and recommendations for referral to Policy and Resources as the Committee which requested the review.

2.4 As part of the review a survey was carried out of all current members who had been involved in the process, the results of which are attached at Appendix B for information. A number of officers were interviewed including officers from Planning and Mid Kent Legal Services. Telephone interviews were also conducted with four councillors including the former Chairs of Policy and Resources and Planning Committees.

3. AVAILABLE OPTIONS

3.1 The report at Appendix A was commissioned as an independent report and is presented for consideration and agreement of the recommendations. The Committee has several options available:

- a) Consider and agree the report and refer to Policy and Resources Committee.
- b) Consider and amend the report and refer to Policy and Resources Committee.
- c) Request additional information.

4. PREFERRED OPTION

4.1 The Committee is recommended to take forward option a) having considered the findings of the review as set out in Appendix A. The findings address the key lines of enquiry originally agreed by this committee and the committee is asked to note the report and recommend the actions to Policy and Resources for implementation.

4.2 The overriding conclusion I have drawn is that there is clear scope for a more comprehensive programme of training for all Councillors on matters relating to planning and planning applications. This extends to include

matters of individual roles and responsibilities, as well as the statutory and regulatory frameworks within which the system operates.

- 4.3 Councillor and public engagement at all stages of the planning process could potentially be strengthened, and more information made available on the Council website, particularly in matters which are high-profile or locally contentious.
- 4.4 Officers, and the role they play in advising Committee, are regulated by their codes of conduct. They have a very limited ability to 'assist' Councillors in formulating reasons which go against their professional judgment or opinion.
- 4.5 The recommendations proposed should assist in providing a greater understanding of the planning system and in how applications should be considered.
- 4.6 The report makes the following recommendations:
 - a) That external planning training on the officer role and role of statutory objectors is provided to Councillors appointed to Planning Committee and the Planning Referral body as part of the annual Councillor development programme.
 - b) The Member development programme include training on the Local Plan and its significance.
 - c) Councillors be encouraged to attend meetings of the SPI Committee on the Local Plan as well as all briefings on the plan and the planning policy team include all groups in briefings.
 - d) More information be provided to the public on the planning process and how objections are considered starting with additional information on the Council's website.
 - e) An annual training event be held as part of the Councillor training programme run by an external agency such as PAS on the planning process, objections and how they are weighted and considered to aid councillors in ward work.

5. RISK

- 5.1 The purpose of the review was to identify lessons learnt and improvements which should mitigate risk in respect of future planning decisions.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Democracy and General Purposes Committee were consulted on the scope of the review following other Councillors' input in March of this year. The review includes feedback from various stakeholders as agreed with the committee.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If approved by the Committee this report will be referred to Policy and Resources to approve and enact the recommendations.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Review into Church Road Otham
 - Appendix B: Councillor Survey Results
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9. BACKGROUND PAPERS

Planning Committee 24 October 2019:

- 19/501600/OUT Land West Of Church Road, Otham, Kent, ME15 8SB

Planning Committee on 28 May 2020:

- 19/501600/OUT - Land West Of Church Road, Otham, Kent, ME15 8SB
- 19/506182/FULL - Land West Of Church Road, Otham, Kent, ME15 8SB

Planning Committee 25 June 2020:

- 19/501600/OUT & 19/506182/FULL - Land West Of Church Road, Otham, Kent

Planning Referral Body 13 July 2020:

- Planning Applications 19/501600/OUT & 19/506182/FULL - Land West of Church Road, Otham, Kent, ME15 8SB

Policy and Resources Committee 3 February 2021:

- Review of Planning Inspectorate Decisions – Church Road, Otham