

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

15 JUNE 2011

REFERENCE FROM SERVICE DEVELOPMENT DELIVERY COMMITTEE

A.3 REFERRALS OF PLANNING APPLICATIONS TO PLANNING COMMITTEE

(Report prepared by Sarah Stevens)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider the current scheme for referrals of planning applications to Planning Committee.

EXECUTIVE SUMMARY

At Council on the 8th February 2011 the Council considered a report on the Annual Review of the Constitution. One of the changes to the Constitution related to the scheme which enables District Councillors to refer planning applications to Planning Committee. The amendment extended the time allowed for referrals from 21 to 28 days. In addition, the Interim Head of Planning had agreed to produce a pro-form letter for use by Ward Councillors in having applications referred. This is attached as Annex A.

At Council this amendment was approved but it was also agreed that Cabinet would receive a report on this matter, including a review of the way the process had worked in the year December 2009 to December 2010.

At the Service Development and Delivery Committee on 7th March 2011 this matter was further considered and comments made for referral to Cabinet, and the following was resolved:-

- (a) That the views and comments put forward at the meeting by representatives of Parish and Town Councils be submitted to the Cabinet for its consideration.*
- (b) That this Committee requests the Cabinet to consider any other mechanisms that can help Town/Parish Councils be more involved in the planning process.*
- (c) That the Committee welcomes the introduction by the Interim Head of Planning Services of a pro-forma which will make it easier for a Parish/Town Council, via their District Council Ward Councillor(s), to have an application placed before the Planning Committee.*

RECOMMENDATION

That the Cabinet consider the comments made by the Service Delivery and Development Committee

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This delivers a key principle of the Council's Delivery Plan to engage better with the communities in Tendring.

RESOURCES AND RISK

Resources

There are no resource implications.

Risk

There are no material risks.

LEGAL

OTHER IMPLICATIONS

Equality and Diversity - None

Area or Ward affected - All

Consultation/Public Engagement – Council's Service Development and Delivery Committee invited all Town and Parish Councils to their meeting on the 7th March 2011 to express their views.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Up until 2009 District Councillors and Town and Parish Councils could make a request to the Chairman of the then Development Control Committee to refer an application for their consideration. It was entirely at the discretion of the Chairman as to whether such referral took place. The Audit Commission report on the planning service in 2009 considered this process to lack transparency and accountability and so at the Council meeting on the 1st December 2009 the Chairman's referrals scheme was abolished and replaced in the Constitution with a process which gave District Councillors 21 days to refer a request to the Assistant Chief Executive for consideration.

This meant that Town and Parish Councils had to seek the assistance from their ward councillor to get an application referred. On December 16th 2009 the Assistant Chief Executive emailed all District Councillors setting out the steps they would have to take to get an application referred.

At the Council meeting on 8th February 2011 the Annual review of the Constitution further amended this scheme so that district Councillors had 28 days to refer an application. This was so that there was more time for Town and Parish Councils to seek assistance from their Ward Councillor to have an application referred.

When the Constitution was amended in December 2009 it was agreed that a review of the new process would be undertaken within 12 months to look at both the number of referrals and also to ascertain the percentage of decisions determined under the scheme of delegation which were not in accordance with Town and Parish Council views.

At the Service Development and Delivery Committee on the 7th March 2011, this matter was given further consideration. The report included details of the review that had now taken place and showed that about 20% of applications on the Planning Committee agenda were from Member referrals and that of 40 randomly selected delegated decisions about 20% (9 out of 40) were determined where there was a conflict between the comments of the Town and Parish Council and determination.

The comments of the Service Development and Delivery Committee are as follows and their recommendations to Cabinet are as follows:-

Brightlingsea Town Council: Does not have a problem with this at Brightlingsea as there are always Ward Members on the Town Council but it might not be so easy for other Town and Parish Councils. Believes a Ward Member puts forward a better representation.

Jenny Cant (Thorrington Parish Council): We have a very good system to refer planning issues through a Ward Member to the District Council which works well.

John Mathews (Wix Parish Council): District Councillor representation works well but would like to engage with a planning officer if the item is contentious as a District Councillor, whilst very good, will lack the necessary planning and architectural skills so would like the opportunity to seek professional planning advice. Otherwise happy with the system.

Frances Fairbourn (Mistley Parish Council): Concern if the Ward Member has a view in conflict with Town or Parish Council on a major planning item. Happy with the assurance that all large/contentious planning applications go to the Planning Committee automatically.

Nicholas Turner (Frinton and Walton Town Council): Happy with the system at Frinton and Walton Town Council.

Michael Talbot (St Osyth Parish Council): Felt that this change had come about due to Audit Commission comment that the previous "Chairman's referral" system had not been sufficiently transparent and that this was a case of "chucking the baby out with the bath water". Also felt that the change to the Constitution had been "put through on the quiet" and the consequences had not been sufficiently explained or drawn to the District Council Members' attention at the time.

With the permission of the Chairman, Councillor Heaney addressed the Committee on the subject matter of this item. Following consideration of this matter by the Committee it was:-

RESOLVED - (a) That the views and comments put forward at the meeting by representatives of Parish and Town Councils be submitted to the Cabinet for its consideration.

(b) That this Committee requests the Cabinet to consider any other mechanisms that can help Town/Parish Councils be more involved in the planning process.

(c) That the Committee welcomes the introduction by the Interim Head of Planning Services of a pro-forma which will make it easier for a Parish/Town Council, via their District Council Ward Councillor(s), to have an application placed before the Planning Committee.

APPENDICES

Annex A: Pro-Forma for use by Ward Councillors in referring applications to Planning Committee.