

Committee: Planning Committee

Date of meeting: 23 July 2019

Subject:	Revisions to the Scheme of Delegation
Lead Officer:	Kim Tagliarini
Portfolio Holder:	Councillor Karen Randolph
Link to Council Priorities:	Character and Environment P2
Exempt information:	None
Delegated status:	For resolution

Executive Summary:

To consider a revised scheme of delegation for the determination of planning applications.

Recommended: that

- (a) Members agree the revised Scheme of Delegation, as set out in Appendix B and the revised Public Speaking Procedure as set out in Appendix C; and**
- (b) the revised Scheme of Delegation and the revised Public Speaking Procedure be implemented from 1 September 2019.**

Report:

1. Update

On 11 June 2019 the Planning Committee deferred the consideration of the revised Scheme of Delegation and Public Speaking Procedure to the meeting of 23 July to ensure all Members were given the opportunity to comment on the proposals. It was agreed that the Head of Planning Services would issues information to Members by 17 June 2019 with Members being given the opportunity to submit comments by 28 June 2019. It was also agreed that the proposal should include a revised proposed implementation date of 1 September 2019.

On Monday 17 June 2019 the Head of Planning Services circulated the following documents for consultation with Members: -

- The report considered by the Planning Committee Chairs and Vice Chairs on 23 April 2019,
- The report considered by the Planning Committee on 10 June 2019,
- An updated presentation summarising the two papers listed above.

Eight representations were received from Members on the proposed revisions to the Scheme of Delegation. A break down of the comments received is included in Appendix A. Appendix A also details the officer's response to the concerns raised.

Following the consultation, officers have deleted the requirement to give a planning reason when referring an application to committee.

2. Background

Section 101 of the Local Government Act 1972 Act deals with delegation of local authority functions (other than those which are the responsibility of an authority's executive under section 13 of the Local Government Act 2000).

Section 101(1) provides that (subject to any express statutory provision) a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or one of its officers.

For the purposes of expediency and to maintain swift decision making processes, some decisions are delegated to Officers. This is a key part of the Council's day to day running thereby allowing everyday operational and less impacting decision to take place on normal every day matters as the need arises.

It is important to continually review the operation of the Planning Service to ensure it meets the challenges of growth pressures and delivery while maintaining the quality of life enjoyed by many residents in the borough.

We recognise that improvements need to be made on an ongoing basis to ensure that our Service is fit for purpose and responsive to customers and resident's needs. This is particularly important as we strive to operate efficiently and demonstrate value for money. Our limited resources mean that we need to prioritise what we do and actively question ourselves to ensure that our resources are targeted in a way that meets the wider aspirations of our community.

Delivery of growth needs to be owned across all political and officer levels from the most senior political and managerial positions through to ward councillors and case officers. The new Government Housing Delivery Test (HDT) has further increased the need to have an organisational focus on housing delivery if the planning system is to deliver the expected levels of affordable homes and wider community benefits. The Service and the Council need to respond to this challenge by first understanding the consequences of not satisfying the delivery test and then modernising its thinking and actions in order to achieve a stronger delivery focus.

The recommendations in this report are the outcome of research and benchmarking Elmbridge's procedures and performance against other Surrey boroughs and have been drawn up in consultation with the Chairs and Vice Chairs of the Planning and Area Sub Committees.

3. The need for revision

The Council must provide a service that is fit for purpose, efficient and value for money as well as ensuring it meets the needs of our customers and residents. To this end the Council operations must be monitored and reviewed regularly. The Scheme of Delegation was last reviewed in May 2016.

The modernisation of planning departments has seen the removal of most sub area planning committees from local authorities across England and Wales. In Surrey, only Elmbridge and Waverley have retained its sub area committees. In 2018 Waverley Borough Council invited the Planning Advisory Service in to assess the efficiency and effectiveness of its sub area committees. The PAS review concluded that

“In 2017/18 the five planning committees decided 7.24 per cent of all applications determined by the council. Some councils are determining less than half that level of applications through their planning committees in order to speed up decision making and have reserved planning committee decisions for only the most strategic or controversial applications. While the percentage of applications being determined through the planning committees is not necessarily a problem in itself, the number of meetings and time spent on each decision is creating a problem to effective decision making. Therefore, we feel that the council should decide whether it wants to either retain the same percentage of applications coming to planning committees but being more time effective in dealing with each decision with shorter debating times, or increase the percentage of applications that are delegated so that members only deal with the most strategic or controversial applications.”

One of the recommendations of the report was to improve the operation and efficiency of planning decision making through increasing delegation, simplifying and adhering to agreed protocols and creating one borough-wide Planning Committee.

Officers have reviewed the number of applications being determined by committee and found that Elmbridge had one of the lowest percentage of delegated decisions in Surrey in 2018. It is acknowledged that Reigate & Banstead, Runnymede and Woking had a lower percentage of delegated decisions, they also had few overall decisions and the actual number of applications decided by Committee was lower.

Both Mole Valley and Waverley have a similar percentage of delegated decisions as Elmbridge and both have sought a peer review from the Planning Advisory Service.

Comparison with Surrey Boroughs - Year Ending Dec 2018

Borough	% delegated decisions	Total decisions	Total Committee decisions
Elmbridge	92	1904	152
Epsom & Ewell	97	828	25
Guildford	97	1962	59
Mole Valley	92	1155	92
Reigate & Banstead	91	1349	121
Runnymede	90	935	94
Spelthorne	96	725	29
Surrey Heath	95	832	42
Tandridge	96	1028	41
Waverley	92	1712	137
Woking	90	1025	103

Source: Table P134 – Government Statistics

Following a workshop with Members in October 2018 and a discussion on the merits of amending the scheme of delegation officers have undertaken a detailed review of how Elmbridge Council's planning committees operate.

The Committee agendas are heavily weighted with items that are not strategic and have little 'place making' impact. As such, the proposals being put forward in this report aim to give the Planning Area Sub Committees and Planning Committee the ability to consider revising the constitution in relation to the scheme of delegation that is both robust and meets with the Government's objectives of timeliness and quality whilst maintaining appropriate triggers for local intervention by the Planning Committees.

Currently there are some applications which are taken to Committee unnecessarily where there is little debate. Where an application has over 40 objections, it often is considered by an Area Sub Committee and then is required to be referred to the Planning Committee for a final decision. This delays the determination of the application, requires additional resources to determine the application twice. It also means that residents are unable to speak at the Planning Committee when a final decision is taken. In practice this is already changing as controversial applications are going straight to Planning Committee.

Applications that are reported to Committee are in the majority of cases not determined within the statutory timescales i.e. 56 days, which impacts on the Council's ability to achieve its agreed performance targets.

Decisions across the sub area committees also vary, especially in relation to major applications. The Government measures the quality of the decisions made by Council's through its appeal figures. In 2018 12% of the Planning Committees decisions were overturned by the Planning Inspectorate, 42% of

decisions by the Sub Area Planning Committees were overturned by the Planning Inspector and 30% of officer decisions were overturned.

Council performance

The Council's performance when benchmarked against the other Surrey authorities is poor, sitting in the bottom quarter for the determination of major and minor applications.

Performance Targets (Year ending December 2018)

Borough	% major decisions within agreed time	% minor decisions within agreed time	% other decisions within agreed time
Elmbridge	73	79	84
Epsom & Ewell	100	78	85
Guildford	98	94	87
Mole Valley	96	84	92
Reigate & Banstead	94	87	91
Runnymede	96	89	94
Spelthorne	96	92	97
Surrey Heath	97	88	90
Tandridge	81	61	87
Waverley	93	94	96
Woking	92	72	86

Source: Table P132 – Government Statistics

To improve performance the planning service has been reviewing its process and procedures over the last 18 months to ensure that they are as efficient as possible. The service has also been restructured to realign the resources and provide more case officers, creating career grade planning posts to ensure officers stay longer and reducing the need for temporary contract workers.

The proposed revisions to the Scheme of Delegation are also required to improve the performance of the planning department, to ensure that the existing committee model and scheme of delegation is efficient, effective, value for money and importantly providing excellent customer service to our residents and customers.

4. The proposed changes

The revision to the Scheme of Delegation would result in the following changes:

- Unless referred by a Councillor all householder applications will be determined by officers. There will be no objection letter trigger for householder applications.

- Minor applications (2-9 homes) with 15 or more objection letters will trigger referral to Area Sub Committee.
- Removes the requirement for minor applications with more than 40 letters of objection to be referred to Planning Committee. The decision stays with Sub Committee.
- Major applications (10+ homes) with 20 or more objection letters will trigger referral to Planning Committee. It will not go to Sub Committee first.
- *New* Permission in Principle applications will be brought to Sub Area Planning Committees.
- ANY APPLICATION CAN STILL BE REFERRED TO COMMITTEE BY A MEMBER. This will not change.

Financial implications:

None

Environmental/Sustainability Implications:

None

Legal implications:

The Council's Constitution has delegated the responsibility for maintaining an effective system of development control to the Planning Committee (Article 8 of Part 1, Responsibility for Functions in Part 3 and Terms of Reference in Part 4). The Planning Committee accordingly maintains a Scheme of Delegation for the taking of development control decisions (set out in Part 3 and reproduced in the Appendix to this report. The Planning Committee enjoys the delegated power to review and amend the Scheme of Delegation. If changes are made, these will take immediate effect and be published on the Council's website at the earliest opportunity.

Equality Implications:

None

Risk Implications:

None

Community Safety Implications:

None

Principal Consultees:

Head of Legal Services

Background papers:

None

Enclosures/Appendices:

Appendix A – Response to Member consultation
Appendix B - Revised Scheme of Delegation
Appendix C - Revised Public Speaking Procedure

Contact details:

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