

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 28th January 2020

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING SERVICE IMPROVEMENTS

Contact Officer: Tim Horsman, Assistant Director (Planning)
Tel: 020 8313 4956 E-mail: Tim.Horsman@bromley.gov.uk

Chief Officer: Director of Housing, Planning and Regeneration

Ward: (All Wards)

1. Reason for report

This report sets out the current position in respect of continuous service improvements to the Planning Service.

2. **RECOMMENDATION(S)**

1. Members are asked to approve the new committee report template used in this agenda for planning applications to be used for all DCC and PSC reports

2. Members are asked to agree the draft Local Planning Protocol for referral on to General Purposes and Licensing Committee, Executive and Full Council for adoption as part of the Council's Constitution

3. Members are asked to ensure that full planning reasons are given when call in is requested for planning applications

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Regeneration:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Planning Department
 4. Total current budget for this head: £1.615m
 5. Source of funding: Existing revenue budget 2019/20
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Personnel

1. Number of staff (current and additional): 52.19ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The previously considered recommendations for service improvements are set out below with the latest update information

Recommendation	Proposed Action	Update / Timescale
1. New Local Planning Protocol for Members	Planning Officers to liaise with Legal and Democratic Services to produce draft	See para 3.2 below – draft Protocol attached for consideration
2. Reduce number of Members on DCC	Not agreed there are necessarily any strong benefits to this	No action at present
3. Criteria for applications to be considered at DCC	Planning Officers to draft criteria	Criteria agreed at DCC in October 2019
4. Scheme of delegation to be broadened	Planning Officers to provide draft changes	Changes agreed at DCC in October 2019
5. 'Call ins' to be in writing with clear planning reasons	Councillors to note - to take immediate effect – reasons to be planning or strong public interest reasons	Ongoing – some requests still being received without reasons – Members are reminded of the agreed approach
6. 'Call in' monitoring to be reported to DCC	Planning Officers to report every six months to DCC with first report to September DCC for the previous year	First report came to DCC in October 2019 – next report to March DCC
7. Format of committee agenda to be reviewed including 'Lists'	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Planning application reports on this agenda in new format for final approval
8. Officer role at committee to be reviewed including presentations	Trial presentation of major cases at DCC by Officers	Expected to be trialled at DCC. Also see recommendation below
9. Quality of committee reports to be improved	Planning Officers to liaise with Legal and Democratic Services to review and produce draft revised report template	Planning application reports on this agenda in new format for final approval
10. Review of appeal decisions and costs to be reported to DCC	Planning Officers to provide six monthly report to DCC	Reported on this agenda
11. Less emphasis on 'local view' at committee	Councillors to note – both local and strategic views to be considered to ensure balanced decision is reached	Ongoing
12. Substitutions at committee should not be related to Ward interest	This could impact on the ability to provide substitutes and may not be necessary as long as other recommendations are followed in respect of Member training and approach	No action at present
13. Where motion goes against Officer recommendation, clear	Councillors to note and action	Ongoing

reasons for refusal or conditions to be agreed before vote is taken		
14. Deferral of items where there is a risk of losing appeal and / or costs	This is potentially too onerous and would create unnecessary delay and additional committee time. This could be dealt with by a combination of better discussions with Ward Councillors during the planning application process and legal and planning officer advice at and before the meeting where appropriate.	Ongoing
15. Review of site visit procedures for committee members	This is already a feature with some cases and also that it can be difficult for Members to attend visits although visits can be arranged wherever possible. The inclusion of more information in the report and presentations at DCC will assist visualisation of impact where Members are unable to attend site visits.	Ongoing
16. Consideration of use of different room for committee meetings	This would cause practical difficulties in room booking (which takes place months in advance) as some meetings may require a larger space and this may not be known until close to the meeting. As an alternative, improvements to Council Chamber can be considered along with improvements to information available to attendees. Planning and Legal and Democratic Services Officers to action.	Ongoing
17. More pro-active approach to major pre-application discussions including early Member involvement such as presentations to committee and improved communication between Officers and Members	Planning Officers to action	Ongoing
18. Committee should include at least one Executive Member	Not agreed there are necessarily any strong benefits to this – strategic considerations can be represented by other committee Members and in the committee report	No action at present
19. Effective compulsory training should be provided	In person and online training (at least quarterly) to be offered by	In progress

for all committee members including substitutes and a list of trained Members retained	Planning, Legal and Democratic Services Officers but does not need to be compulsory (although strongly encouraged for committee members). List of trained Members not required as Members will be aware of available training and any gaps in their knowledge, as well as benefitting from a new Local Planning Protocol.	
20. Regular reports on performance of planning and appeals team	Previously agreed for quarterly reports to DCC, however now meetings are every 2 months, to be reported to each meeting	Report on this agenda

Recommendation #1 – New Local Planning Protocol

- 3.2 The Planning Advisory Service report put considerable weight on the importance of a Local Planning Protocol for Bromley to help improve knowledge and decision making. This protocol would allow members and officers have a clear reference for procedures and approaches which are specific to Bromley as well as incorporating guidance from the PAS publication ‘Probity in Planning’ which strongly encourages the adoption of a local code.
- 3.3 A Draft Local Protocol is appended to this report for consideration. It is intended that once approved by Development Control Committee, the Protocol will then be considered by General Purposes and Licensing Committee, Executive and the Full Council, to ultimately be adopted as part of the Council’s Constitution.
- 3.4 The PAS publication ‘Probity in Planning’, which is the key advice document for Local Planning Authorities for both Councillors and Officers, was updated and republished in December 2019 and is also appended to this report.
- 3.5 The advice in ‘Probity in Planning’ has been updated throughout and it is recommended that any Member or Officer involved in the planning process should read the entire document. To highlight particular changes, the 2019 version includes the following updated sections:
- Page 7 – expanded section on Councillor and Officer conduct following the publication of the Local Government Ethical Standards Report in 2019 (www.legislation.gov.uk/ukpga/1989/42/contents) and increased emphasis on Councils adopting their own code of conduct.
- Pages 8 – expanded text on interests
- Page 14 – a new section on gifts and hospitality
- Page 17 – expanded section on Officer reports
- Page 19 – expanded section on decisions which differ from the recommendation
- Attention is also drawn to the section on Councillor site visits on Page 21

Recommendation #5 - 'Call ins' to be in writing with clear planning reasons

- 3.6 Some 'call in' requests are still being submitted without clear planning reasons and Members are reminded of the agreed approach as set out above.

Recommendation #7 & 9 – Improvements to Committee Reports

- 3.7 The planning application reports on this agenda are in the new format for Members to approve the format for all future planning application reports to Development Control and Plans Sub Committee.

4. FINANCIAL IMPLICATIONS

- 4.1 Initial recommendations are likely to be absorbed within existing workload and there should be no substantial additional cost at this stage, however additional staff and / or financial resources may be required for training, evening meetings and other commitments involving greater staff input or external support. This will need to be assessed.
- 4.2 Better decision making may result in a reduction of costs awarded against the Council at appeal and some changes may reduce the cost of processing applications, for example those determined under delegated powers as opposed to committee decisions.
- 4.3 As a result, if these recommendations are approved and implemented, the impact on workloads and costs be need to be monitored, with a view to manage these changes within existing resources.

5. LEGAL IMPLICATIONS

- 5.1 Suggested measures should reduce the likelihood of successful legal challenge against planning decisions

6. PERSONNEL IMPLICATIONS

- 6.1 See financial implications above

Non-Applicable Sections:	Policy Implications Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	Planning Advisory Service Report May 2019 Probity in Planning (PAS) December 2019 Bromley Council Constitution