

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE**

Date: **Tuesday 5 March 2024**

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

Title: **PLANNING RELATED CHANGES TO LOCAL PLANNING
PROTOCOL AND SCHEME OF DELEGATION**

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

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: All Wards

1. Reason for decision/report and options

- 1.1 This report sets out changes proposed as part of a new annual review of the Local Planning Protocol and the Scheme of Delegation to Officers insofar as it relates to the Development Control Committee.
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2. **RECOMMENDATION(S)**

- 2.1 **The Committee is asked to approve the proposals set out in 3.1 to 3.8 of this report and the related changes in the appended Local Planning Protocol and Scheme of Delegation. These changes will need to then be agreed at Full Council.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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Transformation Policy

1. Policy Status: Not Applicable:
 2. Making Bromley Even Better Priority (*delete as appropriate*):
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
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Financial

1. Cost of proposal:: Unknown at this point
 2. Ongoing costs: Recurring Cost: Additional committee reports and committee time
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £
 5. Source of funding: Existing budget
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Personnel

1. Number of staff (*current and additional*): 90
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance: Planning enforcement is not a statutory activity
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications: None
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Property

1. Summary of Property Implications: None
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: None
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Impact on the Local Economy

1. Summary of Local Economy Implications: None
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: None
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Customer Impact

1. Estimated number of users or customers (*current and projected*): Unknown at this point
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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 A number of changes to the Local Planning Protocol and Scheme of Delegation to Officers are proposed to achieve the objectives set out below. The proposed changes to the documents are appended to this report.

3.2 (i) Enabling Members to have the ability to 'call-in' planning enforcement cases to Plans Sub-Committees.

It is proposed that when officers have identified a breach of planning control and are at the point of wanting to either issue an enforcement or breach of condition notice or close the file and take no further action because it isn't expedient then the ward councillors are informed of the case and proposed course of action by email and given 5 working days to call in the matter for a decision at Plans Sub Committee if they wish.

This would be using the existing online call-in form for planning applications so that there is no ambiguity, and a reference number along with planning reasons for the call-in would be required to be provided. If no call-in form is received after 5 working days, officers can proceed as they originally proposed. Because no breach may be identified and because the relevant facts would be needed for Councillors to make the call-in decision, call-in cannot take place until the formal notification email to Ward Councillors is sent as set out above.

A one-year trial of this process is recommended so that the resource and other implications including decision outcomes can be assessed.

3.3 (ii) Decisions against officer recommendation – strengthening the guidance.

The guidance in the Local Planning Protocol has been strengthened – see the appended draft updated version.

3.4 (iii) Clarifying the guidance around site visits.

The guidance in the Local Planning Protocol has been strengthened – see the appended draft updated version.

3.5 (iv) Clarifying the rules around visiting ward Members at meetings – setting a maximum speech limit of three minutes, to be consistent with the arrangements for members of the public.

This has been added to the Local Planning Protocol – see the appended draft updated version.

3.6 (v) Allowing ward Members who are unable to attend a meeting to request that any member of the committee reads out a statement on their behalf.

This has been added to the Local Planning Protocol– see the appended draft updated version.

3.7 (vi) Adding a statement that draft minutes should be produced as quickly as practicable – ideally within five working days.

This has been added to the Local Planning Protocol – see the appended draft updated version.

3.8 (vii) It has been suggested that the Protocol should be reviewed annually by Development Control Committee, towards the end of the Council year, so that any updates can be put in place before the start of the next Council year.

4 FINANCIAL IMPLICATIONS

- 4.1 Call-in for enforcement cases will result in additional cost as a result of preparation of formal reports and committee time. The scale of this is currently unknown. Decisions contrary to officer recommendation may result in lost appeals and costs awarded against the Council at appeal.

5 PERSONNEL IMPLICATIONS

- 5.1 Call-in of enforcement cases may result in additional staffing pressures within the existing team in respect of administering the process, formal report writing and attendance at committee meetings. Additional training for committee members would also be required to ensure properly informed decision making on enforcement matters.

6 LEGAL IMPLICATIONS

- 6.1 Call-in for enforcement cases may delay the legal process and there could be a higher risk of judicial review, lost appeals and awards of costs against cases considered at committee.

7. WARD COUNCILLOR VIEWS

- 7.1 The suggested changes in this report have been proposed by Councillors.

Non-Applicable Headings:	Transformation Policy/Procurement/Property/Carbon Reduction and Social Value Implications; Impact on Vulnerable Adults and Children/the Local Economy/Health and Wellbeing; Customer Impact
Background Documents: (Access via Contact Officer)	Local Planning Protocol Scheme of Delegation to Officers PAS Review for LBB 2019 & 2021