



## **Urgent Decision by Chief Executive**

### Purpose of the report

The Officer Scheme of Delegation states that the Chief Executive may take an urgent decision in relation to a Council function (in consultation with the relevant members) if it is in the best interests of the Council and/or residents.

This report sets out the reasons for a number of urgent decisions by the Chief Executive of South Northamptonshire Council as part of the Council's response to the Covid-19 pandemic.

### Decisions Required:

- 1.1 If it was not possible to hold a quorate planning committee or there was a lack of officer capacity to support, then whilst the inability to hold a Planning Committee Meeting was the position, arrangements are put in place to delegate decisions to the Assistant Director of Planning and Economy.
- 1.2 Member site visits are suspended until further notice, and that the planning committee rules and procedures are amended to reflect this.
- 1.3 If the planning committee is not content that it has sufficient information to determine a planning application in front of it, then that application should be delegated to the Assistant Director of Planning and Economy for his determination.

### Explanation

It is important that South Northamptonshire Council, in its capacity as a planning authority, continues to provide the best service possible in these challenging times, and prioritise decision-making to ensure the planning system continues to function - especially where this will support the local economy. It is also important that we prioritise our capacity to process planning applications within statutory timescales.

We recognise that face-to-face events and meetings are now not feasible, and we have explored opportunities to use technology to ensure that discussions and consultation can continue. We have taken a pragmatic approach and will continue, as far as possible to work proactively with applicants and others.

We have also explored other measures to ensure that officers and Members are able to work safely. These include a review of the need for site visits.

## **Principles**

The Planning Processes have been reviewed using the following principles:

- They should mirror existing committee processes where that is sensible.
- They should be as efficient as possible given the strain that may be placed on staffing levels over the coming months.
- They should be as precise as possible to minimise the risk of challenge – legal or otherwise.
- They should maintain a separation between the planning officer administrating the process and the officer taking any decision.

With respect to the applicant, generally there should continue to be good dialogue between a case officer and an applicant / agent, so no additional provision should be necessary under these revised processes.

## **Virtual Planning Committees**

The Coronavirus Act 2020 and accompanying regulations enable ‘virtual’ committee meetings, including planning committee meetings. SNC is implementing and testing the processes and technology required to hold a virtual meeting in preparation for the first virtual planning committee meeting, scheduled for 23 April 2020.

We have looked at practicalities from three different aspects:

- The meeting itself
- Public speaking
- Public attendance.

### *The meeting itself*

With any conference-call or video-link meeting, the main challenge is managing a large group of people. A protocol is being finalised based on the Meeting Regulations, that will allow meetings to be conducted and chaired in our usual professional and transparent manner.

It will be important to have a clear protocol so that people don’t speak over each other and that they introduce themselves, so listeners know what is happening. The role of the chair will be even more important than usual.

Arrangements are being put in place to handle visual material. They can be distributed in advance as PowerPoint or PDF packs and referred to in the meeting. Our video conferencing facilities enable such material to be displayed during the virtual meeting, but we must be sure all participants are able to access this, so a simpler solution may be more resilient.

Finally, it will be very important to remind members of the rules that apply to the normal operation of a committee, in particular that they are incommunicado including through electronic means.

### *Public speaking*

Allowing public speakers to join a virtual meeting is possible but could be challenging on occasions. A simpler solution is to ask speakers to record their Speech and email it to officers in advance of the meeting. This is likely to be better for most people as they can have several attempts at it until they are happy it is right – and within the prescribed time limit.

### *Public attendance*

It is important to remember that planning committee is a meeting in public, and not a public meeting. The public are there to listen and are in effect witnesses to the process. We are setting up arrangements for a live webcast supplemented by a recording of the meeting being made available as soon as possible afterwards on the Council's website.

### **Delegated Authority**

It is already the case that the assumption is that any planning application or similar is determined using the delegated procedure. Most applications are therefore delegated to the Assistant Director of Planning and Economy. The principal exception to this is major development, which is defined nationally as 10 homes or more, or 1,000 square metres of other floorspace or more, where applications are automatically considered by the Planning Committee. Whilst the Planning Committee is able to conduct business, it is not proposed to change the Scheme of Delegation.

If it was not possible to hold a quorate planning committee or there was a lack of officer capacity to support, then whilst the inability to hold a Planning Committee Meeting was the position, it is proposed that arrangements are put in place to delegate decisions to the Assistant Director of Planning and Economy.

Planning Committee members will be involved in the new arrangements, but it will be made clear that their involvement is then as consultees and not decision makers. This is because of the general public administration principle; that a decision maker to whom the decision has been delegated to cannot be fettered in making their decision. The officer making the decision will take into account the views of the committee members on the report and recommendation but must be free to use their own professional judgement on the merits and planning balance.

Further guidance will be produced on the process to be adopted.

It should be noted that these provisions will only be used if it is not possible to hold a Planning Committee meeting.

## **Site Visits**

One risk to the timely and fair determination of planning applications is site visits. In recognition of the risks to staff and the public of site visits, these have already been suspended for all planning staff. Instead, we are relying on information such as Google Streetview, aerial photography, and other information that is available to us. For instance, we are asking applicants to post the site notice which is required by regulations, and to email photographs to show site notices have been put up.

It should be remembered that a Member site visit cannot be a part of the decision making process for a planning application: these site visits are for information only. There is no reason why we cannot obtain photographs taken by applicants and others to help to inform our understanding of a planning application.

It is also unreasonable for a planning application to be held in abeyance until such time as it is declared safe for Member site visits to be made.

For the reasons set out above, it is proposed that Member site visits are suspended until further notice, and that the planning committee rules and procedures are amended to reflect this.

It is further proposed that, if the planning committee is not content that it has sufficient information to determine a planning application in front of it, then that application should be delegated to the Assistant Director of Planning and Economy for his determination.

## **Conclusions**

These arrangements will allow the Planning Committee to fulfil its role as near as possible to the current constitutional arrangements.

It is essential to design new procedures that are as simple as possible and do not rely solely on complex technology arrangements. Broadband capacity is already under strain, and it is also important to remember that the staff resources we have to service new arrangements may diminish.

It is important that we do not expose staff, Members and applicants to any risks such as site visits.

The additional delegation of decisions to the Assistant Director of Planning and Economy will only be used if it is not possible to hold a Planning Committee meeting.

The new procedures will be kept under review in the light of the continuing COVID - 19 emergency.

## Member consultation

The Chairman of the Planning Committee and the Portfolio Holder for Planning have been consulted on this report and are in agreement with its content and decisions.

### Summary of decisions required and reason for urgency

<b>Subject</b>	<b>Decision required</b>	<b>Reason for urgency</b>
Inquorate planning committee or lack of officer capacity to support.	If it was not possible to hold a quorate planning committee or there was a lack of officer capacity to support, then whilst the inability to hold a Planning Committee Meeting was the position, arrangements are put in place to delegate decisions to the Assistant Director of Planning and Economy.	No Full Council meeting is scheduled for amendments to planning procedures or delegations to be determined.  The Planning Committee next meets on 23 April 2020 and arrangements need to be put in place to allow it to meet. This will be a virtual meeting.
Member site visits.	Member site visits are suspended until further notice, and that the planning committee rules and procedures are amended to reflect this.	Currently quoracy or officer support for the planning committee is not an issue, but it is felt prudent to put measures in place now so that we are in a position to determine planning application if such a need arises.
Delegation to the Assistant Director of Planning and Economy to determine planning applications if the planning committee is not content that it has sufficient information to determine a planning application in front of it.	If the planning committee is not content that it has sufficient information to determine a planning application in front of it, then that application should be delegated to the Assistant Director of Planning and Economy for his determination.	It is important that we put all necessary measures in place to protect members, officers and the public from risks arising from the Coronavirus pandemic – hence the need for virtual meetings and the suspension of site visits.

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