
Meeting	Planning and Environment Committee
Date	11 September 2013
Subject	Revisions to Planning Delegated Powers
Report of	Director for Place
Summary	This report proposes current powers delegated to the Chief Planning Officer (Assistant Director of Planning & Building Control) are continued, in order to ensure a fit for purpose, modern, democratic, efficient and cost effective Planning Service in Barnet.

Officer Contributors	Joe Henry, Acting Assistant Director of Planning & Development Management & Building Control.
Status (public or exempt)	Public
Wards Affected	Not Applicable
Key Decision	Not Applicable
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	None
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1. RECOMMENDATIONS

- 1.1 Planning applications for development where there is “significant public concern” (currently defined as five or more objectors who have objected in writing in response to a planning application) cannot be determined under delegated powers unless it is intended to refuse the application. The definition of “significant public concern” was defined as three or more objectors before the Planning & Environment Committee agreed to a change to the definition at a meeting held 14 June 2012 to increase the threshold to five or more objectors, subject to a review of those extended powers after a six month period.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Planning & Environment Committee 30 November 2005, approved recommendation of report on Revision to Planning Delegated Powers.
- 2.2 Annual Council 17 May 2011, approved recommendation of reports of Special Committee (Constitutional Review) which included abolishing the three Area Planning Sub-Committees and replacing them with two Area Planning Sub-Committees.
- 2.3 Planning & Environment Committee 14 June 2012, approved recommendation of report on Revision to Planning Delegated Powers.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Effective and efficient decision making and value for money are important aspects underpinned by corporate objectives to provide better services with less money. The proposal would reduce the amount of time spent by officers and councillors in determining planning applications.

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to maintain current delegated powers would significantly increase the number of planning applications presented to Planning Committees (frequency of Area Planning Committee meetings would need to increase), detrimentally impacting on service delivery, increase costs to the council and have consequential reputational risks.
- 4.2 The reduction in the number of planning applications presented to Planning Committees has reduced the role of Members in determining planning applications and this may have been perceived by the public as being less democratic. Officers are not aware of any concerns being raised by members of the public.
- 4.3 The proposed changes do not affect the existing exception for delegated powers where a member of the council has requested in writing, with valid planning reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 It is unlikely that the proposal would present a conflict with Barnet Council's Equalities Policy as the increased threshold will apply to all residents. Improved efficiency in the planning department will have a beneficial impact on all residents.
- 5.2 At present the council does not have specific data on the profile of residents objecting to planning applications in the circumstances described above. However we know from a recent customer survey ¹ that overall 56% of respondents were either fairly or very satisfied with the services provided by the Planning Service compared to 26% who were either fairly dissatisfied or very dissatisfied. Proportionately Asian households were more likely to be dissatisfied than other ethnic groups. The majority of respondents were men who were slightly more likely to be dissatisfied with the service. Most were aged between 45 – 64 years and they had the highest levels of dissatisfaction; older people were generally more satisfied with the service they received.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 No additional cost implications arise from this proposal; the main effect of which is to continue the saving in staff & Councillor time and maintain improvement to service delivery. It is estimated there would be an increase in costs to the Planning Service of £60,000 per annum if the recommendation to maintain current delegated powers were not agreed.

7. LEGAL ISSUES

- 7.1 None.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's Constitution provides for Chief Officers to take decisions under delegated powers. The relevant provisions are set out in section 6 of Part 3 – Responsibility for Functions.

9. BACKGROUND INFORMATION

- 9.1 Under the Council's Constitution, the planning function is devolved to the Planning & Environment Committee and the East & West Area Planning Sub – Committees.

¹ The customer survey carried out in March 2013 included agents and residents.

- 9.2 Part 3 of the council's Constitution sets out the detailed arrangements for the allocation and discharge of the Council's responsibilities. Many of these have been delegated to chief officers and they, or their representatives, are authorised to make decisions which both speed up the process and remove the need for such matters to be considered by Planning Committees. The Chief Planning Officer (Assistant Director of Planning & Building Control) has been delegated powers by the Planning and Environment Committee to deal with planning and associated matters, other than where the exceptions apply. These exceptions include; planning applications for development where there is significant public concern (currently defined as five or more objectors who have objected in writing) unless it is intended to refuse the application. The proposal is to continue the current definition of "significant public concern" to be five or more objectors who have objected in writing in response to a planning application.
- 9.3 The number of planning applications presented to Planning Committees in the twelve months up to May 2012 was 296 and this compares to 146 in the last 12 months up until July 2013. This is a reduction of 150 cases, which represents a 50% reduction.
- 9.4 It is estimated by using data analysis carried out in March 2010 by ValueAdded.com Ltd on behalf of London Council's, that each planning application presented to a Planning Committee in Barnet, increases the cost of that application, on average, by approximately £400 (not including costs associated with Democratic Services). Therefore, the reduction in the number of cases being presented to Planning Committees of 150 cases represents an estimated saving of £60,000 per annum to the Planning Service (not including any costs savings achieved by Democratic Services).
- 9.5 The proposed changes do not affect the existing exception for delegated powers where a member of the council has requested in writing, with valid planning reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.
- 9.6 Over 12 months up until May 2012, 8.3% of planning applications were decided by Planning Committees. This compares to a London average of approximately 5% (based on a benchmarking exercise carried out by ValueAdded.com on behalf of London Councils in 2010 with nine London local planning authorities, including Barnet, participating). In the 12 months up until July 2013, 4.6% of planning applications were decided by Planning Committees.
- 9.7 There are significant costs, mostly attributable to officer time, in dealing with planning applications presented to planning committees compared to similar schemes dealt with under delegated powers. And as can be seen from the bench marking exercise, Barnet previously dealt with a significantly higher percentage of applications presented to a Planning Committee compared to the London average.
- 9.8 Before the delegated powers were changed in May 2012, unsustainable numbers of planning applications were being presented to the Area Planning Sub-Committees, especially the West Area Planning Sub-Committee. This resulted in some meetings having to be extended to the maximum time allowed and some having a large number of items not being heard with

additional meetings having to be arranged. The economy has improved since last year to the extent the authority has received approximately 10% more planning applications in 2012/2013 compared to 2011/2012. Reducing delegated powers of officers would inevitably lead to an increase in the number of applications having to be presented to Planning Committees to a level which is likely to be higher than the unsustainable peaks during 2012.

- 9.9 The Planning Service forms part of the Development Regulatory Service (DRS) which will shortly be an outsourced delivery unit in the commissioning council. The successful bidder is fully aware that the costs associated with processing planning applications dealt with under delegated powers are significantly less than those costs associated with applications presented to Planning Committees. If the Committee did not agree to maintain current delegated powers then the successful bidder could have a case to ask the council to meet those extra costs.

10. LIST OF BACKGROUND PAPERS

- 10.1 The Council's Constitution
Report on Revision to Planning Delegated Powers, Planning & Environment Committee 30 November 2005,
Reports of Special Committee (Constitutional Review), Annual Council 17 May 2011.
Report on Revision to Planning Delegated Powers, Planning & Environment Committee 14 June 2012.