

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Operational	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	YES	
Lead Member: Cllr Richard Blunt E-mail: cllr.Richard.Blunt@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted: Cllr Vivienne Spikings, Planning Committee		
Lead Officer: Stuart Ashworth E-mail: stuart.ashworth@west-norfolk.gov.uk Direct Dial: 01553-616417		Other Officers consulted: Geoff Hall		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications YES

Date of meeting: 28 November 2017

### PLANNING SCHEME OF DELEGATION

#### Summary

The Planning Scheme of Delegation determines which applications go to Planning Committee, and which can be dealt with under powers delegated to the Executive Director - Environment & Planning. The Planning Committee should deal with the more contentious and often finely balanced applications, and those that require a particular level of public scrutiny.

The Scheme was last amended in March 2015, where it was updated in line with legislative changes and particular issues. However the impact of the high number of applications that are going to the Planning Committee, is an issue that needs to be resolved, and it is evident that we take more applications to Committee than any of our neighbouring Councils. As a result the officer and indeed Councillor time and resources that are currently going into the preparation and operation of the Committee is considered to be disproportionately high.

The preferred way forward is to amend the Scheme of Delegation through the creation of a Sifting Panel, reviewing those applications that would normally go to Planning Committee, to determine whether or not they should go. The Sifting Panel would be made up of the Chairman and Vice-Chairman of the Planning Committee, the Portfolio Holder for Development, a Member of the Planning Committee and the Executive Director and Assistant Director (Environment & Planning). The Sifting Panel has been the subject of a 3 month trial period, as well as a further trial in front of Planning Committee members, and was considered to be an acceptable way forward. Councillor rights to call-in a planning application within 28 days of its publication on the weekly list will however remain.

## **Recommendation**

- 1) That it be agreed that applications due to go to Planning Committee (except those subject to the Member call-in right) will be considered first by a Sifting Panel. The Sifting Panel may resolve that an application that would need to go to Planning Committee under 1.1.2 – 1.1.4 of the current Scheme of Delegation (attached to this report) can be determined under officer delegated powers.
- 2) That the current Member call-in right and the current timescale for it be retained but amend this to ensure that Members only call-in applications within their own Wards (unless exceptional reasons dictate otherwise), and that reasons for calling-in the application are given.
- 3) That the operation of the Sifting Panel be reviewed after 12 months of its commencement.

## **Reason for Decision**

To allow a more proportionate use of the Planning Committee, both in terms of Members and officers time and resources.

## **1.0 Background**

- 1.1 The Planning Scheme of Delegation should allow the balance to be struck between the Executive Director dealing with applications under powers delegated to him, and Councillors determining them at Planning Committee. It also ensures that the system operates in a timely and efficient manner. Generally those applications going to Committee should be the more controversial ones, or those that may be finely balanced thereby requiring further public scrutiny. There are considered to be issues with the current Scheme of Delegation and it is considered to be too blunt a tool at present, for determining which applications are to be determined by the Committee.
- 1.2 This Council determines more applications at Committee than any of our neighbouring Councils. This trend has continued post the large surge in applications evident during the 5 year land supply period (September '15 – April '16), which allowed sites to come forward that would not normally have come forward given local planning policy. It should be noted that there is of course no guarantee that the Authority will not return to a lack of a 5 year supply, and applicants are regularly looking to challenge this.
- 1.3 The predominant reason for applications going to Committee at present is through Parish Council call-in. For example in the 4 month period set out above 33 of the 57 applications went to Committee due to Parish

Council call-in rights. The remainder went to Committee for other reasons, including Member call-in, referred by the Executive Director/Assistant Director, previous appeal history and because the application was made by or on behalf by a Councillor.

- 1.4 The preparation of the officer reports, the preparation of the presentation, and all the other administration around Planning Committee takes a significant amount of time and resources. Members are also expected to read the extremely large agendas each month, which can be difficult. The Committee meetings can take from 9.30 through to mid- afternoon, and it can be difficult to maintain concentration for the whole of the meeting.
- 1.5 In addition the Council's performance in terms of speed and quality of decisions is assessed by Government. Taking such a large number of applications to Committee will potentially have an impact on the Council's speed in determining applications, as it can often be difficult to meet deadlines if an application needs to go to Committee. There is also the question of sufficient capacity to write the reports, and often applications will need to wait until a later Committee because there aren't the resources to prepare the reports.
- 1.6 In terms of quality, lesser numbers of applications going to Committee should improve this aspect. It will allow more focus on the reports and the presentation, hopefully helping members in their decision meeting at the Committee.

#### *Sifting Panel trial*

- 1.7 At the end of 2016 a 3 month trial was held into a Sifting Panel mechanism, which can be used to ensure the correct applications go to Committee for determination. This involved a small group of senior officers and Councillors (Executive Director, Assistant Director, Chairman, Vice-Chairman, Portfolio Holder) meeting to discuss in detail the issues around applications due to go to Committee, and deciding whether or not they should be determined by the Planning Committee. In the trial 50% of applications that were due to go to Committee were not considered necessary to go, and could be dealt with under delegated powers. If there were any potential doubts or issues then applications would be deemed to have to go to Committee. The trial was considered to work well, and sifted out those applications not considered appropriate for Committee.
- 1.8 Following consultation on the proposed sifting panel with the Planning Committee, it was agreed that an additional trial take place, in front of the Committee, so they could see first hand how the panel would operate. After that extra trial, the Planning Committee supported the use of the panel, but subject to:
  - a Member of the Planning Committee taking part in the Sifting Panel, and that this should be on a rotational basis for those that volunteer for it

- a defined set of criteria for the operation of the panel be agreed
- a record be kept of the individual meetings
- the operation of the Sifting Panel be reviewed after 12 months

1.9 Without this sifting mechanism it is difficult to think of a way of reducing numbers to a suitable level. At least with a Sifting Panel there is senior officer and member input into applications, which will consider Parish Council and other reasons for an application potentially going to Committee, and make a judgement on whether it needs to go or not.

1.10 Finally, there is a catch all in the current Scheme that Members have the right to call-in any planning application within 28 days of the publication of the weekly list. It is proposed to retain that right for Members, subject to Members only calling in applications in their own Wards (unless there are exceptional circumstances dictating otherwise), and Members must give a reason for calling-in an application to Committee. Members will also continue to be expected to attend and address the Committee if they call an application in (as set out in the current Scheme of Delegation).

## **2.0 Proposed amendments to the Scheme of Delegation**

2.1 Given the issues raised above the following changes are proposed to the Scheme of Delegation:

a) Applications due to go to Planning Committee (except those subject to the Member call-in right) will be considered first by a Sifting Panel. The Sifting Panel may resolve that an application that would need to go to Planning Committee under 1.1.2 – 1.1.4 of the current Scheme of Delegation (attached to this report) can be determined under officer delegated powers.

b) Retain the Member call-in right and the current timescale for it but amend this to ensure that Members only call-in applications within their own Wards (unless exceptional reasons dictate otherwise), and that reasons for calling-in the application are given.

2.2 The Sifting Panel will likely meet on a monthly basis but it could be more regular if necessary. The precise way of working of the Sifting Panel will be determined by the Director and Portfolio Holder but will be in accordance with the recommendations of the Planning Committee, as set out in 1.9.

## **3.0 Options Considered**

*Option 1 – Make no changes to the current scheme of delegation*

3.1 The scheme could continue as at present. However the issue of 5 year land supply could come and go at various times, and the issue of large agendas and the problems associated with it will remain as an issue

going forward. As stated earlier the preparation for Committee is an intensive process, and currently takes up a disproportionate amount of both officer and Member time.

*Option 2 – Make the proposed changes to the Scheme of Delegation set out in section 2.0*

- 3.2 This would free up officer time, and use less resource, thereby allowing Planning Committee to take up a more proportionate amount of time. The full benefits of this are explained earlier in the report.

*Option 3 – Do not introduce the sifting panel but make other changes to the Scheme of Delegation dealing with other specific issues that have arisen*

- 3.3 This involves tweaking the Scheme so that some aspects will change, such as removing the need for applications above the financial threshold to automatically go to Committee, and removing the need for applications with a previously dismissed appeal decision from having to go. However this this will have a limited impact as it will not pick up the Parish call-ins, which are the majority reason for applications having to go to Committee.

#### **4.0 Policy Implications**

- 4.1 The changes to the scheme of delegation in relation to planning will result in a change to the policy relating to the delegation of powers to the Executive Director – Environment & Planning.

#### **5.0 Financial Implications**

- 5.1 There are no direct financial implications, although the proposed Scheme will free up officer time (and the costs associated with that) to deal with other applications.

#### **6.0 Personnel Implications**

- 6.1 As above the changes to the scheme as proposed should result in a reduced number of applications going to the Committee. This would allow more time to be spent in other aspects of the section's work. There are no other personnel implications associated with this application.

#### **7.0 Statutory Considerations**

- 7.1 The Council has statutory powers to determine planning and other related applications. The scheme of delegation clearly relates to that function.

## **8.0 Equality Impact Assessment (EIA)**

8.1 An EIA pre-screening is attached to this report. This shows that there are no equalities issues linked to this report.

## **9.0 Risk Management Implications**

9.1 There are not considered to be any risk management issues.

## **10.0 Declarations of Interest / Dispensations Granted**

10.1 There are none.

## **Background Papers**

Existing Planning Scheme of Delegation  
National Planning Policy Framework (NPPF)  
Planning Policy Guidance  
Local Development Framework/Local Plan documents

# Pre-Screening Equality Impact Assessment

Borough Council of  
**King's Lynn &  
West Norfolk**



Name of policy/service/function	Planning scheme of delegation				
Is this a new or existing policy/ service/function?	Existing function				
Brief summary/description of the main aims of the policy/service/function being screened.  Please state if this policy/service rigidly constrained by statutory obligations	Amendment to the scheme to remove unnecessary applications if possible, to allow the Committee to better concentrate on those applications that ought to be subject to that extra level of scrutiny.				
<b>Question</b>	<b>Answer</b>				
<p><b>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (eg low income)			x	
<b>Question</b>	<b>Answer</b>	<b>Comments</b>			
<b>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</b>	No				
<b>3. Could this policy/service be perceived as impacting on communities differently?</b>	No				
<b>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</b>	No				
<p><b>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</b> If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No impacts identified	<b>Actions: None required</b>			
		<b>Actions agreed by EWG member:</b>  <b>Clare Dorgan</b>			
<b>Assessment completed by:</b> <b>Name STUART ASHWORTH</b>					
<b>Job title ASSISTANT DIRECTOR</b>	<b>Date: 16/10/2017</b>				