



## **Development of Area Committees**

### **Discussion Paper**

**November 2008**

## 1 Introduction

- 1.1 The Member Seminar held on 22 September 2008 discussed future arrangements for delivering development control. During the discussion issues were raised in relation to the future development of the role of Area Committees. This paper takes forward these issues, within a wider Improvement Plan for the Council.
- 1.2 In a modern Best Value environment the Council is developing an overall Improvement Plan. This has a renewed focus on a Planning and Performance Management Framework (PPMF) which has Community Engagement as one of its strands. The role of Area Committees is a key element in that overall Improvement Plan.
- 1.3 It is also as well to remind ourselves of the original vision for Area Committees. During 1995/96 the Council developed its Decentralisation Scheme which saw Area Committees at the heart of a development which saw decentralisation as a process and not an end: "The overall aim, which will underpin decentralisation, will be to improve the quality and responsiveness of services provided by the Council to local communities."

The objectives of this process included -

- To enhance the role of local elected members and increase local decision making and accountability.
  - To provide more effective and responsive services by bringing services closer to the public and local communities.
  - To ensure that Council services take account of and reflect the diverse needs of local communities.
  - To encourage public participation and enable the public to influence and shape the design of services and the way in which the Council serves its communities.
  - To support economic development by the location of employment opportunities within local communities.
- 1.4 Many of the original objectives were to be taken forward within a policy of promoting community involvement and participation through the creation of Local Liaison Groups which were to perform a number of important roles, including: -
    - Identifying and prioritising local needs and contributing to the development of local plans and initiatives.
    - Commenting on the quality of local services and highlighting any problems or deficiencies.
    - Being consulted about and having the opportunity to comment on service development proposals as they affect the local area.
    - Providing an opportunity for joint working between the Council and various

community and voluntary organisations at a local level.

The original integrated concept of Local Liaison Groups has given way over the years to a vast range of customer and community involvement, which will for the future be harnessed within a Community Planning Community Engagement Strategy.

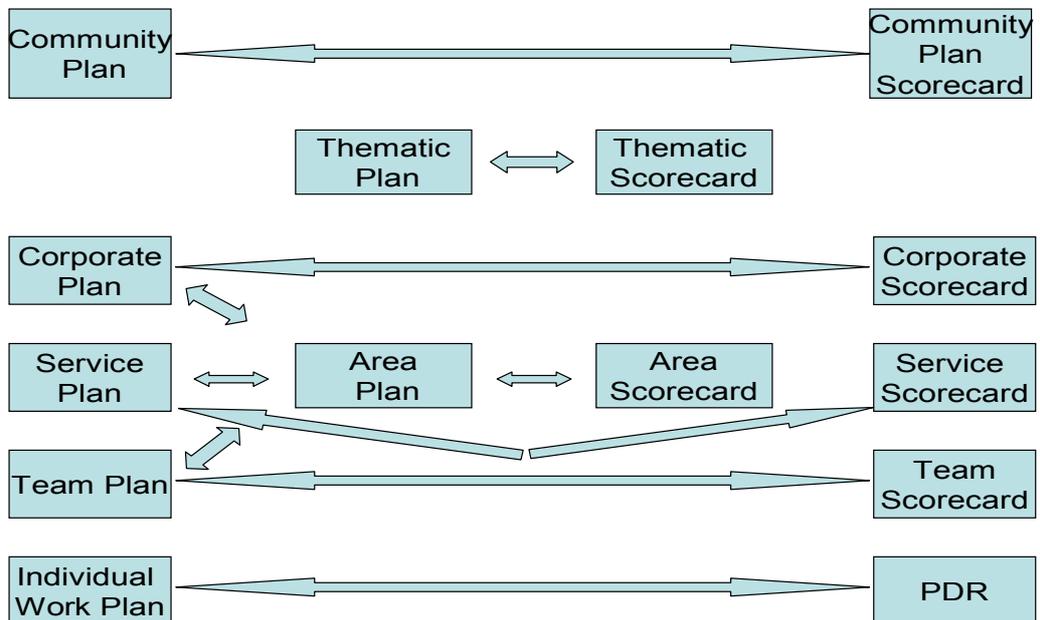
## 2 Summary Proposals

2.1 This paper envisages Area Committees –

- (a) Being a key component of the Council's overall improvement plan
- (b) Playing a planning and performance management role within PPMF
- (c) Revitalising their community engagement role within a Community Engagement Strategy
- (d) Having an important role in local land use planning
- (e) Playing an enhanced role in the community planning framework
- (f) Continuing to perform functions delegated to Area Committees for the local discharge of Council functions, including local roads maintenance, road traffic regulation orders, local grants, local capital projects and other functions which fall within the local area

## 3 Planning and Performance Management Framework

3.1 The following diagram illustrates planning and performance at every level of the Council.



- 3.2 The framework sees an Area Plan to be developed taking the following types of information into consideration –

Community Engagement  
Corporate Plan  
Local Performance  
Local Risks

The Plan will contain proposed outcomes and actions which are measurable and costed and will be considered as part of the Council budget process.

Planning at each level is accompanied by a performance scorecard. For the Area Scorecard it might include -

- a) Local Plan outcomes and actions
- b) Local Performance Indicators
- c) and internal/external audit actions pertaining to that area
- d) Risk actions
- e) Budget performance where appropriate
- f) Any Best Value Reviews for the area

The performance scorecard will be made available to the public in an accessible manner.

- 3.4 Elected Members have an important role in the Planning and Performance Management Framework and are involved in a number of ways: -

Council

Approves the Corporate Plan and sets the budget

Executive

Approves the Corporate Plan for onward transmission to full Council

Monitors performance of Corporate Scorecard, which includes Corporate Plan and SOA

Monitors Departmental Scorecards

Spokespersons will have a role on reporting performance on their portfolio to the Executive

PPGs

Sets PPG Plans and monitors PPG scorecard (theme from Corporate Plan)

Works with the future development of thematic Community Planning groups linked to PPGs

Spokespersons will have a role on reporting performance on their portfolio to the relevant PPG

Area Committees

Sets Area Plan and monitors Area Scorecard

Works with the future development of Community Planning Area Partnership Groups linked to the Council's Area Committees

3.5 So in the context of an overall Improvement Plan where PPMF includes –

1. How the council plans and manages performance at each level, from community planning to an individual employee.
2. Linking the Framework to improvement activities such as best value reviews and risk management.
3. Reporting performance to the public.
4. Community Planning and performance management.
5. Using the Council's performance management software, Pyramid.

the role of Area Committees becomes clear as a key component.

Within the wider Community Planning Partnership PPMF sees the future development of Area Planning Partnership Groups linked to the Council's Area Committees accompanied by a relevant performance scorecard to provide relevant information to the Council, CPP partners and service users.

3.6 PPMF envisages the following role for Area Committees –

### Area Planning

<b>Stakeholders</b>	Area Committees
<b>Vision</b>	Area Plan aligned to Corporate Plan.
<b>Plan and priorities</b>	Annual Area Plan containing area priorities.
<b>Translates downwards</b>	Service / unit plans identify activities to support area priorities.

### Performance reporting

<b>Type of report</b>	Area scorecard
<b>Report to</b>	Area Committee
<b>Area Scorecard themes and measures</b>	<p>Outcomes and Customer Feedback</p> <ul style="list-style-type: none"> <li>• Implementation of community engagement strategy and customer satisfaction</li> <li>• Progress against area priorities</li> <li>• Progress against relevant corporate priorities applied locally</li> <li>• Progress against relevant local community planning priorities</li> </ul> <p>Making the Best Use of Our Resources</p> <ul style="list-style-type: none"> <li>• Performance against budget where appropriate</li> </ul> <p>Corporate Health</p> <ul style="list-style-type: none"> <li>• SPIs/LPIs available at local level</li> <li>• Risk</li> </ul>

## 4 Community Engagement Strategy

4.1 The range of current community engagement activity in Argyll and Bute is extensive. The aim of a community engagement strategy is to provide a framework to support communities to participate in shaping the services they use, and so contribute to better service provision and improved quality of life. It moves consultation to involvement. The objectives which flow from this include -:

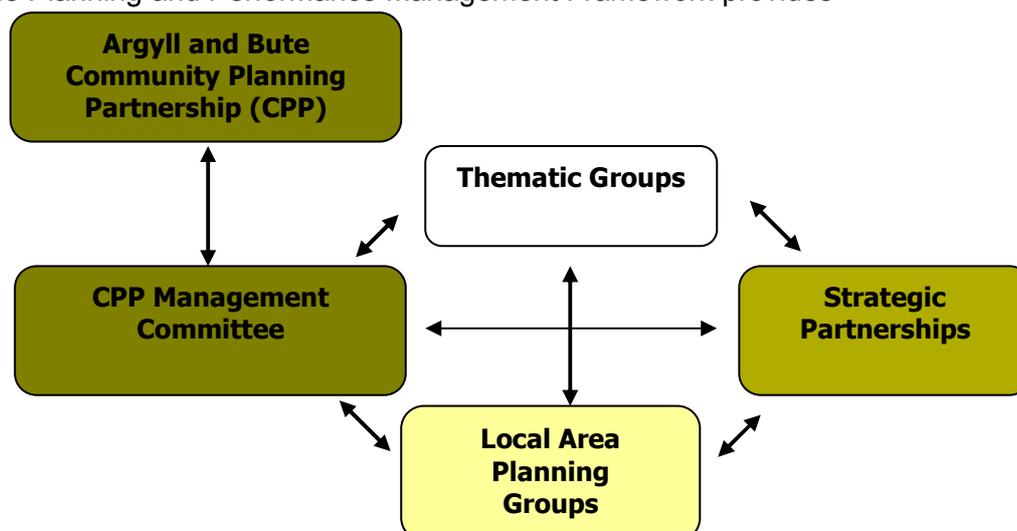
- Developing systems and processes which allow communities to engage
- Creating and communicating opportunities to engage
- Maintaining structures and information to support engagement
- Providing appropriate support to local people involved in the process
- Establishing systems to review the quality of outcomes from engagement

4.2 Community engagement is underpinned by a series of common engagement standards which recognise the need to co-ordinate and ensure engagement at a range of levels. Engagement may be at Council wide (strategic) level, area/smaller communities level, or by issue or theme (eg carers or young people).

4.3 All of these levels should make inputs to the Council/CPP processes, dependant on the nature of the issue under discussion. They also all have strengths in terms of encouraging community involvement, and generally experience suggests the strongest levels of engagement are at local community level or issue based level. So while the Community Engagement Strategy is in the process of being written, many parts of the engagement infrastructure will focus on geographic area and the diversity of communities in Argyll and Bute in which Area committees have a key role to play. There will be guidance provided for Area Committees on community engagement, including its role in relation to the development of area plans.

## 5 Community Planning

5.1 The Planning and Performance Management Framework provides –



High level aims within the Community Plan are translated into priorities which influence the corporate plans of the Council or one or more of its partners. Relevant Community Planning priorities will be included in the Single Outcome Agreement (SOA).

Different tiers of the Community Planning Partnership will participate in contributing to

the aims within the community plan and receive performance reports as follows:

- Management Committee: ultimately the Committee will monitor outcomes/actions within the Community Plan. At this stage the Committee will monitor the outcomes in the SOA relevant to Community Planning Partners.
- Thematic Partnership Groups: The future development of thematic groups linked to the Council's Policy and Performance Groups will be accompanied by a relevant performance scorecard to provide relevant information to the Council, CPP Partners and service users
- Area Planning Partnership Groups: The future development of Area Planning Partnership Groups linked to the Council's Area Committees will be accompanied by a relevant performance scorecard to provide relevant information to the Council CPP partners and service users.

## **6 Local Development Planning**

- 6.1 A key role for Area Committees is in the planning process and is an explicit example of community engagement. A successful planning system depends on establishing and taking forward a clear spatial vision for the area based on realistic aspirations of the local community that can be supported by the Corporate aims of the Council.

In a climate of culture change in planning, the expectations of Members' involvement and engagement in the process are being redefined. There is a new emphasis on the development of effective partnerships, a better and more creative engagement with stakeholders and the expressions of a strategic vision for the future of their communities. These aspects are particularly relevant to the planning process when members have to balance the need for encouraging sustainable development with their role in representing the best interests of their communities and being seen to operate properly and impartially.

- 6.2 In particular, paragraph 49 of PAN 81 states "there is nothing to stop any councillor from discussing or debating planning policy and strategy, expressing views, or advocating proposals on policy and strategy. This applies to the development plan process, even though the development plan will provide the framework within which individual applications will be decided".

Councillors therefore have an increasingly important role to play in the formation of the Local Development Plan (LDP) given its enhanced status in the new Planning Act and its key role in determining future planning applications. It is therefore increasingly important that Councillors are closely involved throughout the local development plan process to ensure ownership and a comprehensive understanding of the policies and proposals contained within the plan. This involvement will take a considerable period of Councillor time, including time to receive adequate training, to ensure their inputs are meaningful and taken forward at key stages of the LDP process. Area Committees have a key role to play in this process particularly if Members have adequate time resources to participate fully and engage in LDP production. In the past Members have played a role at the end of the planning process in supporting or overturning officer advice on individual applications. Given the changing nature of the planning process the future role to support communities will come in the shaping of the new LDP to ensure there is a correct balance between professional opinion and democratic scrutiny.

- 6.3 Councillors in the future need to be closely involved to help determine all matters in the

following stages of the production of Development Plan Documents in the Local Development Plan (LDP):

(1) Pre-Production Stage – assembling the evidence base, commenting on issue papers and supporting strategies prepared by development planners, incorporating local visions and overseeing arrangements for community involvement. This could involve Members taking part in round table discussions, helping to integrate the local area strategy into the LDP, meeting with other key stakeholders of the plan and visiting settlements and possible allocated sites to assess the likely impact on local communities.

(2) Production Stage – To advise and make recommendations to the Executive and Council at certain stages of production of the LDP. To develop for example the required Development Plan Scheme that helps determine on what, when and how the development plan will be prepared including the development of a Participation Statement that identifies how the local community will be consulted and who should be involved. Members will be able to get involved through attending public meetings, bringing forward consensus, taking part in workshops and communicating with the local media to raise public awareness of the emerging LDP.

(3) Approve the Main Issues Report that identifies the key issues that face the area and what the LDP needs to do to address them.

(4) Approve the Strategic Environmental Assessment (SEA) that accompanies the LDP in order to help mitigate against environmental impacts.

(5) Assist in the review of representations made and help prepare the finalised draft LDP, report on public engagement and associated Action Programme for public comment.

(6) To consider and approve the content of Supplementary Planning Guidance that accompanies the LDP but will not be subject to a PLI.

(7) Assist in the consideration of responses to the LDP in an

effort to reduce objection prior to a public local inquiry (PLI) being held if necessary.

(8) To consider and approve the Council's response to the Reporter's finding on the LDP that will be binding on the Council.

In essence the Area Members will lead the development of the plans to support key corporate and local priorities, eg. land for affordable housing, business development opportunities, retail development, farm diversification by creating the opportunities at the outset of the process. This will see members taking a more positive enabling role in the planning process, rather than a regulatory role which from time to time brings them into conflict with individuals and communities.

## **7 Development Control**

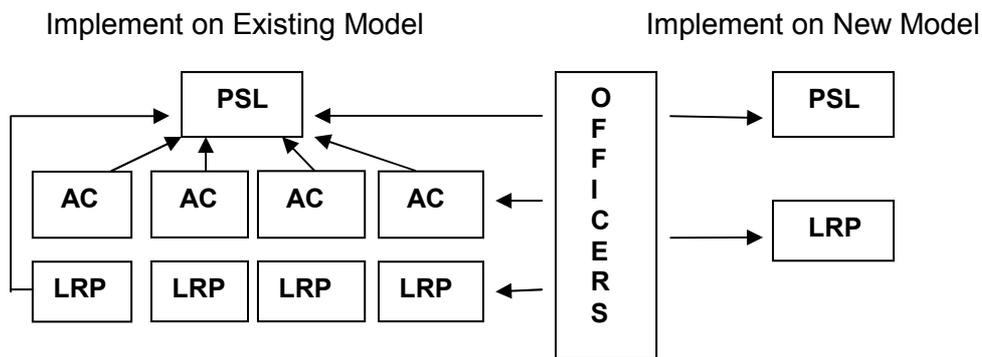
7.1 Is there a perception amongst some Members that if Development control is not undertaken by Area Committees this will represent a loss of a Member's power? It is important to recognise that the power in reality is to overturn professional advice. The

preceding section of this paper about Local Development Planning suggests the role Area Committees should have representing the best interests of their communities, leading the development of the plans to support key corporate and local priorities, and putting Members at the forefront of the planning process rather than at the end of it, where they have lesser and diminishing influence.

- 7.2 In the past the opportunities for departing from a planning officer recommendation were more, and the processes looser. Over the last 10 years the process has been made more robust by following the competent motion process which has ensured that motions were approved on the basis of material planning considerations. This process has been developed against increasingly complex planning considerations, enhanced public expectation, increased scrutiny, and the increasing possibility that to do otherwise attracts challenge to the Council and Councillors individually.
- 7.3 Over the last 18 months, officers have been signalling further changes impacting on the discretion of Members at the development control end of the planning process–
- 1 The new local plan is substantially based in absolute terms and this has led to a growing problem of definitions being a matter of fact rather than opinion
  - 2 The new plan is right up to date so the room for departure is much more difficult than when dealing with aged plans
  - 3 The import of European law has made it more difficult to find a competent motion albeit on a limited range of applications. The precautionary approach to assessment must be taken (Waddenzee case C-127/02) in Special Protection areas if there are competing bodies of expert advice
  - 4 The recent Aberdeenshire Council case is a watershed. It clearly states that when looking to justify a departure from the local plan or argue that a set of facts are consistent with the plan Councillors cannot arrive at a different view from the plan itself unless they can find relevant material planning considerations that were not in the knowledge of the plan makers; that is, something more recent eg. like new government guidance on planning.
- 7.4 All of these factors will make it much more difficult to depart from policy or place a unique interpretation on it to meet a certain local circumstance. It is suggested this negates or very severely circumscribes the perceived power that currently fuels a reluctance to change how we determine planning matters. The best way to resolve this dilemma is to devote a lot more time to making the plan enable that which Councillors wish to see done by undertaking the Local Development Planning role suggested in this paper. That can be achieved by doing a lot more locally based work on the correct policy choices and areas that are identified for development at the start of the process giving Members far more effective power than the currently perceived one.
- 7.5 A further point relates to pre-application consultation. The new planning act introduces statutory pre-application community consultation (for given types of application). If the four area committees are retained in the development control process Members would not be able to participate in this pre-application consultation. By default community councils might well become the big player in the pre-application consultation process. Section 4 of this paper suggests a community engagement role for Area Committees and the pre-application consultation process could be an extended part of this role which would also sit comfortably with the local development planning role mentioned in section 6.

7.6 The new planning regime will require some major strategic matters to be dealt with by the full Council. If we were to apply the new legislation utilising our current model we would then have the PSL dealing with some departure matters, then four area committee processes and in future four local review panels. Using the Council's current model places an unacceptable burden on Members and officers. It will place an impossible burden on Members who will simply not be able to cope with the number of hearings and everything else they have to do. There would also be a significant burden in terms of training for dealing with increasingly complex planning issues, dealing with complaints (which are an ever growing problem) and all within an increasing no competent motion scenario. There may well be a slow down in decision making given the possibility that a decision might have to go through two committee stages as well as pre-consultation.

The two scenarios maybe contrasted –



7.7 The impact for officers would mean, in addition to the PSL Committee and four Area Committees, four sets of area review panels to support, with a need to be resourced to handle more than one a day in different areas. The local review panels will need support from expert sources other than the planners who will be on the other side of the table arguing their case. In my view Corporate Services would need one FTE specialist planning lawyer, and a Committee Services officer (at a cost of around £70k), to support the Head of Democratic Services and Governance to undertake four local review panels. The Area Corporate Services Managers will still be running area committee business as currently, and supporting them further in the envisaged planning and performance management, community engagement and local community planning roles. ACSMs have also been undertaking PPG work. By contrast I believe it may be possible to support a model based around the PSL/regulatory cohort within current resources.

7.8 The Head of Planning would also need to revisit the full outcomes of the Brodies report. The Council has agreed to a central “technical team” to register and validate applications in terms of Brodies option 3. Option 5 provides for central core working whilst maintaining an area presence through the Customer Services Centres. The object was to enable the current resource to be allocated to processing the new “major” applications to ensure both speed of delivery and customer care. In this option the Area Team Leaders would also implement the scheme of delegation and work hand in hand with both the single planning committee (PSL) and the area committees in their pre-application consultation role. The implication of substituting area committees for the single planning committee would remove the economy of scale allowed by central core working which in turn would require increased resource to improve significantly the level of performance and customer care which was one of the drivers behind the Council undertaking the BV review which Brodies carried out.

- 7.9 There would be an increased workload for members who would all need to be experts on the new system and yet subject to the restrictions on discretion highlighted above. This paper suggests a more important role for Area Committees in which local development planning sits alongside community engagement, local community planning, and area service planning and performance management all within an integrated vision for the development of their area. This role provides a clearer indicator of an elected Member's value to their community than dealing with planning applications will in future.

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