

---

**PLANNING AND REGULATORY ARRANGEMENTS DURING COVID-19 RESPONSE PERIOD**

---

**1.0 INTRODUCTION**

- 1.1 This report sets out the arrangements being put in place for the operation of the functions of the Planning, Protective Services and Licensing Committee (PPSL) and the Licensing Board on an interim basis during the response period to the Covid-19 pandemic. This approach recognises the quasi-judicial requirements of these functions and that planning and licensing have a crucial part to play beyond the immediate emergency with a high performing planning and licensing system having a critical role in supporting our future economic and societal recovery.

**2.0 RECOMMENDATIONS**

The Committee is invited to note the arrangements for the operation of the functions of the PPSL Committee and the Licensing Board on an interim basis during the response period to the Covid-19 pandemic.

**3.0 DETAIL**

- 3.1 In order to provide capacity and focus in dealing with the response to the Covid-19 pandemic and adhere to government guidance on Covid-19 the Council has agreed that it will not be possible in the short/medium term to transact business through the usual meetings of the Council and Committees, and as such would not be calling scheduled meetings for a finite period of time.
- 3.2 Alternative arrangements have been made to enable the Council to continue to exercise its essential functions through the temporary constitution of a Business Continuity Committee (BCC) and the operation of existing emergency powers by the Chief Executive have been extended to be in consultation with the Leader, and Depute Leader and Leader of the Opposition where available.
- 3.3 Since these arrangements were agreed by the Council on 31<sup>st</sup> March the Coronavirus (Scotland) Act 2020 has come into force which has a number of significant provisions relating to planning, the Chief Planning Officer has issued national guidance on planning matters and further regulations; The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have come into effect on 24<sup>th</sup> April.
- 3.4 These temporary changes to existing legislation for the period of response to the pandemic have supported a review which also takes into account the quasi-judicial element of the PPSL Committee remit. The Council has also demonstrated that it has the technological capability to host virtual meetings to support this approach.

3.5 The arrangements being put in place for the operation of the functions of the PPSL Committee and the Licensing Board on an interim basis are as follows:

3.5.1 **Establish a virtual PPSL Committee to meet in May and June 2020**

Adherence to the planned dates of 20th May and 17th June for the committee ensures officers and outside organisations/applicants are already aware of the dates and have an existing plan of activity. This approach ensures consistency in planning matters and supports a focus on economic recovery.

3.5.2 **Establish a virtual Local Review Body (LRB) process noting the caveats arising from limited opportunity for site visits.**

The Council currently has 8 LRB's in the system and there is no time limit by which the LRB has to have made a decision on the application. A key issue will be the impact of current limitations on site visits given national guidance on Covid-19.

3.5.3 **No immediate action in relation to Planning Hearings with a review to be undertaken end of June 2020**

The Council currently has one planning hearing pending.

3.5.4 **Establish virtual Civic Government Hearings on a case by case basis**

Given the quasi-judicial nature of this function consideration will be given to holding a virtual meeting on a case by case basis. It should be noted that the Coronavirus (Scotland) Act provides for extensions to certain types of Civic Government licenses.

3.5.5 **Establish a virtual Appeals Committee pending agreement with Trades Unions, appellants and their representative**

An appeals committee would only operate on a virtual basis with agreement from the appellant and their representative and the Trades Unions have expressed support for this approach.

3.5.6 **Establish a virtual Licensing Board to meet in May and any other dates as agreed.**

The Licensing Board is separate to the Council's committee structure, however the Board has taken the opportunity to consider its meeting arrangements in light of the current circumstances and agreed to proceed with a virtual meeting in May.

## **4.0 CONCLUSION**

The Business Continuity Committee is being invited to note the arrangements for operation of the functions of the PPSL Committee and the Licensing Board on an interim basis during the response period to the Covid-19 pandemic. This position has been informed by temporary changes to existing legislation for the period of response to the pandemic combined with assessment of the quasi-judicial requirements and the Council's technological and governance capacity and capability.

## **5.0 IMPLICATIONS**

5.1 Policy - This is in keeping with the Council's commitment to manage its response to the Covid-19 pandemic in supporting the people and communities of Argyll and Bute and in adhering to national guidance.

- 5.2 Financial – none
- 5.3 Legal – addresses legislation changes contained within The Coronavirus (Scotland) Act 2020, and The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020.
- 5.4 HR – This approach supports adherence to recommended government guidelines in relation to Covid-19 for staff, Elected Members and partners.
- 5.5 Fairer Scotland Duty: None
  - 5.5.1 Equalities - Protected characteristics – None
  - 5.5.2 Socio-economic Duty - None
  - 5.5.3 Islands – None
- 5.6 Risk – addresses risk associated with ensuring business continuity and resilience.
- 5.7 Customer Service – supports arrangements for amending decision making framework to support critical customer services.

**Douglas Hendry**

**Executive Director with responsibility for Legal and Regulatory Support**

**Policy Lead**

**Councillor David Kinniburgh**

**Councillor Rory Colville**

5<sup>th</sup> May 2020

**For further information contact:**

Patricia O'Neill, Governance Manager 604384

David Logan, Head of Legal and Regulatory Support 604322

## **APPENDICES**

none