

## Development Control Amended delegation arrangements

### RECOMMENDATION

- 1.1 To recommend that Council adopt the amendments to the Scheme of Delegation contained in appendix 1 of the report.
- 1.2 That the Planning Control Committee endorses the proposed changes to officer procedures outlined in this report from 1 May.

### SUPPORTING INFORMATION

- 2.1 Development Control (DC) performance and that of the Council in terms of its ability to determine planning applications is measured by only 1 method – **our speed in determining applications against an 8 week target**. There is no other mechanism; and achieving the targets results in money coming from central government in the form of Planning Delivery Grant into the Council. This is used to develop our service, pay for staff and equipment essential in improving the service and ultimately our customer experience.
- 2.2 I am sure we have common goals, to maximise the PDG payout, to have the best service possible and to meet our customer expectations. The Member review panel has looked at how we could do it better and improve the quality of the service we offer to our customer. The following report and recommendations are based on those deliberations and Member suggestions.
- 2.3 To gain the respect and recognition of the architects, agents and members of the public who are our customers we need to be seen in a different light. Currently DC is viewed by many as a 'hurdle to be overcome'. This is quite wrong. I have a team of people with a great deal of knowledge, experience and enthusiasm, and if allowed to express it, vision. If we are able to change the perception of outsiders of our service we can take control of our processes and show what we can really offer to the city. I think this review offers us a wider opportunity to address these issues and redefine the role of Development Control.
- 2.4 *'Planning needs to be more visionary, plans need to meet the objectives of many organisations not just local authorities and planning needs to be at the heart of delivery.'* (Liz Peace, Chair National Planning Forum)

- 2.5 We need to have a clear vision of our future and how we can be influential in shaping the future development of Derby. We should be seen as a knowledge base, a source of guidance and inspiration for developers and the citizens we work for.
- 2.6 From the outset I must explain what makes a report come to Committee, and this is set out in the Constitutions Scheme of Delegation as follows:
- a. Four or more objections have been received and the officer recommendation is to approve, or
  - b. The application is contrary to a Local Plan allocation and the officer recommendation is to approve, or
  - c. A Member of the Council has, within three weeks of being sent notification of an application, written to the Director of Development and Cultural Services requesting its determination by the Committee.
- 2.7 There is no requirement for CAAC objections to be reported to the Committee and no reference to the time consuming 'briefing note' process.

### **Committee**

- 3.1 There is currently pressure to return to a four weekly cycle of committee meetings rather than the current three week pattern. This has implications for performance targets, because missing a committee deadline can result in delays in decision making beyond the statutory period. **My recommendation would be to maintain the present arrangement of meeting every 3 weeks.**
- 3.2 Training of the committee takes place on an annual basis but I feel that more needs to be done for specific topics as the planning system generally evolves.
- 3.3 I would also hope to engage with all Councillors by providing a specific training session on an annual basis to engage with the Members informing them of the processes we have adopted and the importance, for instance, of the weekly list.
- 3.4 With regard to e-government I would suggest that we no longer include enclosures or items in the Members Rooms or Foyer. We would refer to our website in the reports where all the documents can be viewed.

### **Committee reports**

- 4.1 In getting the report to the high standards that we achieve the report goes through many stages once drafted by the case officer. This is considerably time consuming and as an example reports are often drafted 4-5 weeks in advance of the scheduled /next available meeting. In an 8 week turn around period for applications this doesn't leave much time for assessment / consultation responses and costs can vary between £300 and over £1,000 per application depending on the type of application.

- 4.2 After the S106 information on the report, any reason for missing target dates should be indicated if it is known at this stage and the intention to refuse if the S106 is not signed should be made very clear.

### **Briefing Notes**

- 5.1 The timing of Briefing Notes is crucial if we are to still to meet target dates, which is our aim. They should be written by week 6 at the latest.
- 5.2 Briefing Notes contain a brief summary of the issues, objections and comments. The case officer needs to make a compelling argument why the application should be approved when there are objections. If the ward member wants the application taken to committee the application will almost certainly miss the target date. Neighbouring Authorities and beyond do not have such a resource intensive process.
- 5.3 The apparent fixation with ensuring that the number of objections does actually exceed 4 has recently been somewhat abused by objections being received from far flung friends and relatives of the main objector. This abuse has opened up the whole process to criticism and I would wish to curtail this exploitation by removing the specific number altogether.
- 5.4 In turn **my recommendation on this issue is to stop doing briefing notes** altogether and replace them with a **3 week Ward member notification** commenced by the issuing of the weekly list. Members will note that this is an extension of the existing constitution at c). at paragraph 2.6 above. This could also be **supplemented** with an individual ward member notification for each application that falls within their ward and timed to a 21 day response limit should a report to committee be deemed essential.
- 5.5 Planning committee members will be familiar with the adopted custom and practice that a requesting ward member should also be available to present their objection to the application at the appropriate committee, otherwise the matter is not debated and returned to officers for a delegated decision, and I am seeking here to formalise that process.

### **Conservation Area Advisory Committee**

- 6.1 Although not part of the constitution we have, as custom and practice again, brought before planning committee all applications that CAAC objected to where your officers were recommending approval. There is no binding constitutional arrangement for this and I would recommend that rather than continuing this absolute veto, that no other consultee has, it is **delegated to the Chair of this committee in consultation with the Head of Development Control whether such an objection is pursued to committee or as an otherwise delegated item.**

- 6.2 The servicing of this sister committee does need bringing into the 21st century and as we now send all our other consultees an e-link to the web site to view plans and details I propose that we do this for the CAAC meeting. That way we reduce the paperwork and increase the speed and efficiency of their formal response which can also be submitted straight into our e- system. Professional officers would still advise CAAC at their meeting.

## **Conclusion**

- 7.1 I think these ways of working chime in with the recently published Killian Pretty Review, and the Governments response to it, which is keen to stress the importance of making the best use of all staff, and the even more recently published National Process Improvement Project – Transforming Local Planning Services. The economics of how we deliver our service cannot be ignored particularly at this time when budgets are under constant scrutiny.
- 7.2 Inspiring the future development of Derby in the 21<sup>st</sup> Century will require us to adopt the principles of Development Management. As part of our changes we need to be more actively managing the development process rather than controlling or being controlled by procedural/external factors. At the end of all this I want to achieve improved efficiency, to deliver financial savings and improved customer service. And to do all that means getting our performance up where it ought to be and not constrained by out dated procedures. We want to spend our time improving Derby and giving better customer service.

## **Recommendation**

- 8.1 To endorse the proposed changes outlined in this report from 1 May.

<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Paul Clarke 01332 255942 e-mail paul.clarke@derby.gov.uk None Appendix 1 - Implications
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<b>IMPLICATIONS</b>
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**Financial**

1. Adopting this process will assist in streamlining the service improving efficiency and ultimately reward money coming into the council

**Legal**

2. The existing constitution would require amending to read:
  - a. The application is contrary to a Local Plan allocation and the officer recommendation is to approve, or
  - b. A Member of the Council has, within three weeks of being sent notification of an application, written to the Director of Regeneration and Community requesting its determination by the Committee.

**Personnel**

3. None.

**Corporate objectives and priorities for change**

4. Our performance levels in dealing with planning applications have implications for delivering excellent services, performance and value for money (priority).