

## Development Committee Report

25<sup>th</sup> July 2024

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### Planning Service Improvement Plan Update

1. This report has been written to provide Councillors with an update on progress on the delivery of the Council's Planning Service Improvement Plan (PSIP) and to seek the Committee input on a number of items within the Plan.
2. The Plan was agreed by Overview & Scrutiny in February 2023.
3. It is intended to provide a final report on the Plan – effectively a 'closure report' to Overview and Scrutiny Committee prior to the end of October 2024. Prior to that – and at the August and September 2024 Development Committee meeting, it is anticipated that matters will be tabled for Councillor discussion that cover:
  - (i) A new suite of Key Performance Indicators for Planning;
  - (ii) A new 'Pre-Application' Advice Service;
  - (iii) A new draft Local Validation List;
  - (iv) A new 'standard' set of conditions that would be used by our Officers when issuing decisions on planning applications; and,
  - (v) An update section of the Constitution that sets in place clear / better delegations to Development Committee and the Director for Place and Climate Change.
4. This report focuses on two suggested new initiatives:
  - (i) Planning Training proposals for Councillors; and,
  - (ii) A new system to manage consistently the 'Call-In' process for items ending up on the Committee Agenda.
5. The above two items will be addressed in turn within the next two sections.
  - (i) **Planning Training proposals for Councillors**
6. Following discussions with the Portfolio Holder and Committee Chair, a new programme of training for Councillors is suggested – building on the induction training that is currently undertaken and the recent briefing session on Nutrient Neutrality.
7. It is suggested that four training sessions a year are organised.

8. Of those it is suggested that:
  - (i) Two should be in person – utilising the ‘reserve Committee dates’ that are in the Council timetable – and with those two having a bit more of a focus at ‘Committee Councillors’; and,
  - (ii) Two will be virtual during lunchtimes and covering topics that are likely to be of interest to all Councillors.
9. Separate training sessions will be organised for any Councillor that joins the Committee (or becomes a Substitute) in relation to their role as a member of the Committee.
10. The topics for each session will be determined by the Assistant Director – Planning following consultation with the Portfolio Holder for Planning. In deciding the topics he will also consider any suggestions made by other Councillors.
11. The endorsement of Committee on this proposal is sought. If it is agreed – in principle - then Democratic Services will confirm dates for September, December and March in the coming weeks.
- (ii) **A new system to manage consistently the ‘Call-In’ process for items ending up on the Committee Agenda.**
12. The Council’s Constitution sets the parameters on what applications can end up on the Development Committee and this is then supplemented for Officers by the scheme of authorisation that the Director for Place and Climate Change has put in place – which effectively gives him and the Assistant Director – Planning the ability to decide that any application needs to be considered by Committee.
13. It is recognised that there is some inconsistencies and arguably a lack of transparency as to why some matters end up at Committee.
14. Therefore, it is recommended that a new form is introduced which puts the onus on the person wanting to ‘call’ the matter ‘in’ to Committee to set out a publishable rationale for that – and then giving the Director for Place and Climate Change the final decision on whether the ‘call in’ request should result in the matter being reported to Committee.
15. The proposed form is included as Appendix 1 – and is intended for use by Councillors and Officers. The four underlined ‘questions’ on the form would then be included within any Committee report that follows.
16. Committees’ views on the form are sought – and it is recommended that the use of the form is commenced for all ‘call in’ requests that are made on or after 1<sup>st</sup> September 2024.
17. Whatever system is adopted – it should be reviewed after approximately 6 months of operation - and refined if it felt improvements can be made.

## **Conclusions**

18. The proposals within this report should help improve the Planning Service.
19. Work is underway on the other elements that should be reported to Councillors' during the next two Committee meetings (as set out in paragraph 3). If Councillors would like to contribute to any of those areas prior to the Committee meeting then they should approach the Assistant Director – Planning.

## **Recommendations**

18. It is recommended that:
  - 18.1 Committee endorse the new Training structure proposed within Paragraphs 7 to 10 above..
  - 18.2 Committees views on the new Call In procedure outlined at Paragraph 14 and 15 and Appendix 1 are sought and agreement reached as to the contents of a form (e.g. Appendix 1) that must be used for all 'call in' requests – be they by Councillors or Officers - that are made on or after 1<sup>st</sup> September 2024.

**North Norfolk District Council****Development Committee: Call-In Form**

This form can be completed by either:

- the ward councillor for the site in question – or – if suitable justification provided (e.g. of their interest to the application) then a councillor from an adjacent ward;
- the Council's Director for Place and Climate Change;
- the Council's Assistant Director – Planning; or,
- The Council's Monitoring Officer

The boxes marked (\*) must be completed by the Person completing the form. The other boxes will be completed by a Council Officer prior to the form being made public.

All completed forms will be added to the publicly accessible application file and where items go to Committee the information from the four underlined questions will be included in a '*Reasons for the Item being on the Committee Agenda*' section of the relevant Committee report.

Application Reference (*):		Date Application Validated:	
Application Address (*):			
Application Description (*):			
Date public consultation period finishes:		Initial Determination Target Date:	
<u>Planning / Constitutional Grounds For Call In (*)</u> :			
<u>Form Completed By (*)</u>		<u>Form Submission Date (*)</u> :	
<u>Role of Person Completing Form (*)</u> :			
Next Available Committee:		Number of Forms Submitted by Individual in Municipal Year:	

Ultimately it will be down to the Director of Place and Climate Change to determine whether the application will be on the Agenda or not – i.e. are the 'Grounds' sufficient – and if the proposer is a councillor from a different ward than the application site – whether the explanation in the 'role' box is sufficient. If the Director rejects a proposal his reason will be made public. There will then be a right of Appeal by a Councillor to the Monitoring Officer – and her decision – if an Appeal is made - will be final.

Table below to be completed by Director for Place and Climate Change

Committee: Yes / No		Decision Date:	
Decision Maker			
Explanation: If 'No'			

## Explanatory Notes to Assist Form Completion:

This form must be completed for all applications prior to the item being placed on the Committee Agenda. There will be no exceptions.

The person seeking to call the item in should complete the following 7 boxes of the template:

- (i) Application Reference;
- (ii) Application Address; and,
- (iii) Application Description;
- (iv) Form Completed By;
- (v) Form Submission Date;
- (vi) Role of Person Completing Form; and
- (vii) Planning / Constitutional Grounds For Call In'.

The information for the first three ((i), (ii), and (iii)) will be available via: the yellow site notice, the Council's web-site and / or the weekly list sent to all councillors.

Clearly, it will be obvious what to complete for (iv) and (v).

Un relation to the 'Role of Person Completing Form' box in the template it should be completed with either 'Ward Councillor', 'Adjacent Ward Councillor' or their 'Job Title' – if an Officer.

If the person is an Adjacent Ward Councillor they should also briefly summarise in the box why they believe they should be entitled to call the item in – e.g. '*it is a very large application, just outside the boundary of my ward – and one that will have a significant bearing on my ward*' or '*the ward Councillor has a conflict of interest in the application – and has suggested their constituents approach me about the application*' or '*the Ward Councillor is not available due to INSERT and therefore I am taking this view in their absence*'. An answer along the lines of '*I happen to know the applicant / objector and they asked me to consider calling the application in*' would not be considered an appropriate justification.

In the 'Planning / Constitutional Grounds For Call In' box of the template, if the reason is a simple 'Constitutional' reason (e.g. the applicant is a councillor) then the relevant part of the Constitution should be specified but if it is a personal judgement of a councillor or officer then an appropriate explanation should be provided.

This could be along the lines of one or more of the following statements:

- *"This is a very large application and is therefore considered to be of such a scale that the Committee should determine the application";*
- *"The application is in a particularly sensitive location (with an explanation given as to the sensitivity) and allowing / refusing it could have significant impacts on a wide area or set a precedent that might well apply to other applications";*
- *"The level of public interest is so significant that I believe the application should be put before Committee. So far people from X different local addresses have commented and the Town / Parish Council also object / support the proposal"; or,*
- *"I have considered the planning merits of the case carefully and I do not agree with the Case Officer's conclusions. In particular I believe considerations associated with [specific planning factors to be set out] should be given more / less weight. I intend therefore to speak at Committee in favour of approval / refusal."*

Please Note: If a Councillor complete the form – and in so doing – gives a clear indication of their view e.g. “I am opposed to this application because .....” then they will be deemed to have taken a pre-determined position and should not therefore be part of the Committee when it considers the application.

The following are unlikely to be deemed sufficient reasons for the matter to end up as a Committee item:

- *“The Town / Parish Council and / or neighbour has asked me to call the matter in”;*
- *“I think it should be approved / refused”;*
- *“There is lots of public interest”;* and,
- *“The applicant has a track record (of some type).”*

Officers will complete all the other boxes. Note: the ‘Next Available Committee’ box in the template will normally be completed with the next published main Committee date – i.e. that is after the date the form is completed. That is the date that will normally be used unless the papers for that meeting have already been published – in which case the entry will probably be the meeting after that. That does not mean that that will automatically be the meeting the item would be reported to – but it does mean that the decision wouldn’t be made before then.

All forms should be sent to [planning.department@north-norfolk.gov.uk](mailto:planning.department@north-norfolk.gov.uk) – when completed – with the subject being “Call-In of Application to Committee”.