

**Democratic Services**

Guildhall, High Street, Bath BA1 5AW  
Telephone: (01225) 477000 *main switchboard*  
Direct Lines - Tel: 01225 394414  
Web-site - <http://www.bathnes.gov.uk>

28 July 2020

[Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

**To: All Members of the Planning Committee**

**Bath and North East Somerset Councillors:** Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Planning Committee: Wednesday, 29th July, 2020**

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

**MEMBER CALL-IN PERIOD**

Yours sincerely

Marie Todd  
for Chief Executive

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## Urgent Item for Planning Committee 29 July 2020

### Request for member call-in period to be extended to 2 days after the closure of the consultation period

#### The proposal for consideration

To extend the time for members to be able to call an application to be heard by Planning Committee from 5 weeks from the publication of the Weekly List (was 4 weeks up to 24 July), to 2 days after the closure of the public consultation/publicity period.

Note – This is a change to the Scheme of Delegation and as such can only be made by Full Council and the Planning Committee's views will inform the Council report.

#### Definitions and the law

- 'Consultation period' in this instance refers to the statutory publicity period as defined by section 15 of the DMPO which ends on the latest date of either site notice display, neighbour notification period and/or advert in the local newspaper.
- All application types received are published on the Weekly List and the website but some types like Certificates of Lawful Use or Prior Approvals for example, cannot be called in.
- National policy is to maximise delegated decision making. This reduces delays in the planning process, creates certainty for developers and is as transparent and robust as a committee decision
- Planning legislation is designed to be transparent and open, with everything published and available except (very few) private or sensitive personal information
- Officers undertake other consultations on some applications with council departments or specialists such as Parks or Highways

#### Current situation

Members receive a Weekly List by email every Monday listing all the new applications which are now available for view and comment on the website. They are given a specific date for call in which is 4 weeks from publication which is very clear to all members. The chair and deputy chair have the final decision as to whether an application will go to committee. Members call-in requests should be supported by planning reasons or they cannot be accepted. Sometimes Members provide call in requests without planning reasons and officers need to contact them accordingly

#### Implications of proposed change

For Public Information / Transparency

- The Weekly list will no longer show a call-in deadline date
- There will be no mechanism to publish member call-in deadlines because dates will be different depending on the application, and they could change if a re-consultation is done
- It will not be practical for the Planning team to advise the public when the call-in deadline is for each application is due, because each one will have to be calculated manually once any possible re-consultations are completed and this date could change multiple times if there are revisions to the proposals (there are 100's of applications 'pending consideration' at any time)

For members

- More time will be available to call-in applications and members will be able to see later comments made by members of the public
- The Weekly list will no longer show a call-in deadline date because it will be different for each application and they can change following re-consultations
- Members will need to use the website to find out when the consultation period is due to close and then add 2 working days to that date in order to meet the new deadline. This will not be immediately clear to them or the public and the date could change if a re-consultation is done

- Concern may be raised by interested parties that the council is not supporting Recovery if decision timeframes can be delayed throughout and potentially late in the process which can adversely affected developer timescales
- Members could sign up for notifications on individual applications which notifies 2 days **before** a consultation period is due to close, which may help

#### For officers

- The risk of late call-in (compared to now) means that some applications cannot be determined within the standard timescales and performance may be affected – the council is still measured by government on application performance
- More queries from members about call-in periods
- More queries from applicants about member call-in periods
- More call-ins to manage and conversations with applicants who may be unhappy about the lack of certainty on decision timescales
- More onerous process to manage overall, adding additional workload particularly if call-ins do not provide planning reasons

#### For committee

- Likely to lead to more applications being considered by Planning Committee. Currently committee considers an average of 8 applications per month with meetings usually lasting from 2.00 to 5.00pm. More applications mean committee would be sitting for longer each month

#### For applicants, developers, agents & the interested public

- Less certainty of applications being determined within timescales with potential late call-ins
- Less transparency of the planning process with no clarity on the call-in deadline for individual applications
- It will be confusing for those who do not understand the call-in process (and planning generally)

#### For the Council

- More call-ins would be contrary to government advice which seeks to ensure as many applications as possible are delegated as national planning guidance is clearly in favour of sustainable development which could increase the perception that the planning process is overly bureaucratic and cumbersome
- Having no clear date or definition for the deadline by which applications can be called to Planning Committee could be seen as not in the spirit of the (deliberately) transparent planning legislation which is designed to be open and available to the public and could lead to criticism
- Risk of being unable to persuade developers to enter into Planning Performance Agreements (income stream), due to the lack of certainty around timescales
- Potential for more member overturns of officer recommendations which could result additional costs associated with defending appeals including increased risk of costs being awarded against the Council were decisions are found to be unreasonable
- B&NES is a high performing authority (see data below) and this change could impact the excellent progress we have made
- There is no certainty that IT will be able to find a technical solution to notifying the public or members of call in deadlines and there will be cost implications to an IT solution

### **Officer recommendations**

There are relatively few applications called to Committee but this proposed change will reduce transparency of deadline dates on **all** applications. Therefore officer recommendation is:

- To retain the current call in period deadline to support transparency and ease of explanation with the public and clarity for all

- As there has been no public consultation on this proposal as yet, we request that no decision is made until we have consulted with the Agents Forum (mailing list of around 50 local planning agents) and a meeting scheduled for September 2020
- Urge members to sign up for notifications through the website to advise them of the progress of applications and for them to seek support, advice and training from the department

## Appendix 1

National government returns:

Application nos.	2018/19				2019/20			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	684	673	610	621	689			
Withdrawn	51	52	65	76	45			
Delegated no. and %	647 (97%)	579 (97%)	530 (98%)	470 (97%)	630 (98%)			
Refused no. and %	54 (8%)	45 (8%)	48 (9%)	37 (8%)	31 (5%)			

The current delegation rate is above the last published England average of 94% (Year to Mar 2019)

Percentage of refusals on planning applications remains very low compared to the last published England average of 12% (Year ending Mar 2019)

% of planning applications in time	2018/19				2019/20			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	(10/13) 77%	(8/9) 89%	(10/10) 100%	(11/12) 92%	(11/11) 100%			
% Minors in time	(127/142) 89%	(127/138) 92%	(100/112) 89%	(91/99) 92%	(125/135) 93%			
% Others in time	(485/510) 95%	(433/453) 96%	(391/414) 94%	(361/374) 97%	(485/497) 98%			

All three categories have been above target consistently every quarter for over 3 years

**Simon DeBeer**  
Head of Planning

28 July 2020

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