

Planning and Orders Committee

Minutes of the Virtual meeting held on 20 May 2020

- PRESENT:** Councillor Nicola Roberts (Chair)
- Councillors John Griffith, Glyn Haynes, T LI Hughes MBE, K P Hughes, Vaughan Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts and Robin Williams.
- Councillor Richard A Dew – Portfolio Holder for Planning.
- IN ATTENDANCE:** Chief Planning Officer (DFJ),
Development Planning Manager (NJ),
Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** Councillor Richard Owain Jones.
- ALSO PRESENT:** Deputy Chief Executive,
Head of Democratic Services.
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1 APOLOGIES

As noted above.

2 DECLARATION OF INTEREST

None received.

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 4 March, 2020 were confirmed as correct.

4 DELEGATION TO THE CHIEF PLANNING OFFICER OF THE COMMITTEE'S POWERS TO MAKE DECISIONS DURING THE PERIOD OF THE COVID-19 PANDEMIC

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer in relation to the above.

The Legal Services Manager reported that in light of the public health emergency caused by the coronavirus and the restrictions on holding public meetings, there is still a need to maintain a planning service and to make decisions on planning

matters. A delegation needs to be put in place to allow the Chief Planning Officer the Committee's powers to make decisions during the period of the pandemic and any reoccurrence of the pandemic in the future with the possible illness or redeployment of essential staff from the Planning Service which would make it difficult to maintain a full planning service over the coming months. The proposed delegation will allow Officers to take decisions on planning applications which the Planning and Orders Committee would previously have taken. This would also cover times when convening a meeting of the Committee is not possible i.e. due to the Committee not being quorate due to illness or availability of members of the Committee. He further reported that the proposed delegation will be reviewed on a monthly basis by the Chief Planning Officer in consultation with the Group Leaders and Senior Officers to make sure that the delegation is used reasonably and to gauge as to how it is administered and its effectiveness. The proposed delegation also protects the rights of local members, who have called-in an application to the Committee, in that they be given a reasonable opportunity to make specific comments in writing by a certain date before the Chief Planning Officer can make a decision on the application.

The Legal Service Manager further stated that, in lieu of public speaking at the Committee, the Chief Planning Officer will notify all those members of the public who have commented on an application which he proposes to determine under this delegation and allow them the opportunity to make further comments before a decision is taken. Whilst already within the Council's Constitution, the Legal Service Manager said that where the Chief Planning Officer has the power to determine an application under this delegation he may for whatever reason choose not to exercise that power and then the application will have to be determined by the Planning and Orders Committee. Whilst the proposed delegation does not prevent the Planning and Orders Committee from meeting. It provides flexibility to having provision in place to allow the Planning Service to continue to process planning applications when the service may be under pressure of it is not possible to convene a meeting of the Committee for whichever reason. It was further noted that the Chair and Vice-Chair of the Committee would be notified of any decisions made under this provision.

Councillor Dafydd Roberts said that he appreciated that it has been possible to convene this meeting virtually and questioned whether the meetings of the Planning and Orders Committee can in future be convened virtually on a monthly basis. The Legal Service Manager responded that the report before the Committee does not address the practical issues of convening meeting of the Planning and Orders Committee. Due to the pandemic the workload of the Planning Service, as with all other services, has been affected. Discussions need to be taken place with Planning Officers as regards to the practicalities of what applications are ready for a decision. He expressed the view that whilst he did not see any reason why the Committee may not be convened virtually he considered that adequate training would need to be given before convening a virtual meeting of the Planning and Orders Committee to determine planning applications.

The Chair ascertain the practicalities of reconvening the Planning and Orders Committee in July. The Chief Planning Officer responded whilst that the Planning Service wishes to see the democratic processes of dealing with planning

applications being open and transparent, there have been constraints on the some elements of the planning process such as the ability to conduct site visits and comply with the publicity requirements; there will therefore initially be a limit on the number of planning applications that are ready to be submitted to the Committee for determination. Planning Officers will need a period of time to deal with the backlog of such applications. The Development Planning Manager said that there are elements of statutory procedures that have been difficult due to the restrictions due to the Covid19 pandemic and there will be an element of catch up with statutory consultees before planning applications can be submitted for decision by the Planning and Orders Committee.

Councillor K P Hughes said that he considered that the Planning and Orders Committee needs to be reconvened for the Committee to make decisions of planning applications. The Legal Services Manager responded that the recommendations before the Committee is to enable a fall-back position if a situation arose when the Planning and Orders Committee could not meet because it was inquorate or Planning Officers were unavailable to service the Committee due to illness.

Councillor Robin Williams said that he accepted that the number of applications before the Committee will be limited due to the back-log of dealing with such applications. He accepted that the recommendations before the Committee will be a fall-back position as explained by the Legal Services Manager.

Councillor K P Hughes proposed to approve the recommendations subject to an amendment that a virtual meeting be held of the Planning and Orders Committee on a monthly basis, as soon as it is practically possible. Councillor Eric W Jones seconded the proposal.

It was RESOLVED that meetings of the Planning and Orders Committee be held virtually, on a monthly basis, as soon as it is practically possible, however, in the meantime :-

- **To delegate to the Council's Chief Planning Officer the right to make all decisions which are reserved to the Committee under the Council's Constitution, be that under paragraphs 3.4.3.1 to 3.4.3.16 (inclusive) or elsewhere;**
- **That this delegation remain in force whilst the restrictions on holding public meetings are in place, but that it shall be reviewed every month by the Chief Planning Officer in consultation with Group Leaders (or their nominees) and Senior Officers so as to gauge its effectiveness;**
- **In respect of those applications already called-in to the Committee by local members, no decision will be made under this delegation until those local members have been given a further, reasonable opportunity to make specific comments in writing in respect of that application before a certain date. The Chief Planning Officer will take due regard to those comments before exercising his delegated power in respect of that application;**

- In lieu of public speaking at the Committee, the Chief Planning Officer will notify all those members of the public who have commented on an application which he proposes to determine under this delegation. He will invite those members of the public to make further written representations by a specified date and will take due regard to those further written representations before exercising his delegated powers in respect of that application;
- Where the Chief Planning Officer has the power to determine an application under this delegation he may, nevertheless and for whatever reason, choose not to exercise that power and, in that case, the application will have to be determined by the Committee. The Chief Planning Officer will take into account the views of those mentioned in paragraph 2 above in reaching his decision under this paragraph;
- That the delegation shall automatically fall into abeyance once a summons is published for the Committee to again meet in person in the Council Chamber but, if such a meeting is cancelled or does not take place, for whatever reason, this delegation shall be revived and acted upon by the Chief Planning Officer until the time that such a meeting is held;
- That the Chair and Vice-Chair of the Committee are notified in a timely manner of any decisions made under this delegation;
- That meetings of the Planning and Orders Committee be held virtually, as soon as practically possible, until a time when meetings of the Council will reconvene as per usual within the Council Offices;
- That a training session is arranged before the next meeting of the Committee held in person in the Council Chamber so that Members and Officers can re-familiarise themselves with the Committee's usual procedures and relevant requirements.

**COUNCILLOR NICOLA ROBERTS
CHAIR**