

REPORT FOR: Planning Committee

Date of Meeting: 13 July 2011

Subject: Member Referral of Applications to Planning Committee

Responsible Officer: Stephen Kelly -Divisional Director of Planning

Exempt: No

Enclosures: Appendix 1 – Outline of referral process
Appendix 2 – Draft referral request form

Section 1 – Summary and Recommendations

Recommendation:

That the Committee agree the proposed procedure outlined in this report.

Section 2 – Report

Background.

As part of the ongoing commitment to improve transparency and efficiency within the Planning Service, and in line with the aims of the Localism Bill and the Councils Better Deal for Residents programme, the Planning Service is currently reviewing a wide range of working practices.

On the 4th July 2011, Planning and Building Control Technical Support Officers migrated into Access Harrow. The service is also currently engaged in a detailed time recording exercise, ahead of the anticipated changes to planning fee regulations later in the year. Given the importance of open and cost effective decision making the Planning Service is also undertaking a review of the planning Scheme of Delegation. A revised Scheme of delegation will be presented to the Committee in the autumn. As part of its assessment of the current scheme, and having regard to the desire for greater accountability and transparency, the Council is reviewing the provision for the Chair and Nominated Member to require the referral to the Planning Committee of planning applications, which would normally fall to be considered under the Scheme of Delegation. This report therefore considers a revised, and more accountable and transparent process, for such referrals. Subject to the Committee's approval, the provisions will be incorporated into the revised Scheme of Delegation under preparation.

Current Situation

Nominated member requests, ('watching briefs') can be put on applications by the Chair of the Planning Committee or the "Nominated Member" who is usually appointed by the leading opposition party for such purposes. Usually these requests are made by an e-mail or verbally on the telephone. When a recommendation is reached by Officers, the Chair/Nominated Member is contacted to agree to its determination either by officers or by committee. This is an informal arrangement and works on the basis of officer ability to contact the Chair or the Nominated Member. Given the differing channels for such requests, and the importance of personal contact by officers of the Nominated Member, the process lacks accountability and relies upon good access to the respective Nominated Member or Chair of Planning to work effectively.

Proposal

Where the Council (or Committee) has set out a process for decision making, it is right that reasons are provided where, for whatever reason, it is proposed to depart from that process. Equally, the Council needs to introduce some checks and balances to the process to ensure that decisions to refer applications to the committee are based upon planning reasons only, and that such reasons are explicit.

In order to respond to introduce a more transparent and accountable process, alongside the changes to the scheme of delegation, it is proposed to introduce both formal request forms, upon which the reasons for requesting a referral of the application can be recorded, and a process whereby such requests are

considered and evidence of such consideration can be recorded. As part of this process, it is proposed in the first instance to delegate the consideration of all such requests to the Divisional Director/Head of Planning who will be required to provide reasons for their decision. Where this results in a decision not to refer the application to the Planning Committee, the Nominated Member or Chair of Planning would then have the right to ask that the matter be reviewed by a Panel, comprising the Chair of the Planning Committee and the Nominated Member alongside the Divisional Director of Planning and the Council's Legal Officer. Following the review by the Panel, the Chair of the Planning Committee shall decide whether the application should be referred to the Committee or decided under delegated powers. The decision of the Officer, or the Chair in respect of the request, together with the request itself, would then be published online, as part of the application documentation.

The Panel would meet as required. The protocol would nevertheless enable, without the delay or expense of the full Planning Committee, the Chair or Nominated Member to set out in detail, the basis for their request to depart from the Council's agreed process of decision making. The publication of reasons and the recording of the decision would promote the objective of openness throughout the planning application process.

An outline of the process is appended as appendix 1. A copy of the proposed referral form is also attached as appendix 2.

Other options considered

The Council could continue with the present practice, although this is considered inconsistent with the aspirations for more open and accountable decision making.

An alternative, rejected, option would be to refer all requests automatically to a Panel without prior consideration by the Divisional Director/Head of Development Management. This option was rejected in favour of the current provision in the interests of avoiding the potentially unnecessary additional resource/burden associated with convening and servicing the Panel for all requests.

Financial Implications

The determination of planning applications by the Planning Committee is more expensive than making decisions under delegated powers. The costs of administering the process and the Panel are considered to be capable of accommodation with the existing staff resource and revenue budget for the development management process. The net cost of introducing the process set out is considered to be containable within the department/divisional budget, and does not give rise to any new risks.

Corporate Priorities

The approach embodied within the proposed process is consistent with the Councils overall vision – to be a Council that listens and learns. The desire for clear, open and accountable decisions on whether to have applications determined outside of the process set out in the approved scheme of delegation, is consistent with this corporate priority.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 6 July 2011		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 5 July 2011		

Section 4 - Contact Details and Background Papers

Contact: Stephen Kelly (Divisional Director of Planning), 020 8736 6149

Background Papers:

None

Appendix 1 – Outline of Referral Process

1. Chair of Planning/Nominated Member reviews applications on the published weekly list of applications.
2. Chair of Planning/Nominated Member notifies the case officer of a desire for an application to be determined by the Planning Committee within 21 days of the item appearing on the published weekly list of valid applications.
3. The request is to be made on a specific form [appendix2], outlining the reasons for the request. The requests should be based on clearly expressed planning reasons/concerns. (Note: it is open for Members to contact case offices directly for discussion on a case, or to seek clarification on any aspect of the proposal).
4. Head of DM/ Divisional Director consider requests from the Chair or Nominated Member, in relation to whether the matter should be reported to committee or whether the concerns could be addressed, either through further clarification or the imposition of condition.
5. The Head of DM/ Divisional Director – planning will notify the Chair and Nominated Member of their provisional decision, outlining the reasons for their decision and recording these on the form.
6. In the event that the Chair or Nominated Member disagrees with the decision, the case will be referred to the panel for deliberation. The Panel will comprise the Chair, Nominated Member, Head of DM/ Divisional Director- Planning, and an appointed legal officer.
7. Following the Panel's deliberation, the Chair of the Planning Committee shall determine whether the matter is referred to Committee or decided under delegated powers.
8. For all requests that are submitted, written reasons (completed on the form) are provided for the decision reached.
9. The "request" form and decision will be placed online with file documents.

Appendix 2 – Draft Referral Request Form.

Weekly List Number		
Application Number:	Site address:	
Committee date:		
Request for referral to Planning Committee made by:		
Date of request for referral:		
Reason for referral to Planning Committee:		
Decision of Director/ Head of DM		
Date:		
Reason:		
Decision Contested by:		
Panel Recommendation:		
Chair of Planning Committee Decision		Date