

13 DECEMBER 2000**REVIEW OF DELEGATED POWERS IN RESPECT OF PLANNING MATTERS AND
IMPROVEMENTS TO THE WEEKLY LIST OF PLANNING APPLICATIONS**

Accountable Officer: David Hackforth (Head of Planning)

Author: Peter Lawrence (Development Control Manager) MK 252537

1. Purpose

- 1.1 To advise the Committee of the outcome of the work of the Officer/Member Working Group established earlier this year to consider the Development Control workload, performance, procedures and resources.
- 1.2 To seek the approval of the Committee for a revised scheme of delegation in respect of planning matters and some related procedural changes, including improvements to the weekly list of applications.

2. Summary

- 2.1 The last 3 years have seen a steep rise in the Development Control workload and consequently a decline in performance. Action taken to date to address this problem in a variety of ways has enabled some of the additional workload to be absorbed, but the workload pressures are now such that the Council's Development Control Service is at serious risk of failing the standards set for the Best Value regime.
- 2.2 An Officer/Member Working Group has been considering ways of addressing the problem. Cutting back the service is not a realistic option because Development Control is almost wholly a statutory service which must be provided. Additional staff resources will undoubtedly be needed as Milton Keynes continues to grow. However, the Council's financial position and other pressing priorities mean it is unrealistic to rely on this as the sole means of addressing the present difficulties.
- 2.3 Some action does however need to be taken now in order that existing staff can cope better with the existing workload. Reducing the Committee workload was seen by the Working Group as being the most effective way of achieving this.
- 2.4 A revised scheme of delegation to officers is therefore proposed which aims to increase the percentage of applications dealt with by officers from 75-80% (the present level) to 85-90%. This would reduce the length of Committee agendas, reduce the time spent by officers preparing Committee reports, reduce costs (paper, printing etc.) and improve the speed at which some applications are dealt with. Applications of the sort which currently

generate little or no debate would be removed from the agenda enabling the Committee to concentrate more on the really major, finely balanced, or really controversial proposals.

- 2.5 At the same time improvements to the weekly list of applications are proposed to make it more user friendly and helpful, thus aiding communication about planning applications between Members, Parish Councils and Officers.

3. **Recommendations**

- 3.1 That the revised scheme of delegation to officers in respect of planning matters, as set out in **Annex A** be approved and recommended to the Council for adoption.
- 3.2 That the new scheme be introduced initially for a trial period of 1 year, at the end of which the operation of the scheme be reviewed and the scheme amended, if necessary, prior to its permanent adoption.
- 3.3 That the new scheme of delegation take effect as soon as possible following final approval by the Council.
- 3.4 That at the same time as the new delegated powers are introduced:
- (a) Improvements to the weekly list of planning applications (as set out in paragraph 5.14 of this report) be introduced; and
 - (b) A new procedure be implemented whereby if officers are minded to grant permission under delegated powers for a non-householder development and there are still unresolved planning objections from local residents or external consultees, Ward Members be notified and allowed 14 days in which to decide whether, in the light of this, to request that the application be considered by the Committee.

4. **Background**

- 4.1 Over the last 3 years the Development Control Section has been under increasingly severe pressure as a result of the rising workload. This has led to a worrying decline in performance.
- 4.2 These difficulties were most recently drawn to the attention of Members in a Committee News Sheet circulated in July this year. This highlighted the following key facts:
- (a) Between 1992 and 1996 application numbers were very stable at around 1200 a year.
 - (b) Since 1996 there has been a year on year increase of 15% to 20% a year in application numbers.
 - (c) By the end of this year application numbers will top 2000 a year, a rise of 60% since 1996.

- (d) The number of major planning applications has increased by 112% since 1996.
- (e) Enforcement cases are also up by 60% since 1996.
- (f) The number of professional staff dealing with planning applications has only increased by 13% since 1996.
- (g) The Council's performance in terms of the speed at which applications are dealt with has declined from 75% determined within 8 weeks in the early 1990's to only 60% in 1999.
- (h) The Council's position has declined from being in the top 50 performing Council's in the country in the governments 8 week league table to 192nd position
- (i) The level of service that can be offered to both Members and the public has become less helpful as a consequence of the workload pressures and less time is available to negotiate improvements in the quality of submitted proposals.
- (j) Actions taken in recent years to increase efficiency such as increased investment in IT, streamlined procedures, more selective internal consultations, use of fee income to fund additional posts, employment of students and restructuring, have enabled staff to absorb some of the increased workload but these measures were now proving insufficient.

4.3 Following circulation of this news item, on the initiative of the Chair of the Committee, it was decided to establish an Officer/Member Working Group consisting of the Chair, the other party spokespersons, the Head of Planning and the Development Control Manager to examine potential ways of easing these difficulties. This Working Group has held 4 meetings between August and November.

4.4 Since publication of the July Committee News Sheet the situation has not improved. There are no indications of any decline in application numbers, indeed numbers are continuing with the upward trend of recent years. In the July to September quarter of this year only 55% of applications were dealt with within 8 weeks.

5. **Issues and Choices**

5.1 The Working Group quickly identified 3 broad ways in which the problem of rising workload and declining performance might be addressed:

- (a) cutting back the service;
- (b) additional staff resources; and

- (c) making procedural changes which would significantly reduce the workload.
- 5.2 Option (a) has very limited potential on the basis that the service is very largely a statutory one which has to be provided, that the quality of the service to the public, Parish Councils and Members already feel short of what was desirable and that any meaningful cut backs in the service would be very noticeable and unpopular.
- 5.3 With regard to Option (b) the Working Group felt that it was important not to lose sight of this as an objective and that more staff would certainly be needed because of the continuing growth of Milton Keynes. However, the Group also recognised that in the context of the Council's present financial position and other pressing priorities, it was unrealistic to rely on this as a means of addressing the present difficulties. The problems were such that something else had to be done now and it was also felt that the case for more staff resources would be strengthened in the longer term if it could be shown that the Committee had itself already taken action to try to make better use of existing resources by seeking to reduce the Committee workload.
- 5.4 The Working Group therefore focussed its efforts on looking at ways in which the Committee workload might be reduced. The Working Group expressed the view that:
- (a) Committee agendas were too large.
 - (b) Committee meetings were sometimes too long.
 - (c) There were always some applications on the agenda which generated no discussion or debate or where there was no disagreement with the recommendation. Decisions taken without any debate or discussion can create a bad impression to the public.
 - (d) As a consequence there was sometimes insufficient time for detailed discussions and questioning of officers about applications which were very controversial or where the issues were complex and finely balanced.
 - (e) Sometimes important decisions were made quite late at night at the end of a long meeting. This was considered generally bad for the quality of decision making.
- 5.5 From the workload point of view a significant proportion of officer time is taken up with writing Committee reports. Staff time is also needed to type and prepare agendas and to take photographs and prepare plans. Achieving a significant reduction in the number of applications going to Committee would therefore free up some staff time thus enabling improvements in performance and enabling a better service to be provided.
- 5.6 Taking fewer applications to Committee would also assist in improving performance. Committee items take longer to determine partly because of

the Committee cycle and agenda preparation deadlines. The majority of Committee items take longer than 8 weeks to determine.

- 5.7 The pressing need for action was highlighted by a Department of the Environment, Transport and the Regions announcement in September that any Council not achieving 50% of all applications determined within 8 weeks will fail under the Best Value regime unless they improve to 65% in the next year. This Council's performance has already fallen to 55% in the most recent quarter.
- 5.8 The Working Group therefore spent most of its time considering possible changes to the scheme of delegations to officers on planning matters with the aim of increasing the level of delegation from 75 to 80% (the current level) to 85 to 90% thus significantly reducing the number of applications which come to Committee. This would also help to reduce paper and printing costs. The Working Group were also mindful of the fact that all three of the Councils visited by officers and Members in 1998 had a higher percentage of applications dealt with by officers under delegated powers than this Council (Peterborough 93%, Wycombe 91% and Telford 86%). Another good reason to allow greater delegation to officers is that the new Local Plan policies have had a very high level of Member involvement and it therefore makes sense to allow officers to make more decisions in accordance with those policies
- 5.9 The existing scheme of delegation is shown in **Annex B**. This scheme has not been comprehensively reviewed since 1993. The Working Group considered that in the circumstances the time was right to review these powers, but at the same time felt it was also important to look at ways of making it easier for Members, Parish Councils and the public to identify the applications they were really interested in and to know who to contact if they had questions or wanted to know more. In particular the Working Group spent time considering possible improvements to the weekly list of applications.
- 5.10 The revised delegation scheme developed by the Working Group is set out in **Annex A**. The most significant change compared to the existing scheme, is the move away from a complex criteria based scheme to one which starts from the basic premise that all applications of whatever type or size could be dealt with under delegated powers subject to a limited number of exceptions. The existing scheme was felt to be too complex and difficult to understand. Although this is in some ways quite a radical step it will not mean that officers suddenly start to deal with very controversial or very major proposals. The majority of applications which come to Committee are placed on the agenda by officers because they are judged to be major, controversial or finely balanced. This will continue to be the case. It is necessary for Members to have confidence both in the new scheme and the way that officers operate it. It is in the interests of Members, officers and the public that the system works as smoothly as possible, with the potential for disputes minimised. The aim of the new scheme is to enable those applications which currently have to come to Committee because they fall outside one or more of the criteria of the present scheme, but which are otherwise non-controversial, to be dealt with by officers in accordance with adopted policies instead of having to

come to Committee. This should enable Members to focus their time and energies on the most important issues.

5.11 Some good examples of the sort of applications which currently must come to Committee but which could be dealt with under delegated powers under the new scheme are:

- (a) Confirmation of a Tree Preservation Order where there are no objections.
- (b) A proposal to erect 2 or 3 houses on an infill site which has generated no significant planning objections and accords with policy could be permitted.
- (c) A proposal to erect 2 or 3 houses in the open countryside contrary to policy could be refused.
- (d) A proposal for an office, industrial or warehouse development larger than 500 square metres could be permitted if it was in accordance with policy and there were no significant planning objections or refused if it was clearly contrary to policy.

This is not intended to be an inclusive list but it illustrates some of the most common types of application which currently frequently generate no discussion or dissent from the recommendation. Under the present delegated scheme all proposals for more than one dwelling, no matter how clearly acceptable or unacceptable they are must come to Committee, other than minor changes to existing approved house layouts involving a substitution of house types but no change to the number of units. Equally any office, commercial, industrial or warehouse development over 500 square metres or 20% of the existing floor area has to come to Committee, even if the proposal is in accordance with policy and has given rise to no material objections.

5.12 It is important to emphasise that the right of any Member to require that any application be considered by Committee will remain. The rights of Parish Councils also remain unchanged.

5.13 The precise amount by which the proposed new scheme of delegation will reduce the size of Committee agendas is difficult to estimate as much will depend on the extent to which individual Members choose to refer applications to Committee. At present the average number of reports considered at each Committee meeting is 25 to 30. The new delegation scheme could reduce this to in the region of 20 to 25.

5.14 The Working Group also felt it was important, if there was going to be increased delegation to officers, for there to also be improvements to the weekly list of applications. After discussion within the group the following changes were agreed:

- (a) Applications would if possible be listed alphabetically by Parish, instead of numerically as at present.

- (b) For each application on the list, the area team dealing with the application would be identified.
- (c) At the end of each list there would be contact names and telephone numbers for each of the area teams and for general enquiries.

The aim of these changes was to make it much easier than at present for Members and Parish Councils to quickly find the applications they were most interested in and see at a glance who to contact if they require more information or have any questions.

- 5.15 It is not possible to indicate the actual Case Officer for each application on the weekly list since this is not determined until some time after the weekly list has to be produced. The weekly list is produced as part of the registration process before applications have been allocated to individual officers.
- 5.16 In addition to an improved and more user friendly weekly list, the elected Members on the Working Group also wanted Ward Members to be notified and given the opportunity to ask for the application to be determined by Committee if officers were proposing to grant permission under delegated powers for a non-householder development and there were unresolved planning objections to the development from neighbours or external consultees. This notification would obviously have to occur at a later stage in the processing of the application, once neighbour and consultee views were known. Identifying and notifying Ward Members in this way is an additional task which is not done at present and would potentially add to the time taken to deal with applications. The Working Group therefore decided that to keep the number of applications affected down to a manageable level it was right to exclude all householder applications. Under the present delegation scheme householder developments are routinely dealt with by officers, even when there are neighbour objections.
- 5.17 The maximum period that could reasonably be allowed for a Ward Member to ask for an application to go to Committee in such circumstances was considered by the Working Group to be 14 days. It was hoped that such requests would only be made infrequently, after discussion with officers, and normally only where the Ward Members disagreed with the intended officer decision. Notifying all Ward Members of all applications would significantly add to the workload, generate lots of paper and increase costs. The Working Group therefore rejected this as impractical.
- 5.18 The revised delegated powers, after consideration by this Committee, will also need to be referred to full council which next meets on 9 January 2001. It is envisaged that the new powers and the proposed improvements to the weekly list would take effect shortly after that.

6. **Implications**

6.1 Environmental

If the amount of staff time spent on committee related work can be reduced as a result of the increased delegated powers, more time can be devoted to

achieving higher quality developments and securing environmental benefits through negotiation.

6.2 Equalities

These proposed changes may enable more staff time to be devoted to better meeting the needs of minority groups

6.3 Financial

A key aim of these proposals is to increase efficiency and reduce costs. There will be some savings in paper and printing costs as a result of shorter agendas. Although extra staff will still be needed to deal with the increasing workload generated by the continuing growth and expansion of the city, the number of staff needed and hence the cost of those staff will be less if there is a significant reduction in the committee workload.

6.4 Legal

The revised scheme of delegation has been developed with input from the council's legal department and takes account of legislative changes since the scheme was last reviewed.

6.5 Staff and Accommodation

None.

6.6 Cultural Planning

None.

6.7 Crime Prevention

None.

Background Papers: None