

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Corporate Performance Panel		
DATE:	22 July 2020		
TITLE:	Planning Sifting Panel		
TYPE OF REPORT:	Post implementation update		
PORTFOLIO(S):	Development		
REPORT AUTHOR:	Stuart Ashworth, Assistant Director – Environment & Planning		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

REPORT SUMMARY/COVER PAGE

PURPOSE OF REPORT/SUMMARY:
To provide an update of the operation of the Planning Sifting Panel, following the review by Corporate Performance Panel at its 19 February 2019 meeting.
KEY ISSUES:
To provide an update to the Corporate Performance Panel (CPP) on the operation of the Sifting Panel since the 19 February CPP meeting, and to highlight any issues that have arisen in that time.
OPTIONS CONSIDERED:
This is a report updating Members of the operation of the Sifting Panel.
RECOMMENDATIONS
The panel is asked to : l) Note the report providing an update of the operation of the sifting panel since the 19 February 2020 meeting.
REASONS FOR RECOMMENDATIONS:
To provide Corporate Performance Panel with an update on the operation of the Sifting Panel.

1.0 Introduction

- 1.1 At the Council meeting of 25 January 2018, it was agreed that a Planning Sifting Panel be set up to consider whether or not specific planning applications would need to go to Planning Committee. This did not affect a councillors ability to call-in any application to committee, which remained in place, albeit slightly amended to ensure members only called-in applications in their own wards (unless exceptional reasons dictated otherwise), and that reasons for calling-in the application were given.
- 1.2 It was also agreed that the panel be reviewed after 12 months of its commencement, as well as a review of the phrase 'exceptional circumstances', with the relevant scrutiny panel invited to carry out the review. The Corporate Performance Panel

(CPP) was the relevant scrutiny panel, and the sifting panel was considered at the CPP meeting of the 19 February 2019. Following the confirmation that the sifting panel should continue at the 26th March 2019 Cabinet, it has continued to operate, and has now been called in by CPP for a further update on its operation.

- 1.3 The sifting panel is made up of four councillors and two officers. These are the Chairman and Vice-Chairman of Planning Committee, the portfolio holder for development, another member of the committee on a rotational basis, and the Executive Director – Environment & Planning and the Assistant Director – Environment & Planning. The decisions are documented and published on the Council's website.

2.0 Reasons for setting up the Planning Sifting Panel

- 2.1 Just to remind members of CPP, there were a number of reasons for setting up the Planning Sifting Panel. Firstly the borough council determined more applications at committee than neighbouring councils. This was particularly apparent during the 2015/16 period when the council did not have a 5 year supply of housing sites, and it should be noted that there is no guarantee the council will not fall back into a lack of a 5 year supply scenario in the future, particularly as the Government has since introduced a Housing Delivery Test, which is another potential route to have to apply what is termed the 'tilted balance'. Secondly, each application going to committee requires a specific report which takes time to write, and there is a lot of administration around preparing the agenda and the presentation to committee. It is therefore important that the committee deals with the applications that really need to go, namely the more controversial ones, or those that may be finely balanced thereby requiring further public scrutiny, particularly as members are expected to read the lengthy agendas produced.
- 2.2 It is also important to note that the Government assesses councils on the speed and quality of applications determined, and sets target deadlines for the determination of applications. Taking a large amount of applications to committee could have an impact on speed, if for example an application has to wait until a committee to be determined. There have also been occasions where a report due to go to a particular committee has had to wait another month for a later one, because officers are dealing with other committee reports first.
- 2.3 For these reasons the sifting panel was established, and has been in operation since March 2018.
- 2.4 A key objective of the sifting panel was to provide a mechanism to allow those applications that would automatically be determined by the Planning Committee under the existing scheme of delegation, to be sifted to see what was considered to be the most appropriate way of determining it; this would either be the committee or through officer delegated powers.

3.0 Update since the 19 February 2019 Corporate Performance Panel meeting

- 3.1 There have been 83 applications that have been taken to the sifting panel in the 12 meetings between 1 March 2019 – 29 February 2020. Of these 46 (55%) were considered appropriate for committee, and 37 (45%) were considered capable of being dealt with under officer delegated powers.
- 3.2 Comparing the number of applications that went to committee in the two 12 month periods from 1 March 2018 – 29 February 2020 (see table 1 below), it is evident that

there was a reduction of 19% and 12.5% respectively, when compared with the 12 months before sifting was introduced.

<i>Time period</i>	<i>Number of applications considered by committee</i>
<i>1/3/17 - 28/2/18 (pre sifting)</i>	128
<i>1/3/18 - 28/2/19 (post sifting)</i>	104
<i>1/3/19 – 29/2/20 (post sifting)</i>	112

Table 1 – Number of applications considered by committee pre and post the sifting panel

- 3.3 Whilst 19% and 12.5% less applications is considered to be a relatively small reduction compared to the pre-sifting period, it is considered that this has certainly helped in reducing unnecessary work for officers and indeed members of Planning Committee.
- 3.4 This has also to be offset against the time taken to hold the sifting panels, but this is considered to be relatively modest and overall time has been freed up for officers and the committee's time has been better spent on concentrating on those applications where it can make a real difference.
- 3.5 In terms of a qualitative assessment of how the panel has worked in the latest 12 month period, from an officer point of view it has worked relatively smoothly, and requires a limited amount of administration. Officers take the panel through the application using the electronic file, including third party responses, and using a combination of Google Earth and photos to view the site. The panel then considers whether or not the application would be more appropriately dealt with at committee. The decision of the panel is recorded, and then published. In general through its operation there has been positive feedback from those that have attended the panel meetings, and it has been useful having other members of the committee attending the meeting, so they can see how it operates. Officers are aware of only very limited negative feedback whilst the panel has been operating.
- 3.6 Before the sifting panel started there was concern about its potential operation, particularly that it was undemocratic and would deprive parish councils of the right to take things to committee. It should be noted that parish councils did not have an automatic right for applications to go to committee previously, and as stated above the impact on applications going to committee has been relatively low, and of course there remains the option of Borough Councillors calling in an application, if a parish council is so concerned about one. These are effective safeguards already in place and operating.
- 3.7 In the opinion of officers, one point that has been evident during the operation of the panel is that if there is any doubt about an application, then generally the panel err on the side of caution, and recommend an application go to committee.

3.8 It was considered at the time of making changes to the scheme of delegation, that it was right and proper that only ward members should be calling in applications in their own wards. However there could be 'exceptional circumstances' which meant a councillor from another ward would call in an application to committee. This was written into the scheme of delegation.

3.9 During the passage of the changes to the scheme of delegation (including sifting panel) through the council processes, specific questions were raised about the application of the term 'exceptional circumstances', when referring to the issues that may lead to a councillor being allowed to call-in an application in a ward other than their own. Examples of exceptional circumstances could be a pecuniary or other interest where the ward member feels that he or she should not become involved in an application, and therefore asks another member to deal with it on their behalf. There will always be some judgement to be made on the validity of call-ins using exceptional circumstances, and that judgement would need to be exercised by the Executive Director – Environment and Planning, in consultation with the Chairman of Planning Committee.

4.0 Corporate Priorities

4.1 Relevant corporate priorities are considered to be:

Priority 1: Provide important local services within our available resources

Priority 2: Drive local economic and housing growth

5.0 Financial Implications

5.1 There are minimal financial costs associated with the operation of the panel itself.

6.0 Any other Implications/Risks

6.1 The main risk is a potential negative impact on performance targets if there is no mechanism to sift applications, and the number of applications going to committee increases.

7.0 Equal Opportunity Considerations

7.1 None

8.0 Consultation

8.1 Consultation has taken place with the Portfolio Holder – Development, and the Chairman of Planning Committee.

9.0 Conclusion

9.1 It is considered that the sifting panel has in general worked well, and it is not considered to have had the negative impact originally feared by some parish councils. The number of applications going to committee since the panel has been in operation was 12.5% lower in the last 12 month period reviewed than compared to

the last year before sifting was brought into being, which is not a huge amount, but nevertheless has helped with capacity issues in the department. The sifting panel is also considered to be a more refined approach to considering the suitability of applications going to committee, compared to the rather blunt way of dealing with it previously.

10.0 Recommendation

- 10.1 Corporate Performance Panel is asked to note the report providing an update of the operation of the sifting panel since the 19 February 2020 meeting.

11.0 Background Papers

Previous Cabinet report on the Planning Scheme of Delegation (28 November 2017)
Planning Scheme of Delegation
CPP sifting panel review - 19 February 2019
Cabinet Report on the operation of the sifting panel - 26th March 2019