

# Taunton Deane Borough Council

**Executive – 17 June 2009**

## **Review of Parish Delegation Procedures**

### **Joint Report by the Development Manager and Legal and Democratic Services Manager**

(This matter is the responsibility of Executive Councillor Simon Coles)

**Executive Summary:** The agreements whereby eight parish/town councils determine some minor planning applications have expired. At the same time concerns have been raised in respect of both the administration and decision making procedures of the scheme. These issues need to be carefully considered and a decision made as to whether the scheme should continue or not as a result.

This matter is the responsibility of Executive Councillor Simon Coles.

#### **1. Background**

- 1.1 Taunton Deane's Parish Delegation scheme which was set up in the mid 1990s remains the only scheme of its type in the country.
- 1.2 The agreements with the eight parishes involved (Wellington, North Curry, Burrowbridge, Stoke St Mary, Milverton, Pitminster, Bishops Lydeard and Ruishton) have now expired.

#### **2.0 Relevant Issues**

- 2.1 Whilst the original motivations behind the scheme, which were to enable decision making at a very local level and to improve communication between the Borough and Parish Councils remain valid, a number of concerns and issues have been raised.
- 2.2 These include:
  - Changes to the scheme introduced in 2002 in an attempt to reduce the resource implications and speed up decision making have unfortunately led to a situation where Parish Councillors could be left in a position where they could fetter their discretion by considering applications without a planning officer being present or having all the relevant facts available. The possibility of the Parish Councils being left vulnerable to challenge is not an acceptable situation to be in.

- The operation of the scheme creates additional resource implications for the Development Management team at a time when all advice is suggesting that resources should be redirected away from minor proposals towards major developments that deliver the growth agenda.
- The operation of the scheme has an adverse impact upon performance against the relevant national indicators.
- Improvement in Information Technology means that the benefits from Parish clerks notifying neighbours of proposals no longer apply.

2.3 This matter was reported to the Planning Committee on 30 March 2009. The report which sets out the issues in more detail is attached at **Appendix A**.

2.4 Representatives from the Parishes addressed the Committee and all those who spoke said that they appreciated the scheme and wished it to continue.

2.5 Members of the Planning Committee made the following observations:

- It was wrong to have a system that applied to eight parishes only, but couldn't be extended due to resource implications. Should not have a two tier system.
- Is resource hungry, particularly when officers have to attend meetings that don't even start until 8pm.
- Concern over ability and training of Parish Councillors.
- It is an expensive scheme, and whether it continues or not, Parish Councils opinions remain important.
- Parish Councillors should not be put in a position where they may fetter their discretion.
- With budgeting constraints resources necessary to operate the scheme must be an important consideration.
- Parish Councils generally do a good job and the scheme should continue. However, many things need to be tightened up.
- It is taking 'the Deane to the people' and should continue. Whilst Planning Officers make recommendations based upon legal and planning knowledge, the Parish Councils have good basic knowledge.
- Due to changes in appeal processes Parish minutes will need to be very full. Will need to provide additional training which will only add to resource implications of the scheme.
- Training not an issue. Considers that the scheme works well and Councillors get all the information they need.

### 3.0 **Conclusion**

3.1 In light of the concerns raised by the Legal and Democratic Services Manager, if the scheme is to continue it can only practically do so if all relevant applications are considered with a full report with a Planning Officer present. To do this will mean Planning Officers attending more meetings (with associated additional costs) and will also restrict

opportunities for further improvement against the relevant national indicators.

- 3.2 The question that also needs to be asked is whether this scheme is actually providing value for money to the Taunton Deane council tax payer.
- 3.3 If the scheme is to continue the cost of supporting it (which primarily involves the cost of sending officers to meetings) should therefore be met by the Parish/Town Councils themselves.
- 3.2 The administrative procedures associated with the scheme result in additional tasks for Parish Clerks without adding value to the process and irrespective of any changes to the decision making aspects, it is suggested that the requirement for Parishes to carry out notification be deleted from the agreements.

#### 4. **Recommendations**

1. The Executive is recommended that the scheme should continue in respect of the decision making elements only, but with the cost of supporting the decision making process being met by those Parish/ Town Councils involved themselves.
2. The Executive is recommended that the agreements be amended to require those Parish/Town Councillors determining applications to undertake appropriate levels of training. The agreements should also contain additional requirements relating to minute taking and timing of meetings.

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# Appendix A

## Joint Report by Development Manager and Legal and Democratic Services Manager

### Review of Parish Delegation Procedures

EXECUTIVE SUMMARY: This report sets out the background to concerns raised in respect of both the administration and decision making procedures associated with the Parish Delegation scheme that Members need to take into account in advising the Executive Member in relation to the renewal of the agreements.

This matter is the responsibility of Executive Councillor Simon Coles.

#### 1. **BACKGROUND**

- 1.1 The Parish delegation scheme whereby eight parish councils determine minor planning applications was introduced in the mid 1990s. It remains the only scheme of its type in the country.
- 1.2 Parishes are responsible for notifying neighbours and displaying site notices (with the exception of North Curry) as well as acting as a Planning Committee determining those applications.
- 1.3 In light of concerns relating to time taken targets and the resource implications of sending planning officers to all the Parish and Town Council meetings the scheme was revised in 2002 to allow decision making to be passed back to Taunton Deane for a decision in cases where the views of the Parish Council were in accord with those of the Planning Officer.
- 1.4 More recently concerns have been raised in relation to the implications of those 2002 changes in that it can lead to Parish Councillors considering proposals twice and therefore potentially fettering their discretion this approach has left the Parish Councils open to challenge on these determinations.
- 1.5 The Council has recently introduced a new IT back-office system (ACOLAID). One of the aims of its development has been to place the Council in a position where it could respond to the e-government agenda, and in particular explore on-line consultation. Keeping records of consultations on ACOLAID when the Parishes are carrying out the consultations already results in double handling of information and will

ultimately become more difficult if the consultation process is to be carried out electronically.

- 1.6 In addition the Householder appeal system is to change shortly and the Inspectorate will not be asking for full written statements, but will rely on Committee Reports and minutes. The quality of minutes of meetings taken by some Parish Councils does give cause for concern in these circumstances.
- 1.7 The agreements with the eight parishes have now lapsed and it is essential that the issues outlined above are fully considered before they are renewed.

## **2. DECISION MAKING PROCEDURES**

- 2.1 In light of the concerns raised in terms of potential fettering of discretion the Head of Legal and Democratic Services wrote to the relevant Parish Councils in December to introduce a temporary solution whereby the Parish Councils have to identify within 14 days of receipt whether they wish to determine the applications or not. This was felt necessary in order to give further time to review the processes but not to leave the Parish Councils open to challenge on decisions made.
- 2.2 The result of this temporary change has been that the Councils now have to make the decision as to whether they wish to determine the application or not prior to knowing what the public response to it is. Early experience has shown that this has resulted in a number of Parish Councils asking to determine all applications.
- 2.3 If this is formalised and we return to the original arrangements, the benefits in terms of performance and resource which were considered necessary when the scheme changed in 2002 will therefore be lost once more.
- 2.4 Performance against national indicators varies considerably between Councils. Whilst Milverton determined 100% of applications in 2008 within 8 weeks and North Curry 88%, Ruishton's performance was only 29%.
- 2.5 In 2008 there were 153 applications in the eight Parishes identified within the delegation categories. The cost of servicing the meetings if all of these were to be determined by the Parishes has been estimated at £5,000 (approximately £32 extra per application). This cost does not take into account the travelling cost of sending officers to meetings. The Council's 'Grey Fleet Plan' has resulted in travel budgets being cut across the board by 10%
- 2.6 The Government is committed to freeing up planning authority time to provide necessary resource to respond to the significant levels of growth identified in the coming years. As part of this commitment

changes have recently been made to the General Permitted Development Order with the intention of taking of much minor householder development out of the system. Taunton Deane's Parish delegation scheme inevitably results in resource being more targeted on minor proposals than would otherwise be the case. Whilst this clearly conflicts with this government advice, it must be weighed against the original motivation to introduce the scheme which were to enable decision making at a very local level and to improve communication and understanding between the Borough and Parish Councils.

### **3. CONSULTATION PROCEDURES**

- 3.1 There is general guidance on the level of publicity appropriate to minor proposals. In the majority of cases this is restricted to the display of a site notice and notification of immediate neighbours only. At the time when the delegation scheme was introduced the Council had to rely on often outdated maps to identify neighbouring properties and there was therefore obvious benefits in the Parish Clerk carrying out this task in light of their more intimate local knowledge.
- 3.2 However, with the introduction of sophisticated Geographical Information Systems that are regularly updated, the benefits of the Parish Councils carrying out this task are now less clear cut. In order to keep necessary records the information still has to be fed into the ACOLAID system by Taunton Deane staff. There is therefore no saving to Taunton Deane in the Parishes carrying out this task, and it is an additional duty for the Parish Clerk.

### **4. RECOMMENDATION**

Members are requested to consider the resource and efficiency issues referred to above carefully. These need to be balanced against the positive benefits of local decision making in deciding how to advise the Executive Member in relation to the renewal of the eight Parish delegation agreements.

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