



REPORT OF:	DAVID PROCTOR, HEAD OF REGENERATION (PLANNING & TRANSPORT) & COUNCILLOR DAVE SMITH (CHAIR OF PLANNING & HIGHWAYS COMMITTEE)
TO:	COUNCIL FORUM
ON:	23rd APRIL 2015

SUBJECT: Revised Elected Ward Councillor Member Referral Scheme for planning applications

1. PURPOSE OF THE REPORT

To inform the Council of the proposal to revise the current Member Referral Scheme.

2. RECOMMENDATIONS

To approve the revised referral scheme as set out in the "Proposal" section of the attached report presented to the 19th March Planning & Highways Committee.

4. BACKGROUND & RATIONALE

Please refer to the attached report presented to the 19th March Planning & Highways Committee.

5. POLICY IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

None

8. RESOURCE IMPLICATIONS

None

9. EQUALITY IMPLICATIONS

None

10. CONSULTATIONS

The Cross Party Working Members Group at their meeting on the 17th February 2015, and the Planning & Highways Committee at their meeting on the 19th March 2015.

Chief Officer/Member

Contact Officer: David Proctor, Head of Regeneration (Planning & Transport) & Councillor Dave Smith, Chair of Planning & Highways Committee

Date: 20th March 2015

Background Papers: Report to Planning & Highways Committee 19th March 2015; "Revised Elected Ward Councillor Member Referral Scheme for planning applications"

Background documents are any files, guidance or other materials that have been relied upon in producing the paper. Any background documents listed must be available for public inspection upon request.

Form Reference Standard Committee Report Template May 2012 1.0

DEPARTMENT OF REGENERATION

ORIGINATING SECTION: PLANNING (IMPLEMENTATION & STRATEGY)

REPORT TO: Planning & Highways Committee

DATE: 19th March 2015

TITLE: Revised Elected Ward Councillor Member Referral Scheme for planning applications

WARDS: All **COUNCILLORS:** All

1.0 PURPOSE OF REPORT

1.1 To inform the Committee of the proposal to revise the current Member Referral Scheme.

2.0 BACKGROUND

2.1 The Member Referral Scheme was originally introduced in July 2009, as a way to provide a mechanism to allow a Member (Councillor) of the Council to request that a delegated planning application is referred to the next available Committee meeting for determination. The Scheme was revised in March 2011, to only allow all Elected Councillors from the same ward or a majority of the total of Elected Councillors from the same ward to sign a referral form.

2.2 Such requests for referral are made on the Member Referral Form (MR2), which is available on the intranet to download. The form sets out the criteria under which the referral is being made and the reasons for the referral. The referral must be submitted within the 21 day consultation period where the elected councillor receives an email consultation once a planning application has been registered in their ward.

2.3 Presently, each request to refer an application is presented to a Panel consisting of the Chair of the Planning & Highways Committee, the Vice-Chair, and the Opposition Committee Spokeperson for Planning at the first opportunity following the referral. The Panel will consider the points in consultation with the Planning Manager or his representative. A decision will then be made on whether to accept the referral or reject it. The reasons for the decision are then sent to the relevant Ward Councillors. If accepted, the planning application will go before the next available Committee meeting. If rejected by the Chair, this will be followed by the application being determined under delegated powers. Once an application has been determined under delegated powers no further referral can be considered unless changes to the application have been made.

- 2.4 All applications that have been subject to a member referral have been monitored since July 2009. So far, for the Municipal Year 2014-15, 13 planning applications have been referred. A table is attached to this report which summarises the details of these planning applications.
- 2.5 Concerns have been raised by officers that the current scheme is not being operated fairly. Applicants/agents once made aware that their planning application is being refused permission under delegated powers by the case officer, decide to withdraw the planning application. The same planning application is then resubmitted with a Member Referral Request form, so that the application is determined by the Committee rather than progressing through the appeal stage and being determined by the Planning Inspectorate. As such, officers through discussions with the Chair and Vice-Chair considered a review of this process was required. In addition, it was also considered that the current scheme required tidying up and revising to provide clarity, particularly where planning applications expand across more than one ward.

3.0 PROPOSAL

- 3.1 The proposed revised scheme was presented to the Cross Party Members Planning Working Group on the 17th February 2015. The Councillors representing the parties on the group resolved to recommend the following changes to the Member Referral Scheme.

In relation to a planning application whose boundary lies entirely within a single electoral ward (one affected ward):-

- (i) In the case of an affected ward where there are three ward members, the request must be signed by two or more ward members for that ward;
- (ii) In the case of an affected ward with either one or two ward members, the request must be signed by at least one ward member for that ward.

In relation to a planning application whose boundary extends into more than one electoral ward (more than one affected ward):-

- (i) Members from any one affected ward can request to refer a planning application falling into this category in line with the following:
 - In the case of affected wards where there are three ward members the request must be signed by two or more ward members representing the affected ward;
 - In the case of affected wards with either one or two ward members the request must be signed by at least one ward members representing the affected ward.

In all cases:-

The planning application must not be identical to or substantially the same as one which was registered within the past 12 months, and which was previously refused permission under delegated powers or withdrawn by the applicant/agent. Any Members who wishes an application falling into this category to be considered by the Planning & Highways Committee must make such a request to the Chair of the Committee, who has discretion in this matter, and will consider this request on its merits, outside the terms of the Member Referral Scheme.

The request to refer the planning application must always be made in writing by using the Ward Member Request to Refer Form. This sets out the criteria under which the request to refer is being made and the reasons for the request. Advice and clarification can be sought from the case officer to assist the completion of the form. The form should then be submitted to the Planning Manager before the end of the 21 day consultation period. Failure to submit the form within this time period will mean the request cannot be considered. The application will then be determined under delegated powers.

With regards to an application that is resubmitted within 12 months of being registered, and which was either previously refused permission or withdrawn, if changes are made to the proposed development, then a new referral request can be considered.

4.0 RECOMMENDATION

- 4.1 The Committee are asked to support the proposed amendments to the referral scheme as agreed at the Cross Party Member Group.
- 4.2 Recommend to Full Council to approve the revised referral scheme.

CONTACT OFFICER: Gavin Prescott, Planning Manager, ext 5694
DATE PREPARED: 2nd March 2015