
Meeting	Planning and Environment Committee
Date	14 June 2012
Subject	Revisions to Planning Delegated Powers
Report of	Interim Director Environment, Planning and Regeneration
Summary	This report proposes amendments to the powers delegated to the Head of Planning (Assistant Director of Planning & Development Management) 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.
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Council
Enclosures	None
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1. RECOMMENDATIONS

- 1.1 In the Delegated Powers of Head of Planning, amend the definition of “significant public concern” to five or more objectors who have objected in writing in response to a planning application.
- 1.2 If the proposal in 1.1 is agreed then a review by officers of those extended delegated powers shall be undertaken after a six month period and a report presented to the Planning & Environment Committee.

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.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Effective and efficient decision making and value for money are important aspects underpinned by the Corporate objective to provide “better services with less money”. The proposal would help to achieve this objective by reducing the amount of time spent by officers and councillors in dealing with planning applications.

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to reduce the number of planning applications presented to Planning Committees would detrimentally impact on service delivery, increase costs to the council and have consequential reputational risks.
- 4.2 Reducing the number of planning applications presented to Planning Committees would reduce the role of Members in planning application decision making and this could be perceived by the public as being less democratic. Officers have spoken to other local planning authorities in London who deal with a larger percentage of planning applications under delegated powers and they have not reported any issues of the public perceiving the process as not being democratic.
- 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 reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.
- 4.4 In order to minimise risk, the proposal does include a review by officers of those extended delegated powers after a six month period and a report presented to the Planning & Environment Committee.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 It is unlikely that the proposal would present a conflict with Barnet Council's Equalities Policy. 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 46% of respondents were either fairly or very satisfied with the services provided by the Planning Service compared to 40% 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.
- 5.3 In order to ensure the proposal does not disproportionately affect any particular group or affect the levels of satisfaction with the service, the six month review of the proposed change will include equalities monitoring through a targeted customer survey.

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 achieve a saving in staff and Councillor time and improve service delivery. It is estimated there would be a direct cost saving to the Planning Service of £40,000 per annum that will be reinvested into the Service provision if the proposal were adopted.

7. LEGAL ISSUES

- 7.1 There are no specific legal issues associated with this proposal, as the current Town & Country Planning legal regime will continue to apply and be applied in the same way.

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

¹ The customer survey carried out in 2011 included agents and residents.

- 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.
- 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 Head of Planning (Assistant Director of Planning & Development Management) 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 (defined as three or more objectors who have objected in writing) unless it is intended to refuse the application. The proposal is to change the definition of "significant public concern" to 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 last twelve months (up to May 2012) totals 296. If the proposal were adopted, it is estimated the number of planning applications being presented to the Planning Committees would reduce by approximately a third (33%). This would reduce the number of planning applications being presented, per annum, by approximately 100 cases.
- 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, if the number of planning applications presented to Planning Committees per annum were reduced by 100 (as estimated if the proposal were agreed) there would be an estimated saving of £40,000 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 reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.
- 9.6 Over the last 12 months 8.3% of all planning applications were presented to a Planning Committee. 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).
- 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 deals with a significantly higher percentage of applications presented to a Planning Committee compared to the London average.

- 9.8 The current two Area Planning Sub-Committee's arrangements have led to a large and sometimes unsustainable number of planning applications being presented to the West Area Planning Sub-Committee. In some cases this has 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. In the event the economy improves, it is anticipated that the number of planning applications received would increase. This would inevitably lead to an increase in the number of applications having to be presented to the Planning Committees. This would be unsustainable under the current arrangements, particularly for the West Area Planning Sub-Committee.
- 9.9 The Planning Service forms part of the Development Regulatory Service (DRS) which will form an outsourced delivery unit in the commissioning council. Competitive dialogue sessions are currently happening with the two remaining bidders who want to run the DRS delivery unit. It is well known by the bidders that the costs associated with processing planning applications dealt with under delegated powers are far less than those costs associated with applications presented to Planning Committees. If the proposal was accepted then the bidders would factor into their final bid the associated reduction in 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.

Cleared by Finance (Officer's initials)	MC
Cleared by Legal (Officer's initials)	SL