

ITEM 10(A)

Council meeting on 10 December 2013

S13

PROTOCOL FOR CALL-IN OF PLANNING APPLICATIONS

The Assistant Chief Executive – Legal presented a report on a proposed protocol for the call-in of planning applications. A review of this procedure had been requested by members following a complaint on this issue that had recently come before the committee.

The council had a written procedure for member call- in that had been circulated to all councillors at the start of the year, but during the recent investigation it had become clear that members were not fully familiar with its content. A formal protocol would raise the profile of this procedure as any deviation would amount to a breach of the code of conduct.

The Assistant Chief Executive - Legal explained that the majority of the decisions on planning applications were taken by officers under delegated powers. Officers could refuse those applications that did not accord with the council's policies and approve applications within policy except in cases that were not covered by delegated powers when they would be considered by the Planning Committee. Any member could call-in an application which would also be dealt with by the Planning Committee

In the preparation of the report the Assistant Chief Executive - Legal had researched the practises of other councils and this had revealed a variety of approaches. Mr Lelliott asked whether the council's current procedures were along the right lines or whether now would be a good opportunity for a more fundamental review. He was advised that the council's approach was generally acceptable but needed to be formalised and provide clarity in certain areas.

The draft protocol was circulated, based on the current guidance and the following points were highlighted.

- The call-in should be in writing and received within 5 weeks of the validation date.
- If a member was intending to call-in an application that was not within their ward they should inform the ward member concerned of their intention to do so.
- A valid planning reason should be provided.
- There was an additional paragraph that gave the authority for the Assistant Director of Planning and Building Control to refuse a request for a call-in if he was not satisfied that the reason given was a planning reasons.

The Assistant Director Planning and Building Control said that the call-in system provided a good balance and on the whole the current procedure

worked well. Planning officers were happy to discuss any planning application with members and give advice on the planning issues. He did not expect to reject many requests for call-in; this provision had been included as a fail-safe. Councillor Menell asked if there should be an avenue to appeal against the Assistant Director's decision but members did not consider this to be necessary.

In response to a member question, the Assistant Director said there were about two or three 'call-ins' per committee, which was a small number in relation to the number of cases although it did create an additional workload. Most of the cases were prompted by town and parish councils or comments from local people and tended to be smaller and locally controversial applications. He had investigated recent cases and found that members of the planning committee were more likely to call-in an application, probably because they were more confident in their knowledge of planning policies.

Mrs Butcher –Doulton said there appeared to have been a loophole in the system that had led to the recent case before the Standards Committee. Investigating the issue had cost the council time and money and she wanted to ensure that all members were aware of how they should act in future. She asked for clarification on the type of planning reasons to be used and whether they were stringent and clear. The Assistant Director replied that it would not be possible to set out specific planning reasons as each application was concerned with different issues.

It was noted that the majority of councillors tended to speak to a planning officer if they were thinking of calling in an application, although this was not always the case. Councillor Lemon said it was very helpful for members to do this and asked whether this practise could be formalised within the protocol. He was advised that this would not be workable because any member who chose not to consult with an officer would be deemed to have breached the code. As an alternative it was suggested that the following paragraph could be added to the introduction as an advisory note.

'1.4 It is recommended that members considering calling in an application should seek advice of planning officers before doing so'

The committee agreed the draft protocol and suggested that the operation of the new procedures should be reviewed in 12 months' time.

RECOMMENDED to Full Council the adoption of a protocol to deal with the call –in of planning application with the addition of the additional paragraph 1.4 above.