

Subject: Amendments to Current Scheme of Delegation for Planning and Call-In

Status: For Publication

Report to: Policy Scrutiny Committee
Constitutional Working Group
Cabinet
Development Control Committee
Full Council

Date: 26th November 2007
9th October 2007
12th December 2007
11th December 2007
19th December 2007

Report of: The Executive Director of Regulatory Services

Portfolio Holder: Regenerating and Promoting Rossendale

Key Decision: Yes / No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

- 1.1 To update and amend the wording of the current Scheme of Delegation and to consider the suggested amendment to the current call-in procedures which are in operation at the Council.
- 1.2 The Council's Scheme of Delegation is in need of being updated and the report has been written having taken into account the views of the Portfolio Holder and comments made previously by the Development Control Committee. Development Control Committee asked for the figures on numbers of call-ins and numbers of applications with 3 or more objections. A 6 month period was therefore selected. The Appendices provide this information.
- 1.3 The Council's Development Control Committee continues to deal with applications which Members of the Committee question whether they ought to be on the agenda. For example the October 2007 Development Control Committee had a major application on the agenda due to it being a major application but being only an application for substitutions of house types. There was also an application with 3 objections which Members questioned why the matter was on the agenda.
- 1.4 A further purpose of the report is to make the Development Control Committee more efficient. To ensure its time is well used in dealing and

debating applications which are of significant merit and to avoid the current practice of requiring two committees a month dealing often with minor applications.

1.5 Its important to clarify that the intention of the amendments is not to remove the power to call-in planning applications. This will remain for all applications.

1.6 Appendix 1 details the matters delegated to the Executive Director of Regulatory Services, Appendix 2 details the matters delegated to the Development Control Committee and Appendix 3 explains the procedure for call-in. Appendix 4 attaches the call-in form.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report are linked to and support the following corporate priorities:

1. Quality Services to our customers – by allowing for decisions to be made in a more timely manner.
2. Improvement – by amending the Scheme of Delegation we are meeting an objective of the Improvement Plan for Development Control and assisting in the efficient running of the Development Control Service.

3. RISK ASSESSMENT IMPLICATIONS

3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

4.1 The Development Control Service improvement plan which was agreed in July 2006 highlighted as an action the requirement to review our current scheme of delegation.

4.2 Comprehensive Performance Assessment highlighted as an issue the importance of performance management and the meeting of BVPI targets.

4.3 It's important that Members appreciate it is not the intention to take away decision making for the Development Control Committee. The changes seek to ensure that the more straightforward matters are delegated to the Executive Director of Regulatory Services.

4.4 The Council must obtain a balance between the use of the call-in

procedure and meeting BVPI targets. Due to the dates of Committee and the requirement to determine planning applications within 8 weeks for minors and others and 13 weeks for majors (BVPI targets) the effect of the use of the call-in procedure has been that BVPI targets have not been met.

- 4.5 The call-in procedure should be considered by Members very carefully and only in cases in which there are planning reasons for the call-in. Members are reminded that developers have the right to appeal against decisions made by the Council. The majority of call-in s by members over the last year have been on behalf of developers rather than members of the public. Members should note that the power to call-in still remains and the report highlights those matters which are still subject to call-in with a #
- 4.6 The report updates the current Scheme of Delegation and seeks to introduce clearer procedures for call-in.

Comments of the Constitutional Working Group

- 4.7 The meeting discussed the draft Scheme of Delegation for Planning. The Executive Director of Regulatory Services reported that a draft had been previously considered by the Cabinet and the Development Control Committee and a number of observations had been made. Further work had been carried out as a result of comments made by both meetings the working group analysed information on call-ins.
- 4.8 It was reported that the draft Scheme would improve the way the planning service was delivered and the proposals were closely linked to the improvement plan within Development Control.
- 4.9 It was reported that systems of monitoring performance were in place to maximise the planning delivery grant.
- 4.10 The Working Group discussed a number of proposals within the scheme as summarised below
1. Increasing objectors from three to six for call-in purposes. A question was raised in respect of those areas where it may not be possible to obtain six objections and it was noted that Ward Members could call-in applications in those cases if they were minded to do so.
 2. Refusing applications if insufficient information is provided and declining to accept previous submissions.
 3. Changing the definition of a major application from 10 to 15.

4. Ward Members only being able to call-in an item.
- 4.11 The Executive Director of Regulator Services agreed to clarify Appendix 2 (no. 5). If 6 or more objections received and officers recommending refusal as a delegated decision then this would not need to go to Committee.
- 4.12 The Executive Director of Regulatory Services agreed to put the timescales for call-in and objections within the procedure.
- 4.13 The meeting discussed including a procedure where call-in could be revoked by a member. The Executive Director of Regulatory Services reported that this had been included in No. 10 of the procedure. It was recommended that a further statement be included to state that the member calling in the application should have an informal discussion with the Executive Director of Regulatory Services prior to calling the item in.
- 4.14 The meeting discussed delegating change of house types to officers or a group of Members. It was considered that any such changes should go back to Committee. The Executive Director of Regulatory Services advised that the outline application would go to Committee however officers could deal with the reserved matters for applications up to 15 units.
- 4.15 It was noted that the previous Scheme included a statement on the Council giving permission to build on their own land. The Executive Director of Regulatory Services agreed to pick up this action for inclusion in the draft scheme.

It was agreed:

That the draft scheme be agreed subject to the amendments discussed at the meeting and set out in the Minutes of this meeting.

- 4.16 Comments by those attending the Committee included the following:

Clarification on whether the call-in period was 14 days or 28 days.
The Committee requested the details of the information on numbers of call-ins.
Planning application documentation should state who to contact for call-ins.
That the report be presented to the Development Control Committee in December.
That amendments to the substitution of house types is delegated to officers and that applications only proceed to Committee in cases in which six or more objections have been received.

5. COMMENTS OF THE HEAD OF FINANCE

- 5.1 By meeting BVPI targets the Council will be better placed to access performance delivery grant funding. This will allow us to invest further in improvements within the development control service.

6. COMMENTS OF THE HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT

- 6.1 There are no Human Resources implications arising from this report.

7. SUMMARY

- 7.1 The amendments of the Constitutional Working Group have been included within the Appendices to this report with the exception of substitute of house types.
- 7.2 In order to continually improve the performance of the Development Control Team the amendments to the Scheme of Delegation are required. The amendment will allow the Development Control Team to offer an improved Customer Service in dealing with determining planning application.
- 7.3 The main amendment to the call in procedure is to require a ward member and one of the nominated call-in representatives to agree to the call-in any application.
- 7.4 The main amendments to the Scheme of Delegation are to allow officers to determine applications for up to 15 dwellings and to allow officers to refuse planning applications in cases where the applicant has submitted insufficient information. At the request of Members amendments to substitution of plot types has also been delegated to officers. Applications will only proceed to committee in cases in which six or more objections have been made. This was previously three.

8. RECOMMENDATION

- 8.1 That Full Council adopt the scheme of delegation.

9. CONSULTATION CARRIED OUT

- 9.1 Chief Executive, Deputy Chief Executive, Executive Directors and Service Heads.
Portfolio Holder.
Constitutional Working Group/Overview and Scrutiny Committee

Previous comments received from Leader of the Council and Leader of the Opposition.

Cabinet

Development Control staff

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No background papers