

RECOMMENDATIONS TO COUNCIL ON 25 JANUARY 2018
BY CABINET ON 28 NOVEMBER 2017

CAB90: PLANNING SCHEME OF DELEGATION

Councillor Blunt presented a report which explained that the Planning Scheme of Delegation determined which applications would go to Planning Committee, and which could 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 required 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 were going to the Planning Committee, was an issue that needed to be resolved, and it was evident that this Council take more applications to Committee than any of our neighbouring Councils. As a result the officer and indeed Councillor time and resources that were currently going into the preparation and operation of the Committee was considered to be disproportionately high.

The preferred way forward was 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 had 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 would however remain. The scheme would be reviewed after 12 months of operation.

Under Standing Order 34, Councillor J Moriarty addressed the Cabinet expressing concern about the Sifting Panel and its trial run. He considered that there should have been notes of the trial meetings held to date and more evidence presented on the potential figures involved.

He considered that the removal of the requirement for Parish Council disagreements with officers recommendations going straight to Committee were in contravention of the Localism Act and the Statement of Community Involvement and the report should have been submitted to a Scrutiny Panel. He considered that the sifting panel would already know the officers view on applications when it looked at them and that parishes should have been consulted on the proposed changes. He felt that more detail was required on the mechanics of the scheme.

It was confirmed that the proposals did not contravene the Localism Act or the Statement of Community Involvement, as the consultation arrangement on applications for parishes was not changing. It was also confirmed that at the stage the Panel would meet the view of officers would not be known, and that if there was any question mark as to whether an application should go to Committee the Panel would send it. With regard to the issue of minutes of the sifting processes was explained that a list would be prepared of the outcome of the meeting, but it was not intended to make the whole process more bureaucratic. The Planning Committee had seen the process in operation and had supported the recommendations.

Under Standing Order 34, Councillor Parish addressed Cabinet and stated that he took exception to any view that parishes caused trouble when at odds with officer's opinions. He confirmed that he had supported the new process when it was viewed by the Planning Committee. He expressed concern that with the requirement for call ins only in the Members ward, members may chose not to call it in. He suggested that if a matter was called in to Committee, either the ward member or a representative from the Parish should attend to speak.

In response it was stressed that the point he raised about parishes causing trouble certainly was not the case. With regard to the issue of speaking on an item at Committee, it was confirmed that the Parish would be able to speak as part of the process already. It was considered that attendance by members, or when they weren't able to attend, an email explanation was respectful of the Committee.

Under Standing Order 34, Councillor Mrs V Spikings addressed the Cabinet and expressed the view that Members who had called items in should be told that if they don't attend Committee or send an explanatory email, the item would be dealt with under delegated powers. In expressing her support for the recommendation, Councillor Mrs Spikings drew attention to the fact that the Planning Department were under pressure to deliver within the deadlines, and the preparation of reports was extremely time consuming. Members would be able to attend the sifting process should they wish to do so and items called in by Members would not come before the Panel.

Councillor Beales commented that where a Councillor was active in their ward they would generally call an item in if requested. He confirmed if he was not able to attend a called in matter at Committee he had always sent an explanatory email to the Chairman for the Committee's information. With regard to the issue of the information on numbers of applications etc he suggested that these be available to for the 12 months review, along with some further refinement on the "exceptional circumstances" which would allow call in across wards.

The Cabinet agreed that the proposal should improve the processes by looking at the mechanisms with a review after 12 months, without entering into a bureaucratic process.

RECOMMENDED: 1) That applications due to go to Planning Committee (except those subject to the Member call-in right) 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 the 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 amended 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 and the detail of “exceptional circumstances” set out in the report be reviewed after 12 months of its commencement and the relevant Scrutiny Panel be invited to carry out the review.

Reason for Decision

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

CAB92: CHARGING FOR HOUSING ACT 2004 ENFORCEMENT

The Housing Services Operations Manager presented a report which reviewed powers and made recommendations to introduce charges in relation to the recovery of costs associated with private sector housing enforcement under Housing Act 2004. She explained that wherever possible it was encouraged that landlords and tenants would sort their issues between them, but on occasions it required the Housing Standards Team to step in. It would still be encouraged to resolve the issue informally without having to go down a Notice route, but the recommendations allowed for the charging process should that be required. She confirmed there was a route of appeal to an independent body for landlords should they feel the need. It was confirmed that there had been 14 incidences of intervention with formal notices in the past year.

Cabinet confirmed it was not intended to be heavy handed, but it was necessary that the housing provided in the Borough was of a standard fit for people to live in and the Council should not have to subsidise those landlords who were remiss.

RECOMMENDED: That the policy to introduce charges in relation to housing enforcement notices and reasonable administrative costs for emergency remedial action and works in default as set out in the report be approved.

Reason for Decision

To ensure that the Council is able to recover legitimately incurred costs for housing enforcement as set out in Housing Act 2004.

CAB93: COUNCIL TAX SUPPORT SCHEME 2018/19 : FINAL SCHEME

Councillor Lawrence presented a report which reminded Members that the Council must review and agree its 2018/2019 Council Tax Support (CTS) scheme for working age people by 31 January 2018. Options for the draft CTS scheme for 2018/2019 were presented to the Corporate Performance Panel on 17 July 2017 and the preferred draft CTS scheme was chosen. This was agreed by Cabinet on 6 September 2017. The draft CTS scheme was then opened to public consultation from 7 September 2017 to 18 October 2017.

The report detailed the results of the consultation and the recommended final CTS scheme for 2018/2019.

The Executive Director - Resources drew members attention to the delegation proposed to permit the Leader in consultation with officers to prepare the first stage of the scheme in the future with the report coming to Cabinet after the consultation process.

RECOMMENDED: 1) That the responses from the Council Tax Support consultation at Section 3 and Appendix B to the report be noted.

2) That the draft Council Tax support scheme detailed in the Cabinet report of 6 September 2017 be recommended to Council as the final Council Tax Support scheme for 2018/2019.

3) That in future years delegated authority be given to the Leader, in consultation with the relevant Portfolio Holder and s151 Officer, to agree the draft Council Tax Support scheme to go out to public consultation.

Reason for Decision

To ensure a Council Tax Support scheme for 2018/2019 is agreed by full Council by 31 January 2018

Exempt Item

CAB96: STALLED SITES

Councillor Beales presented a report which proposed a process that could be used to progress stalled sites across the Borough and allow for smaller development sites to be purchased and developed to provide housing for local people whilst tackling sites which were in need of attention. He hoped the relevant Panel would review the scheme in due course.

The Corporate Project Officer explained that the proposals could not be carried out within the existing resources so the appointment of an additional post to be funded from the scheme was proposed.

RESOLVED: 1) That officers be authorised to set up a framework agreement to allow builders to develop sites for the Council that are too small to be developed efficiently as part of the Major housing contract with Lovell.

2) That the creation of a new project officer post as set out in sections 6 and 8 of the report be approved.

RECOMMENDED: 1) That the process for progressing stalled sites within the Borough be agreed as laid out in the report.

2) That the Scheme of delegation laid out in section 5 of the report be approved.

3) That officers be authorised to use the funds identified in section 6.2 of the report to help fund the initial cost of the legal costs and officer resource.

4) That officers be authorised to use the same scheme to acquire further sites for development using the major housing contract.

Reason for Decision

To progress the delivery of sustainable housing.

To achieve a commercial return for the Council (through capital and revenue receipts).

To deal with poor or blighted sites across the Borough.