

29 January 2014

Special Overview and Scrutiny Committee

You are invited to attend a special meeting of the Overview and Scrutiny Committee to be held in the Council Chamber, Town Hall, Chorley on **Wednesday, 5th February 2014 commencing at 5.00 pm.**

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Public Questions**

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

4. **Request to Call in an Executive Member Decision**

a) **Call in Request submitted by Councillor Paul Leadbetter** (Pages 3 - 6)

The attached call in request was received on Friday 24 January 2014. The call in procedure is set out in the final page of the call in request form. The call in request relates to the report contained in item 4b below.

- b) Notification of Decisions on Planning Applications - Cessation of Notification Letters to Contributors (those who comment on applications) (Pages 7 - 10)

The attached report of the Director of Partnerships, Planning and Policy, signed by the Executive Member for LDF and Planning was published on 16 January 2014.

5. **Any other item(s) the Chair decides is/are urgent**

Yours sincerely



Gary Hall
Chief Executive

Carol Russell
Democratic Services Manager
E-mail: carol.russell@chorley.gov.uk
Tel: (01257) 515196
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Distribution

1. Agenda and reports to all Members of the Overview and Scrutiny Committee, Councillors Steve Holgate (Chair), Mark Perks (Vice-Chair) and Julia Berry, Doreen Dickinson, Graham Dunn, Robert Finnamore, Hasina Khan, Keith Iddon, Roy Lees, Marion Lowe, Mick Muncaster, Geoffrey Russell, Rosie Russell and Kim Snape for attendance.
2. Agenda and reports to Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Jamie Carson (Director of People and Places), Carol Russell (Democratic Services Manager) and Dianne Scambler (Democratic and Member Services Officer) for attendance.
3. Councillors Dennis Edgerley and Paul Leadbetter for attendance.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT OVERVIEW AND SCRUTINY MEETINGS

- Questions must be submitted to the Democratic Services Section by no later than midday, two working days before the day of the meeting to allow time to prepare appropriate responses and investigate issues if necessary.
- A maximum period of 3 minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each meeting of the Overview and Scrutiny Committee. This will provide an opportunity for members of the public to raise and ask questions on any issue falling within the remit of the Committee.

Executive Decision 'Call-in' Request

REQUEST FOR CALL-IN OF EXECUTIVE DECISION

I wish to register a request for the following Executive decision to be called in for reconsideration prior to implementation. My objection to the decision and alternative decision/proposal are set out below.

Decision taken by: Executive Member (LDF and Planning) Date published: 16 January 2014

Decision Title: Notification of Decisions on Planning Applications – Cessation of Notification Letters to Contributors (those who comment on applications)

I am (please tick appropriate box)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Chorley Councillor | <input type="checkbox"/> the Chair or Secretary of a voluntary group with an interest in the Borough | <input type="checkbox"/> a proprietor or director of a local business situated in the Borough |
| <input type="checkbox"/> a resident of the Borough | | |

The Objection and Alternative Decision/Proposal

Continue on a separate sheet if necessary (500 words maximum)

The Objection is:

Removing the current practice of advising people of the outcome of a planning application, on which they have commented, will reduce the effectiveness of communication between the council and its stakeholders. By removing this service the council is doing less, not more, towards meeting the needs of local residents.

The alternative decision/proposal is:

To continue to reply to those who comment on planning applications advising them of the outcome, in the same manner that the original comment was made. If people write in then they receive a written response, if the comment is through e-channels, or an e-mail address is provided in their correspondence, then they receive a response through e-channels.

The case for the alternative is:

At a time when the council is measuring an increase in dissatisfaction in the way it deals with the public any reduction in communication, with those who contact the council, will increase the level of dissatisfaction. It is only proper and good practice to reply to those who have taken their time to contribute, advising them of the outcome.

The requirement for written notifications will, as stated in the decision notification, reduce over time as contributors increase their use of e-channels, resulting in a natural reduction in costs. Based on the figures provided in the decision notification, in 2010/11 82% were posted, 2011/12 71% and 2012/13

52%, if this rate of reduction is projected forwards then by 2016 the number of postal comments and the associated costs, will become minimal. The figure provided in the decision notification, as an estimate for postal comments for 2013/14, represents an increase of written comments (to 59%) rather than a reduction, as is the recent trend, suggesting the figures used to form the decision and cost savings are flawed.

If it is accepted that the estimated figure for postal contributions in 2013/14, in the decision notification, is correct then, by implementing this decision, the majority (59%) of contributors will not be informed of the decision, hence this is deviating from the strategic objective of being "An ambitious council that does more to meet the needs of residents and the local area" as it is purposely omitting to inform the majority of contributors.

Name: PAUL LEADBETTER	Signature: 	Date: 22 January 2014
Address: Rose Cottage, Mill Lane, Charnock Richard, Chorley, Lancashire, PR7 5LQ	Daytime Tel No: Mobile Mobile No: 07926 089450 E-Mail: paul.leadbetter@chorley.gov.uk	

Please complete and return this form to the Democratic Services Manager, Town Hall, Chorley, PR7 1DP. Should you have any queries about completing the form please telephone 01257 515196.

Call-in Request: Accepted Rejected

Reason for Rejection: _____

Signed: _____
 (Chair of Overview and Scrutiny Committee)

Date: _____

Guidance Notes

1. Requests can be made by members of the local community and Borough Councillors under the Council's 'call-in' procedure for executive decisions that have not been implemented to be reconsidered by the person or body who made them. The Council's Overview and Scrutiny Guidance and Constitution provide more information on what constitutes an executive decision. Both are available on the Council's Website www.chorley.gov.uk. Alternatively further guidance can be sought from the contact officer above.

Decisions which relate to individual applications for licences or planning permission cannot be called in as they are not executive decisions.

2. Call-in requests must be made in writing and received by the Democratic Services Manager at the Town Hall, Market St, Chorley within 10 working days of the relevant decision being published. All requests must state the decision reference number, title, and the reasons for the objection to the decision and present an alternative decision or proposal for consideration.
3. All requests for call-in are considered initially by the Chair of the Overview and Scrutiny Committee (OSC) who will reject any considered to be frivolous, defamatory, incomplete or otherwise outside the scope of the call-in procedure or inappropriate for consideration. Call-in requests accepted by the OSC Chair will, where practicable (having regard to when the decision is likely to be implemented), be submitted to the next meeting of the OSC (provided they are received before the meeting agenda has closed). If it is not practicable for consideration of a call-in request to wait until the next OSC meeting, the Chair with the agreement of 3 other Members of the OSC may decide to call-in the decision.
4. Where a decision is referred back to the original decision-maker no steps shall then be taken to implement the decision until it has been reconsidered by the body or person who made it. If a decision is referred to Council, the Council will decide at its next meeting whether to review or scrutinise the decision and if so, when and how. But there is no obligation in that event to postpone any implementation of the decision. If the Council does decide to review or scrutinise the decision, the Council will only have power to express views or make recommendations to the body or person who made it, unless it was not in accordance with the Policy Framework or was contrary to or not wholly consistent with the Budget.
5. The OSC may itself decide within 2 months of a decision being made to review and scrutinise it and formulate views or recommendations for consideration by the Cabinet and or the body or person who made the decision. Those views or recommendations must then be considered within three months.
6. Where the OSC refers a decision back, the decision-maker is under an obligation to reconsider the original decision in the light of the representations made. There is no requirement however, to change the decision. Following such reconsideration, the decision, with or without modification, may be implemented and it cannot be call-in again.
7. Call-in requests will be acknowledged within 5 working days of receipt. Decisions regarding the request will be notified to the originator of the call-in request by the Democratic Services Manger within 5 working days of the decision being taken.

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Report of	Meeting	Date
Director of Partnerships, Planning and Policy (Introduced by the Executive Member for Planning and LDF)	Executive Member Decision	16 January 2014

NOTIFICATION OF DECISIONS ON PLANNING APPLICATIONS – CESSATION OF NOTIFICATION LETTERS TO CONTRIBUTORS (THOSE WHO COMMENT ON APPLICATIONS)

PURPOSE OF REPORT

- To approve the cessation of the notification of decisions made to those who comment on planning applications.

RECOMMENDATION(S)

- That the notification of decisions on planning applications to those who have made comments ceases immediately;
 - That officers be authorised to make the necessary changes to systems and procedures as outlined in this report, and manage the outstanding applications not yet determined or withdrawn by the operative date in accordance with this report.

EXECUTIVE SUMMARY OF REPORT

- Following a review of procedures within the service, it is considered that it is expedient to cease the notification procedure where those who comment on planning applications are advised of the outcome of the application. This will result in annual savings of about £1,200.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To assist in the promotion of e-channel services and thereby reduce costs and assist in ensuring a sustainable financial position for the Council.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5. An alternative option is not to cease the activity. However, benchmarking demonstrates that other Councils have taken the same approach with little impact on service delivery and reputation. The action will also support the migration of service delivery via e-channels.

CORPORATE PRIORITIES

- 6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	/

BACKGROUND

- 7. The Council determines approximately 1,100 planning applications per annum. Current practice is that anyone who makes a comment on an application (known as a contributor) is notified of the outcome i.e. whether the application is approved, refused, or withdrawn. This process is known as ‘Decision Notification’.
- 8. If the contributor has provided an email address, this is recorded into our systems and the decision notification is issued electronically, but if there is no email address, the decision notification is issued as a hard copy letter. This activity therefore requires staff to expend resources in the form of time and materials in generating and printing letters, stationery and postage.

REVIEW

9. Current Practice

- 10. At the neighbour notification stage, neighbours are sent a hard copy of a letter, which details how a planning application can be viewed, how to make comments and so on. This letter also promised that if comments are made they will not be directly acknowledged or responded to, but that if they do make comments, then the outcome of the application will be notified to them. If an application is determined or withdrawn, each contributor is notified of the outcome, either by email (if an email address is provided and recorded) or by hard copy letter via post.
- 11. A benchmarking exercise has revealed that other local planning authorities (e.g. Blackburn, Burnley, Blackpool, South Ribble, Wyre, Lancashire County Council) as well as an external provider (Urban Vision) have already ceased this activity, with others only issuing electronic decision notifications to those who provide email addresses (e.g. Pendle).
- 12. The table below shows Decision Notification data since April 2011, which demonstrates an increasing migration to e-channel, but an average of about 1350 units per annum are still processed as hard copy distributed by post – this is generally using the standard TNT contract at second class rates. A positive aspect is that the proportion of email notifications is generally increasing, currently averaging at about a third.

<i>Year</i>	<i>Total</i>	<i>Email</i>	<i>Email % age</i>	<i>Post Units</i>
2010/11	2139	389	18%	1750
2011/12	2027	588	29%	1439
2012/13	1620	774	48%	846
3 year total	5786	1751	30%	4035
3 year average	1929	584	30%	1345
2013/14 Estimate	2348	967	41%	1381
4 year total	8134	2718	33%	5416
4 year average	2034	679	33%	1355

13. Current Costs

14. The review found the following costs, based on 1,350 units per annum.

Cost Area	£	Total Cost
1 sided printed letter i.e. printing	£0.004	£5.40
Single sheet of A4 paper	£0.045	£60.75
Std letter size envelope	£0.0482	£65.07
Postage Second Class	£0.47	£634.50
Staffing (33.75 hours pa)	£13.03	£439.76
Total per annum		£1,205.48

15. Risks

16. The risks include an increase in complaint/enquiry handling and avoidable contact from customers who expect a notification of the decision, as well as reputational risk. However, current policy on neighbour notification does not allow for any response to be made by the Council in response to comments made, and therefore the approach could be considered as consistent. Moreover, other local planning authorities have made this change and their experience of the realisation of this risk is minimal.

17. The Planning Service will amend initial neighbour notification letters and web pages to highlight the new approach, and explain how interested parties can monitor the progress and outcome of the application process using e-channels and the front office. If the application is determined by the Development Control Committee, those who have commented on the application will be notified of that event, either by hard copy letter or by email. Customers will be directed to use the website/My Chorley function to register for updates on planning applications.

18. The service will need to manage the approach in notifying applications received before the operational date, but where the decision has not yet been made. Officers estimate at any one time there are approximately 200 applications 'on hand'. Officers will need to exercise their discretion in deciding whether to advise those who have commented that we will no longer inform them, or alternatively to continue to inform those who have commented in the current way. Such discretion will take account of the nature of the proposal and nature of comments made.

19. Conclusion

20. In the context of the Council's approach to increasing the range of services delivered via e-channels, to reduce costs, to respond to cuts in public sector funding, and ensure a more sustainable financial future, it is considered appropriate to cease this activity.

IMPLICATIONS OF REPORT

21. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	/	Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

22. The proposal is in keeping with the Council's direction of travel to promote e-channel services and thereby reduce costs, and to ensure a sustainable financial future.

COMMENTS OF THE MONITORING OFFICER

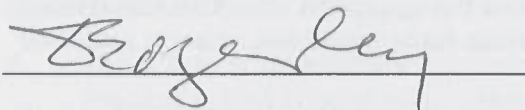
23. No further comments to add to this report.

LESLEY-ANN FENTON
 DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jennifer Moore Head of Planning Services	5571	10 January 2014	***

Following careful consideration and assessment of the contents of this report, I approve the recommendation(s) contained in Paragraph 2 of the report in accordance with my delegated power to make executive decisions.



Dated: 16 January 2014

Councillor Dennis Edgerley
Executive Member Planning & LDF