

Council

18th July 2013

Scheme of Delegation for Planning Matters

Introduction

- 1 This report asks Members to consider options to revise the Council Constitution for the scheme of delegation in respect of Planning matters, to take account of the recent replacement of the two Planning Area Sub Committees to one Sub Committee, and to update the scheme to reflect other changes to the planning system since it was formulated. The scheme, which operates on a 'by exception' basis, sets out which planning matters are dealt with by Planning Committee, by Sub Committee and by officers (Annex A).

Background

- 2 Members will be aware that the change to a single Planning Sub Committee was determined by Budget Council in March and took effect from June of this year. This reduction reduces the administrative workload, and provides savings in terms of printing, postage and site visit travel. A single Sub-Committee for the whole Council area will also potentially improve the consistency of decision making.
- 3 The main consideration is the potential number of items brought to a single sub-committee. Officers have analysed the applications considered at the West and City Centre, East Area and the new single Sub Committee meetings over the period July 2012 to June 2013 (see Annex B). This demonstrates that 145 applications were considered over that period, averaging out at approximately 12 per month.
- 4 Members of the new Sub Committee will be aware that its first meeting in June included 19 items, and was preceded by a full day of site visits. This took considerable Member time commitment, and the attendant public and applicants having to sit through debates on other items before their particular item was considered by the Committee.

- 5 Other matters that are not addressed in the current Planning delegation scheme are:-
- The delegation of applications for minor changes to approvals, and repeat or extension of time applications; where these are non-controversial Committee scheduling leads to delay for the applicant.
 - Reference to size thresholds for applications for changes of use of land.

Consultation

- 6 The issues being considered relate to the administration of the Council's functions as planning authority, rather than to the formulation or interpretation of policy. They do not affect consideration of the merits of applications or other planning matters. This amendment of the Constitution is therefore for the Council to determine and had not been the subject of a formal consultation process.

Options

- 7 In order to potentially reduce the length of the meeting and ensure a more manageable number of items is brought to the sub-committee, a number of options to revise the current scheme of delegation are suggested :-
- A - Control the number of Member Call-ins
 - B - Increase the Frequency of Meetings
 - C - Revise the criteria for applications by staff members
 - D - Change Main Committee/ Sub-Committee Thresholds

Analysis

- 8 Option A - Over half of the applications considered by the sub-committee are 'called in' by Members . The list included at Annex B shows the number for each of the previous Committees. Although Planning based reasons are required for call-ins, many are made only on the basis of officers recommending approval of a particular application under delegated powers, which the member would not wish to call in if refusal were recommended. Often no clear planning reason is expressed.
- 9 It is suggested that to better manage the number of call-ins, requests are first considered by the Assistant Director in consultation with the Chairs and Vice Chairs of the [Main Planning Committee and the Sub](#)

Committee. Rather than simply providing a mechanism for Members to prevent any application being approved under delegated powers, the revised Member call-in system would involve assessment of the planning reasons put forward and of the merits of bringing the case to the Committee for consideration. The number of call-ins may as a result be reduced by up to 50%, bringing the overall number of Call-in items down to around 40 and the overall number of applications considered by the Sub Committee to approximately 110.

- 10 Option B - Holding Committees on a 3 weekly cycle would increase the number of meetings per year to 17, giving an average based on last year's numbers of 8.53 per meeting. This would also have the advantage of reducing the wait time for Committee-bound applications to be dealt with, and help to maintain the Council's application performance. However, the larger number would mean the cost and time savings of moving to one Sub Committee would be reduced, and there would be a greater time commitment for those Members sitting on the Sub-Committee.
- 11 An alternative may be to diarise stand-by meetings between the monthly scheduled meetings, to utilise if and when the Committee workload demands it, to ensure applications are dealt with expediently.
- 12 Option C - Current criteria in scheme of delegation (see Annex A) states for bringing an application to Committee :-

Any application which would otherwise be "delegated" to officers for determination which has been submitted by or on behalf of:

- *A serving Councillor of the City Council or the spouse / partner of a Councillor;*
- *an employee of the City Council or the spouse / partner of an employee;*
- *a person who, in the period of four years prior to the date of the application, was either a Councillor with, or an employee of the City council, or the spouse / partner of such a person.*

- 13 In the period analysed, a total of 19 applications were dealt with by Committee which could otherwise be dealt with under delegated powers at officer level (13.1%).
- 14 As an alternative it is suggested that the requirement for Committee consideration be limited to applications by:-
 - Serving Members or immediate family,
 - Chief Officers and senior managers or the spouse / partner of such an employee

- Staff within the Planning and Environment or Development and Regeneration Service areas or staff who have been actively involved in planning negotiations or the spouse / partner of such an employee
- 15 Option D - The intention would be to increase in the number of applications dealt with at Main Committee to reduce the workload of the new Sub-Committee.
 - 16 Current Thresholds are set out at Annex C. Applications considered by the Main Committee between July 2012 and June 2013 is included at Annex D. There is scope to lower the threshold of those applications dealt with by Main Committee to again potentially reduce the number of Sub Committee applications. A previous delegation scheme required residential schemes of 40 dwellings or more to be dealt with by the Main Committee rather than the current 50 or more dwellings; this lower threshold could be reinstated.
 - 17 The vast majority of applications currently dealt with by Sub Committee are small scale; single or two dwellings, changes of use of small premises, and listed building consents. Annex E shows the largest applications dealt with over the year analysed; a relatively low number overall.
 - 18 As the Get York Building programme takes effect and Local Plan allocated sites are formalised, the number of larger submissions to be dealt with by Main Planning Committee is likely to increase. Revised or Reserved Matters applications relating to the Terry's site, Nestle South and Germany Beck are also likely to come forward. A lowering of thresholds to 40 dwellings may provide for a more consistent approach across the City for dealing with more significant residential applications.

Council Plan

- 19 The proposals to provide a more efficient and consistent regime for determining applications has implications in particular for the Council Plan priorities to "Create Jobs and Grow the Economy" , "Get York Moving", and of "Building Stronger Communities" and "Protecting the Environment".

Implications

- 20 Financial – There are no significant financial implications directly arising from the report.
- 21 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it

other than the need to allocate officer time towards the provision of the information.

22 Legal – There are no known legal implications associated with this report or the recommendations within it.

23 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

24 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

25 Council is asked to agree

i) That options A, C and D be adopted and the Scheme of Delegation for Planning within the Council's Constitution be amended as set out in Annex F to this report to reflect the requirements of those options.

ii) That Option B be considered for future introduction, to alter the frequency of meetings, if required.

Reason

26 To address the change to a single Planning Sub-Committee, to ensure effective, timely decision making and the efficient use of Member and officer time.

Contact Details

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

01904 551303

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning & Sustainable
Development, Directorate of City Strategy

**Report
Approved**



Date 2nd July 2013

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

- A) Current Scheme of delegation
- B) Sub Committees – Applications ‘Called in’ and staff submissions
July 2012 to June 2013
- C) Current Thresholds for delegation
- D) Applications dealt with by Main Planning Committee Main
Applications
- E) Largest Applications at Sub Committees July 2012 to June 2013
- F) Proposed Revised Scheme of delegation