

## POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Corporate Performance Panel		
DATE:	19 February 2019		
TITLE:	Planning Sifting Panel		
TYPE OF REPORT:	Post Implementation Review		
PORTFOLIO(S):	Development		
REPORT AUTHOR:	Stuart Ashworth, Assistant Director – Environment & Planning		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

### **REPORT SUMMARY/COVER PAGE**

PURPOSE OF REPORT/SUMMARY:
To provide a review of the Planning Sifting Panel after 12 months operation. In addition the detail of what is meant by 'exceptional circumstances' as set out in the original Cabinet report is to be reviewed.
KEY ISSUES:
To review the effectiveness or otherwise of the operation of the sifting panel for the last 12 months, and to highlight any issues that have arisen.
OPTIONS CONSIDERED:
<ol style="list-style-type: none"> <li>1. Continue with the sifting panel - This is the preferred option, given the benefits considered to come from the sifting panel.</li> <li>2. Discontinue with the sifting panel - Going back to a system where the scheme of delegation is used as a blunt instrument without any sort of discretion is not considered advisable.</li> </ol>
RECOMMENDATIONS
<p>The panel is asked to :</p> <ol style="list-style-type: none"> <li>I) Note the results of the review of the sifting panel which has been operating for 12 months.</li> <li>II) Endorse the continued operation of the sifting panel</li> <li>III) Note the comments made on the issue of 'exceptional circumstances'</li> </ol>
REASONS FOR RECOMMENDATIONS:
The operation of the sifting panel has reduced the amount of applications going to Planning Committee by 19% compared to the previous year. This enables the committee to concentrate better on those applications that do go, and has also helped free up capacity within the section. It is considered that the panel has worked well over the 12 months it has been in operation.

## **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 applications would need to go to Planning Committee. This did not affect a councillor's 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 sifting 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 is the relevant scrutiny panel.
- 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.

## **2.0 Post Implementation Review**

- 2.1 There were a number of reasons for setting up the sifting panel. Firstly the borough council determined more applications at committee than neighbouring councils. This was particularly apparent during the relatively recent 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 into a lack of a 5 year supply scenario in the future. 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 such 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.
- 2.5 There have been 87 applications that have been taken to the sifting panel in the 12 meetings since March 2018. Of these 41 (47%) were considered appropriate for committee, and 46 (53%) were considered capable of being dealt with under officer delegated powers.

- 2.6 Comparing the number of applications that went to committee in the 12 month period from 5 March 2018 – 4 February 2019 (see table 1 below), against the previous year, it is evident that there was a reduction of 24 applications (19%).

<b><i>Time period</i></b>	<b><i>Number of applications considered by committee</i></b>
<i>6/3/17 - 5/2/18 (pre sifting)</i>	<i>128</i>
<i>5/3/18 - 4/2/19 (post sifting)</i>	<i>104</i>

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

- 2.7 Whilst 19% less applications is considered to be a relatively modest reduction compared to the year before, it is considered that this has certainly helped in reducing unnecessary work for officers and indeed members of Planning Committee.
- 2.8 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.
- 2.9 In terms of a qualitative assessment of how the panel has worked, 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 only 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 not aware of negative feedback whilst the panel has been operating.
- 2.10 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. Whilst parish councils no longer have the automatic right for applications to go to committee, the impact on applications going to committee has been relatively low, and there remains the option of Borough Councillors calling in applications if parish councils are so concerned about one. In addition, and as a result of a letter sent to all parish councils expressing serious concerns about the panel, sessions were held with parish councils to explain the need for it. Since then individual meetings have also been held with some parish council representatives, to discuss any particular concerns they had about planning issues, including sifting. One issue that has come out of one of these meetings is the publication of the results of the sifting panel, which is now available to view on the borough council's website.

- 2.11 In officers opinion 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.
- 2.12 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.
- 2.13 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. Part of the resolution therefore was to review this term at the same time as reviewing the sifting panel.
- 2.14 However this particular issue has not come up within the last 12 months. Examples of exceptional circumstances were originally considered to be circumstances such as 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.

### **3.0 Issues for the Panel to Consider**

- 3.1 The panel may wish to consider the impact of the sifting panel in terms of the reduction in numbers that have gone to committee and any implications of that.
- 3.2 The panel may also wish to consider the alternative which will be going back to the former system and removing the sifting panel, or indeed other alternatives.
- 3.3 The panel may also wish to consider the application of the term exceptional circumstances, and whether further guidance is needed, in reference to councillors calling-in applications in another councillor's ward.

### **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 will be 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 automatically 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 19% lower than compared to the year before, 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.
- 9.2 It is considered that the sifting panel should continue to operate on the same basis as it does now.

## **10.0 Background Papers**

Previous Cabinet report on the Planning Scheme of Delegation (28 November 2017)  
Planning Scheme of Delegation