

Rother District Council

Report to: Planning

Date: 13 August 2020

Title: Revision to the Planning Scheme of Delegation and Other Related Changes

Report of: Tim Hickling

Ward(s): All

Purpose of Report: The purpose of this report is to seek approval to remove the 'Notified D' report and place the emphasis on the weekly list in order to reduce unnecessary work in the planning department without altering the ability for Members to call-in applications.

Officer

Recommendation(s): **It be RESOLVED:** That the:

- 1) officer scheme of delegation in respect of the Planning Service be amended by the removal of the 'Notified D' report process and the insertion of an enhanced weekly list process as set out in the report; and
- 2) Council's Constitution be amended accordingly.

Introduction

1. Dealing with planning applications has become increasingly technical and complex as a result of an ever-increasing list of additional material considerations and numerous legislative changes. Added to which there are national performance measures on time taken to determine applications (8 and 13 week dates) that need to be considered against the current levels of available resources.
2. As part of the Rother 2020 efficiency programme, the planning application process has been subject to a lean and demand review. This has identified small process improvements but has also identified improvements in the software system to automate other processes.
3. Work has also taken place to reduce the planning accommodation footprint and promote agile and remote working through the improvement in IT hardware and replacing older desk computers with either laptop or tablet computers. Much has been fast tracked due to the COVID-19 measures. From April this year all correspondence, reports and supporting documents received have been available online only, significantly reducing the amount of paper handling in the department.

4. Recruitment of Planning professionals is proving to be extremely difficult nationally, and this has been reflected locally for some time now. While Rother District Council has had a successful programme of cultivating our own Officers, this has not kept pace with the vacancy demand in the department and is unlikely to for the foreseeable. As a consequence of being under resourced, there has been a backlog of work accumulated over a period of time, exacerbated by the recent COVID-19 pandemic, that it is necessary to fundamentally review some of the Council's practices.

Review of the Validation Application Process

5. When an application is submitted it goes through a rigorous validation process to ensure the applicant has submitted all the correct information, the appropriate fee, all relevant consultees are identified, and their outline comments sought in relation to the application proposal.
6. Currently 43% of applications (mostly submitted through local agents) are rendered incomplete on original submission.
8. The main reasons for invalid applications are:
 - Insufficient/incorrect plans – quality of plans – not to scale etc.
 - Insufficient/incorrect fee submitted
 - Missing supporting documents e.g. Design & Access statement, Assessment of Significance etc.
 - Quality of information provided as above
 - Forms not completed correctly e.g. certificate of ownership etc.

The applications are therefore rendered invalid, and the applicant or agent is requested to submit the correct/missing information. This creates delays and wastes resources as when the required information is received this needs to be re-checked and verified before the application can be formally accepted. In some instances, this validation process can go through more than one iteration before the application can be validated and has been calculated that this work itself generates an equivalent of .5 FTE staff time.

9. A copy of the Council's validation check list can be found by following the link below

https://www.rother.gov.uk/wp-content/uploads/2020/01/Post_NPPF_Planning_Validation_Document_DaSA_update_November18.pdf

10. Officers are in the process of contacting those local agents who regularly submit invalid applications to understand why and seek to reduce the volume of invalid applications on submission. As planning fees are set nationally there is no opportunity for charging for invalid applications. Therefore, we are reliant on agents and applicants submitting the correct information first time.

‘Notified D’ delegation and Member Call-ins

11. At present any Member of the Council can call any application to Committee at any time, from validation (weekly list) to proposed decision date but typically within the publicity period. Good practice would be to consider calling in an application up to and, including, the consultation period in the application process.
12. Aside from the above, under the current Council Constitution there is a two phase delegation system to officers. The first phase is a simple delegation on non-contentious proposals; these applications are mostly processed well within the statutory eight week determination period. The second phase is a more complex and resource intensive process whereby if an application generates representations that are at odds with the officer’s recommendation the case officer produces a report through the ‘Notified D’ delegation process. The process in effect adds further time onto the determination period of at least five days plus a further two to three days to produce the report and sign off. In some instances, officers will need to request an extension of time from the applicant in order to progress the ‘Notified D’ report. Further delay is then experienced by the applicant for those applications subsequently referred to Committee.
13. The ‘Notified D’ delegation was introduced in the early 1990s after the publicity processes changed in 1992; at a time when technology was in its infancy and all planning documents were only visible in paper form at the Town Hall planning reception. This analogue technology also included the production of weekly lists of new applications sent by post to Councillors and various interested bodies up to a week after the application had been registered. The process was slow and resource intensive. It is fair to say in this analogue world communication between planning officers and Councillors was infrequent and undertaken by either telephone or occasional face to face meetings. The ‘Notified D’ reports process was therefore introduced as a bespoke and unique system for Rother to improve communication and introduce a formal delegation scheme as a way of engaging Councillors with officers and improving communication.
14. The original ‘Notified D’ reports consisted of a short summary of the issues and included an intended decision. The reports were originally sent to Councillors by post giving them five days to discuss the detail with officers and, if necessary, for them to call applications to the Planning Committee. Today that ‘Notified D’ report is sent out by email rather than post. As time has moved on ‘Notified D’ reports have become increasingly complex to the point that they are almost as detailed as committee reports and yet serve little or no purpose which is over-burdening the planning department with additional work.
15. **Table 1** sets out the number of ‘Notified D’ reports produced for the last year ending on 29 February (just before Covid-19). 31% of all planning applications (336) were subject to a ‘Notified D’ report process of which a very small number, only 11 were then referred by Councillors to the Planning Committee (3% of the ‘Notified D’ reports). This compares with 27 applications called to the Planning Committee by Councillors through the Weekly list and discussion with officers, and a further 20 referred by officers because of the planning history.

Table 1: ‘Notified D’ reports during 2019-20 (1 Mar 19 to 29 Feb 20)

Total number of Planning Applications eligible for ‘Notified D’	1,096
Number of Notified D	336 (31% of total applications)
Called to Committee from Notified D	11 (3% of Notified D reports)
Called to Committee from Weekly List	27
Total Member referrals to committee	38 (11 + 27)
Officer referrals	20
Total Committee items	58 (38 + 20)

16. The ‘Notified D’ report system is resource intensive and into today’s world adds very little in the way of benefit decision making. It is calculated that the annual time taken to produce the ‘Notified D’ reports, amounts to the equivalent of one FTE member of the planning team.
17. Whilst technology has changed significantly over the last 30 years, the desire for good communications has not, and a good working relationship between officers and Councillors remains essential. Councillors know they can discuss any application at any time with the case officer and, if need be, call any application to the Planning Committee, provided it is on sound planning grounds. There is a well-used and straight forward process currently in operation and this will not change. However, the ‘Notified D’ report process is resource intensive and is no longer fit for purpose. It is considered that the weekly list performs the same function more efficiently, while officers believe this can be enhanced by making improvements to the weekly list and signposting new applications more clearly on a ward basis, so that Councillors are fully aware of new submissions in their local area at the outset, and allow them to call applications to Committee (for planning reasons) up to seven days (no later than 5pm on the last day) after the closure of any weekly list publicity period.
18. At a time when efficiency savings and service performance are increasingly critical to the Council, customers and stakeholders the benefits to changing the delegation scheme by removing the outdated and resource intensive ‘Notified D’ report process are:
 - Members will still be able to call any planning application to the Planning Committee up to seven days (no later than 5pm on the last day) after the close of any weekly list publicity period, relying on an enhanced weekly list and better communications with officers.
 - At a time when recruitment is very difficult for the reasons set out above the resource saving can be reinvested to help improve performance (speed of decision) particularly in the “other” and “minor” category of planning applications.
 - Scope to review and enhance resources in other parts of the Development Management function including Pre-app service, appeals service and

Enforcement.

Conclusion

19. The 'Notified D' system was introduced in an analogue world which is no longer fit for purpose. It is resource intensive and has no additional benefits to Members who are able to discuss and call applications from the weekly list. Removing the 'Notified D' system and enhancing the "signposting" for local ward Members on the weekly list will enhance Councillors' awareness of applications in their area to encourage discussions with officers and if necessary, call to the Planning Committee. This will allow the resources savings to be used in improving performance.
20. In accordance with Article 15 - Review and Revision of the Constitution, 15.3 Changes to the Constitution, as this matter is in connection with officer delegations that flow from the Planning Committee, this matter does not require full Council approval.

Implications

Financial Implications

No additional financial implications identified

Legal Implications

Amend the delegation scheme in the Constitution

Environmental Implications

None

Human Resources Implications

None

Risk Implications

Failure to revise the Constitution to simplify the planning delegation system will mean a continuation of a not fit for purpose and resource intensive system adding continuing pressure on an already over stretched planning department.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

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Appendices:	N/A

Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A