

Report for Resolution

Report to	Planning Applications Committee 2 July, 2009	Item 7
Report of	Head of Planning and Regeneration	
Subject	Delegation of powers and options for the timing of Committee	

Purpose

To consider variations in the current delegation of powers to the Head of Planning and Regeneration and options for the future timings.

Recommendations

That the delegation arrangements proposed in Appendix 1 be agreed.

That the timing of future meetings be considered in late 2009/early 2010 following customer feedback.

Financial Consequences

The financial consequences of this report are that there would be efficiency and resource savings as there would be a slightly higher number of applications being dealt with by officers.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the service plan priority to implement the Planning Improvement Plan.

Contact Officers

Graham Nelson, Head of Planning and Regeneration	01603 212530
Ian Whittaker, Planning Development Manager	01603 212528

Background Documents

The Killian-Pretty Review (Planning: A faster and more responsive system, Final Report, Nov. 2008)

Audit Commission report - July 2008

Transforming Local Planning Services: Using Business Process Improvement Techniques. Local Government National Process Improvement Project, 2008

Report

Need for review

1. There is a need to review the current delegation from the Committee to officers. It was last reviewed by Planning Applications Committee on 6 November, 2003. The details of the current arrangements are in the Code of Conduct and are appended to this report (Appendix 1). The Audit Commission's inspection of the planning service (July 2008) highlighted the need to review levels of delegation regularly. Since then the Killian-Pretty Review (November 2008) of the planning system has been published and this also highlighted that all Councils should aim to achieve 90% delegation to officers by the end of 2009. Extracts from the report are attached as Appendix 2.
2. Actual delegation figures for Norwich are well below the 90% target referred to by Killian-Pretty and there is evidence that rates are falling. The actual percentages of decisions taken by officers has been:
 - Apr 07- Mar 08 737 out of 867 decisions 85.0%
 - Apr 08 - Mar 09 787 out of 963 decisions 81.7%
 - Apr- May 09 102 out of 128 decisions 79.7%
3. The report on Transforming Local Planning Services: Using Business Process Improvement Techniques (part of The Local Government National Process Improvement Project) reported in 2008 after work undertaken in 4 pathfinder Councils. Part of this work looked at the actual costs of processing applications and divided total costs into 11 separate components ranging from pre-application and receipt, through to decision, discharge of conditions and post-decision amendments.
4. In looking at the cost of the delegated application via the delegated route or the Committee route there was a substantial difference in the cost of the "decision" part of the 11 stage process, as they defined it, in all 4 of the pathfinders. This ranged from:

Pathfinder	A	B	C	D
Delegated	£132	£218	£252	£319
Committee	£367	£487	£1,130	£1,418

Costs

5. The ratio of costs in the Transforming Local Planning Services report ranges from just over 1:2 to almost 1:4.5 across the four participant Councils. Although this can partly be due to the average complexity of a Committee report being greater than an average delegated report it is inevitably the case that the additional time spent writing Committee reports, which are much longer and more comprehensive than a typical delegated report, the need for checking, production of plans and presentation material, taking photographs to show the context of the site, writing to objectors and the applicant, printing and postage,

adding to the website, as well as staff time (planning, legal and administrative staff) in servicing the meeting. Although no detailed financial analysis has taken place in Norwich at present there is no reason to think that cost differentials are not similar.

6. The justification for proposing the increase in delegation relates to three key areas:
 - (a) speed of determining applications
 - (b) cost
 - (c) ensuring that Committee focuses on applications of major importance or wider significance.

Suggestions for change

7. There is considerable scope for some widening of the categories that can be determined by officers without any significant impact on the democratic process or the rights of members. The changes suggested below should be compared to existing delegation levels in Appendix 1. The key changes are:
8. Slightly widened criteria for major applications to include non-contentious proposals.
 - The need for 3 or more separate objectors for non-major applications
 - The definition of a petition and the need for 50 signatories
 - Delegation of council applications where there are no material objections
 - A reduction of time for “call-in” by members to 14 days from publication of the weekly list (N.B. The weekly list is typically published some 2 -9 days after neighbour letters have been sent out.
 - Clarification of the definition of family members
 - Deletion of the specific requirements re. Section 106 agreements.
9. It is considered that the changes will reduce the numbers of application being reported to committee and be likely to deliver a 90% delegation rate. The last four committees have been reviewed and of the 41 items, 3 would have been delegated if the major criteria had been in operation and up to 20 items would have been delegated to officers if the 3 or more objectors were necessary for non-majors to be reported to committee. In practice some of these would have been likely to have been reported to Committee because they were finely balanced decisions or raised issues where officers would have considered a member view advantageous. There would also be significant financial cost and staff resource savings. The key power available for members will be to ask for any application to be called in if reasons are given. It should also be noted that if there are applications which may fall within the powers delegated to the Head of Planning but which raise controversial planning issues or potentially set importance precedents it is likely that such an application would be referred to the Committee.
10. The following applications for planning permission, listed building consent, conservation area consent and related applications will be referred to the Planning Applications Committee for determination with all other matters

devolved to the Head of Planning and Regeneration.

Timing of meetings

11. The Audit Commission review suggested that there should be a review of the timing of meetings. Members need to consider whether the current arrangements of a 10am start preceded by a training session or site visit (if necessary) is the most appropriate for all interested parties. At present we have no information from our customers, applicants, agents, the general public etc about their preferences but we are likely to be able to have a better understanding of this as part of the customer survey later this year as part of the Planning Improvement Plan. Consideration needs to be given whether an afternoon or evening meeting may be a more appropriate time – though all options have positive and negative aspects. It may be more appropriate to consider this matter in more detail later in the year following feedback from customers, with any alterations proposed being built into the future programme of meetings for members for 2010-11.

Details of proposal

12. All applications will be determined by the Head of Planning and Regeneration unless it falls within one or more of the following categories:

- (1) Major developments (except variation of condition applications)-
 - (a) For the construction of 10 or more dwellings or for outline applications for residential development on a site of 0.5 ha or more
 - (b) Offices, research, industrial, warehousing or retail development over 1,000 square metres, or for outline applications occupying 1.0 ha or more.

With the exception of the following:

all applications where there are no objections citing material planning issues, and/or would represent a serious departure from the approved development plan and approval is recommended.

- (ii) All applications (other than major applications defined in 1 above) which are recommended for approval and
 - (a) subject to 3 or more objections from neighbours and/or other third parties citing material planning issues, and/or
 - (b) subject to a petition signed by 50 or more local residents (identically worded letters will be treated as a petition) and/or
 - (c) would represent a significant departure to the approved development plan.

(iii) Applications submitted by the city council, relating to council owned property, excluding minor alterations to any property (such as replacement windows to the council's housing stock) or minor changes of use or applications where the recommendation is to approve and there are no material planning objections

(iv) Where a member of the city council requests, within 14 days of the publication of the weekly lists, and an appropriate planning justification is

made, that the application be referred to the committee for decision.

(v) Applications submitted by a member of the city council, a member of staff employed in the planning service or who works in a professional capacity in a field closely related to the planning service) or their immediate family defined as husband / wife / partner / son / daughter / mother / father / brother / sister /and equivalent in-laws as either applicant or agent.

No change to:

- B. Enforcement
- C. Tree preservation orders
- D. Other

Existing delegation arrangements.

13. (as agreed by Planning Applications Committee on 6 November, 2003) All applications will be determined by the Strategic Director of Regeneration and Development unless it falls within one or more of the following categories:

A. Planning applications

(i) Major developments -

(a) For the construction of 10 or more dwellings or for outline applications for residential development on a site of 0.5 hectares or more

(b) Offices, research, industrial, warehousing or retail development over 1,000 square metres, or for outline applications occupying 1.0 hectares or more.

(ii) Applications which are recommended for approval and

(a) subject to an objection citing material planning issues, and /or

(b) would represent a significant departure to the approved development plan.

(iii) Applications submitted by the city council, relating to council owned property, excluding minor alterations to any property (such as replacement windows to the council's housing stock) or minor changes of use.

(iv) Applications involving a S106 agreement where the terms proposed represent a departure from standards set out in the local plan or in supplementary planning guidance.

(v) Where a member of the city council requests, within 21 days of the press advertisement or publication of the weekly lists, that the application be referred to the committee for decision.

(vi) Applications submitted by a member of the city councillor, a member of staff employed in the planning service or their families.

B. Enforcement

(i) To approve the service of an enforcement notice under Section 172 of the Town and Country Planning Act 1990 or section 38 of the Planning (Listed Buildings and Conservation Areas Act 1990).

C. Tree preservation orders

(i) Whether to confirm a tree preservation order served under devolved powers where there is an objection or objections to that order.

D. Other

(i) Planning applications or other planning matters which the Strategic Director Regeneration and Development considers appropriate to be referred to the Planning Applications Committee for determination.

Appendix 1

Killian-Pretty Review: A faster and More Responsive System. Final report .
November 2008 (extracts).

We acknowledge that delegation rates have improved considerably in recent years and are now, generally, at a commendable level. However, exceptions do exist. These exceptions and the occasions on which councillors devote disproportionate time to applications, given their nature and impact, represent resource inefficiencies. We believe there is still scope to implement best practice in delegation – as set out in the Planning Advisory Service's report - more widely, and would like to see all councils achieving a minimum delegation rate of 90%.

Recommendation 10 – That the input of elected council members into the planning application process needs to be better targeted on those developments which will make the greatest contribution to the future development of the area:

To achieve this:

- local planning authorities should strongly encourage all new councillors to attend training on the role of elected members as decision makers in the planning application process, complemented by continuing regular training, including refresher courses for more experienced councillors;
- the councillor with strategic responsibility for planning should be encouraged to be a member of the planning committee, to provide improved consistency between planning policy and planning decisions;
- local planning authorities should review and update their local schemes of delegation, so that the resources of planning committees are focused on applications of major importance or wider significance, and that a minimum delegation rate to officers of at least 90% is achieved at all councils before the end of 2009; and
- local government stakeholders in ethical conduct and planning, such as the Local Government Association, the Standards Board for England, ACSeS and the IDeA should produce clear and authoritative guidance and support to elected members to encourage them to be more actively involved in the pre-application stage of the more significant developments, without prejudicing their decisions or compromising the council. Such guidance and a Model Members' Planning Code should be supported by a single point of contact for case-specific advice.