

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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