

Democracy Committee**3 July 2017**

Is the final decision on the recommendations in this report to be made at this meeting?

Yes**Planning Referral Process Working Group**

Final Decision-Maker	Democracy Committee
Lead Head of Service	Head of Policy, Communications and Governance
Lead Officer and Report Author	Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	

This report makes the following recommendations to this Committee:

1. To appoint a five member working group to review the planning referral process
2. Agree the terms of reference as set out at 2.1

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable

Meeting	Date
Democracy Committee	3 July 2017

Planning Referral Process Working Group

1. INTRODUCTION AND BACKGROUND

1.1 Following the recent activation of the Planning Referral process whereby the Head of Planning and Development referred a decision of the Planning Committee to the Planning Referrals Committee, the Group Leaders have requested that the Democracy Committee review the arrangements for managing risk in relation to Planning Committee decisions.

1.2 Current arrangements

Planning Referral Committee

Purpose: To determine planning applications referred to it by the Head of Planning and Development if s/he is of the opinion that the decision of the Planning Committee is likely to have significant cost implications”

Then under the provisions relating to the Planning Committee it’s stated that:

“29.3 **Planning Decisions which have significant cost implications**

- (a) If the Head of Planning and Development, on the advice of the Legal Officer present at the meeting, believes that the Planning Committee’s reasons to justify refusal/the imposition of conditions are not sustainable, the decision of the Planning Committee will be deferred to its next meeting. The Committee itself may also agree to defer consideration of an application for the same reasons.
- (b) If, at that meeting, the Planning Committee votes to continue with a decision which it has been advised cannot be sustained at appeal and which could have significant cost implications for the Council’s budget, the Head of Planning and Development, on the advice of the Legal Officer present, will request Councillors to refer the consideration of the application to Part II of the meeting, to offer Councillors further advice on the legal and financial implications, and the likelihood of success at appeal. If the Committee still decides to refuse the application/impose an unreasonable condition, the Head of Planning and Development will on the advice of the Legal Office present, immediately after the vote has been taken, refer the application to the Planning Referrals Committee for determination.”

1.3 This process has been invoked very rarely.

2. TERMS OF REFERENCE

- 2.1 The working group are asked to consider how the Council can provide a check and balance for Planning Committee decisions and reduce the financial and legal risk for the council giving consideration to:
- (a) Other council's arrangements and models;
 - (b) Improvements to the current arrangements; and
 - (c) Other ways to manage and reduce risk in relation to Planning Committee Decisions.
- 2.2 The working group to report back to Democracy Committee with their findings and recommendations.