



Cabinet
Tuesday, 21st June, 2022 at 3.30 pm
in the Council Chamber, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **MATTERS REFERRED TO CABINET FROM OTHER BODIES** (Pages 2 - 6)

To receive any comments and recommendations from other Council bodies some of which meet after the dispatch of this agenda.

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**RECOMMENDATIONS FROM THE CORPORATE PERFORMANCE PANEL
16 JUNE 2022 TO CABINET 21 JUNE 2022**

CP14 **CABINET REPORT: RESOURCING - DEVELOPMENT
MANAGEMENT TEAM (PLANNING)**

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The Executive Director presented the report and explained that to increase capacity within the Development Management team to reflect increased workloads and the need to provide an acceptable level of service to those engaged in the planning process. The structure will also respond to the changes put forward in the Levelling up and Regeneration Bill in respect of planning and in particular the need to improve speed and quality of decision making.

In response to questions from Councillor Joyce on the current structure of the Development Management team, the Assistant Director, Central Services advised that the information requested was set out in the structure chart at page 67 of the Agenda.

Councillor Devereux commented that he was pleased to see the report with the proposed additional resource, particularly an Ecologist post and Arboricultural Assistant/Officer.

In response to comments made by Councillor Nash on the level of service expected by residents when submitting an application, the Executive Director explained that each planning application was determined on a case by case basis. If a resident was unhappy with the service received then a corporate complaint form could be completed and submitted to the council.

Following a question from the Chair in relation to 2.5, the Assistant Director Environment and Planning explained that there was the option to agree an extension of time with planning applications but if the application determination date exceeded 6 months and if an extension of time had not been agreed past the 6 months then the planning fee would need to be repaid. He stated that at present there was too much reliance on extensions of time.

In response to questions from Councillor Morley with regard to recruitment of the proposed additional officers, the Executive Director explained that it would be a challenging process and there were currently a number of vacant posts.

The Chair referred to 4.1 and the income from pre-application, street naming and numbering advice. The Executive Director explained that any charges for those services would be paid by the developer.

Following comments from Councillor Nash, the Assistant Director, Environment and Planning added that a charge was made for pre-application advice but this was a voluntary service and that applicants could not be forced to use the pre-application service. The Assistant Director agreed to clarify situations where the pre-application service was not appropriate or utilised, following concerns raised by Councillor Nash about the pre-application service.

Following questions from the Chair on 4.3, the Executive Director explained that the 20% ring fenced for planning was included in the overall budget.

The Portfolio for Development, Councillor Blunt provided an overview of the work that had been undertaken and highlight the major changes including the move from two area teams (north and south) to three area teams (north, central and south). It was noted that this change was intended to provide greater management support within the department and would enable planning officers to cover a smaller geographical area.

The Chair commented that at the previous Corporate Performance Panel meeting, the Portfolio Holder for Development gave an undertaking that enforcement would improve and there would be a better customer interface. The Chair referred the Panel to 3.2 where it was proposing that the Enforcement Team would also be strengthened through the creation of a new enforcement post and the creation of a new support officer who would focus on providing a better customer interface with the public in terms of updating on the progress of cases. The Chair thanked the Portfolio Holder for Development.

The Chair thanked the Executive Director for presenting the report.

RECOMMENDED: That the Panel supported the recommendations to Cabinet as set out below:

1. Cabinet is recommended to approve the recruitment of the following new posts:
 - 1 x Principal Planner
 - 6 x Planning Officers
 - 1 x System and Performance officer
 - 1 x Ecologist
 - 1 x CIL Officer
 - 1 x Technical Support Team Leader
 - 1 x Technical Support Officer
 - 1 x Arboricultural assistant/officer
 - 1 x Enforcement Officer
 - 1 x Enforcement Support Officer
2. That the planning fee income in the budget be increased from £1.1 million to £2 million to more accurately reflect the income

received over the past 3 years and the increase in planning fees set out in the Levelling up and Regeneration Bill.

CP15 **CABINET REPORT: PLANNING SCHEME OF DELEGATION/SIFTING PANEL**

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The Assistant Director, Environment and Planning presented the report and highlighted the key proposed changes and drew the Panel's attention to 2.8 which set out other changes to the Scheme of Delegation.

Councillor Joyce referred to the letter read out at the beginning of the meeting by the Chair from Stoke Ferry Parish Council. Councillor Joyce outlined the reasons why the Borough Councillor should determine in his/her own mind whether they wished to call-in a planning application. In response, the Chair explained that the letter from Stoke Ferry Parish Council was in relation to an inadvertent omission to call-in a planning application and to ask if there was an alternative way for a Parish Council to call-in an application if there was a breakdown in relationships/communication. The Chair commented, could the Parish Council contact the Chair of the Planning Committee as an option to call-in an application.

Councillor Mrs Spikings commented that this would be a disadvantage for King's Lynn as there was no Parish Council and there needed to be a fair approach for all. Councillor Mrs Spikings added that the current system worked well with the correct checks and balances in place.

The Assistant Director, Environment and Planning explained that a Councillor could only call in a planning application within their own ward unless there were exceptional circumstances. Councillor Spikings advised that Councillors currently had 28 days to call in an application and that the Parish Council could send a reminder to the relevant Borough Councillor to call in an application. The Chair added that at the next training session for Parish Councils it be suggested that the Parish Council email the Borough Councillor to call in an application and copy in the Planning Department. The Executive Director, Environment and Planning confirmed training would be scheduled for Parish Councils towards the end of the summer.

In response to questions from Councillor Joyce on Councillors, Officers or former Councillors acting at Planning Agents and the LGA guidance, the Monitoring Officer referred to an email from a Councillor regarding planning issues relating to former officers and councillors and any such planning applications should be determined by the Planning Committee and explained that the LGA and Planning Advisory Service offered guidance which was not statutory. The Monitoring Officer provided a summary of the guidance and the Borough Council's current position.

The Chair referred to 2.8 on tree works applications that could not be called in by Councillors and asked if Councillors received prior notification of any such works. In response, the Assistant Director Environment and Planning undertook to check whether or not they were on the weekly list, and respond direct to the Chair.

The Chair referred to the agenda for the Planning Sifting Panel not containing details of the applications to be sifted. The Portfolio Holder for Development explained that often the details of the applications were not known until 24 hours prior to the Sifting Panel but that the decisions of the Planning Sifting Panel were published on the Borough Council's website. Councillor Spikings explained that the Sifting Panel did not debate any application, but that the planning officer presented the application, Councillors on the sifting panel would determine if the application went to the Planning Committee or could go under delegated authority for a decision.

Councillor Nash commented that there should be a mechanism for the correspondence for the sifting panel to be available when the Agenda was published. In response the Assistant Director explained that the Planning Officer presented the report and advised of representations received from Parish Councils and the Councillors made the decision whether the application be determined by the Planning Committee or Scheme

The Portfolio Holder for Development added that if there was any doubt then the application would be determined by the Planning Committee.

The Chair drew the Panel's attention to the recommendations set out on page 68 of the Agenda.

Councillor Joyce commented that he was quite happy with recommendation 1 but not recommendation 2 and that the Borough Council should adopt the Local Government Association Guidance to include applications submitted from b present and former Councillors, officer and Planning Agents who had a pecuniary interest to be determined by the Planning Committee.

The Monitoring Officer advised that what Councillor Joyce proposed would affect recommendation 1.

The Chair therefore drew the Panel's attention to Recommendation 1: That the scheme of delegation be amended as set out in the report, and as attached to this report.

The Chair asked if there were any amendments.

Councillor Joyce proposed an amendment to recommendation 1 that the addition of former councillors

The Monitoring Officer clarified the amendment from Councillor Joyce and that addition planning applications submitted by former councillors and acting as planning agents be determined by the Planning Committee.

Councillor Joyce confirmed the amendment as set out by the Monitoring Officer and that the Borough Council adopt the Local Government Association Guidance.

Councillor Spikings expressed concern that there was no timescale and if Councillors left and still carried on with their job. Councillor Spikings stated that this was not necessary if a Councillor left the authority but recognised that the Borough Council wished to be transparent and that placed a former Councillor at a disadvantage.

Councillor Nash seconded the proposal made by Councillor Joyce.

On being put to the vote was lost.

The Chair drew the Panel's attention to Recommendation 1 as set out in the report and on being put to the vote was carried. There were two abstentions – Councillors Moriarty and Morley.

The Chair thanked the Assistant Director, Environment and Planning for presenting the report and responding to questions and comments from the Panel.

RECOMMENDATION: The Panel support the recommendations to Cabinet as set out below in the report.

- 1) That the scheme of delegation be amended as set out in the report, and as attached to the report.
- 2) That the operation of the scheme be reviewed in summer 2023, to assess the impact of the changes.