



## GOVERNANCE COMMITTEE

11 January 2017

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**Subject Heading:**

**Exclusion of Prior Approvals from Councillor Call-In Process**

**CMT Lead:**

Steve Moore, Group Director,  
Neighbourhoods

**Report Author and contact details:**

Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800

**Policy context:**

Council's Constitution

**Financial summary:**

None

**The subject matter of this report deals with the following Council Objectives**

- Havering will be clean and its environment will be cared for [ ]  
People will be safe, in their homes and in the community [X]  
Residents will be proud to live in Havering [X]

**SUMMARY**

Alongside the processing of planning applications, the Council is also responsible for the handling of prior approval submissions. Unlike planning applications, prior approval submissions have strict timescales for determination which, if not adhered to, can result in their default approval irrespective of the Council's intended decisions.

This matter was first reported to Governance Committee on 26 May 2016 and then again on 31 August 2016.

At the August meeting it was proposed, with Council's agreement, that:

- Prior approval applications cannot be called-in to Regulatory Services Committee unless an Extension of Time Agreement has been sought and agreed by the applicant;

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- Prior approval applications should be included in the weekly publicity list so that ward members can better understand the nature and extent of prior approval applications;
- After a period of 3 months, the matter would be reviewed and reported to Governance Committee to assess whether introduction of a call-in arrangement would be justified. Should further changes be considered appropriate at that point, the matter would be referred to Council for final approval.

Council ratified the first point and noted the second and third points at its meeting on 14 September 2016.

As three months have now passed, this report is being presented to enable Governance Committee to assess whether the introduction of a call-in arrangement would be justified.

### **RECOMMENDATIONS**

That:

1. The Committee confirms the approach set out within the report that prior approval submissions cannot be called-in for determination by the Regulatory Services Committee unless an Extension of Time Agreement has been sought and agreed by the applicant.

### **REPORT DETAIL**

1. For certain types of development, rather than submitting an application for planning permission, an applicant is able to make a submission for prior approval. Unlike a planning application where all matters can be considered including the principle of the development, with a prior approval, only certain matters can be assessed depending upon the type of approval being sought.
2. This matter was first reported to Governance Committee on 26 May 2016 and then again on 31 August 2016.
3. At the August meeting it was proposed, with Council's agreement, that:

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- Prior approval applications cannot be called-in to Regulatory Services Committee unless an Extension of Time Agreement has been sought and agreed by the applicant;
  - Prior approval applications should be included in the weekly publicity list so that ward members can better understand the nature and extent of prior approval applications;
  - After a period of 3 months, the matter would be reviewed and reported to Governance Committee to assess whether introduction of a call-in arrangement would be justified. Should further changes be considered appropriate at that point, the matter would be referred to Council for final approval.
4. Council ratified the first point and noted the second and third points at its meeting on 14 September 2016.
  5. Prior Approval applications have been included within the weekly publicity list and at the time of drafting this report (mid-December), very little contact has been received about them from Councillors.
  6. As three months have now passed, this report is being presented to enable Governance Committee to assess whether the introduction of a call-in arrangement would be justified now that Councillors better understand the nature and extent of prior approval applications being received.
  7. Given that the Officer determination of prior approval applications has continued with no material difference in Councillor contact following their inclusion on the weekly publicity list or increased levels of attempted call-in, this report recommends that the inability to call-in prior approval submissions for determination by the Regulatory Services Committee, unless an Extension of Time Agreement has been sought and agreed by the applicant, is permanently adopted. As previously reported, if the applicant does not receive the Council's written notice of decision within the prescribed timescales, then the Council's decision automatically defaults to an approval irrespective of what the Council's decision would have been. Adopting the measure described permanently will assist in minimising this risk.
  8. The previous reports to the 26 May and 31 August 2016 meetings are appended for information.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

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The described changes to delegated powers would have no material financial implications.

**Legal implications and risks:**

There are no material legal implications. The Planning Service would continue to seek and incorporate Legal Advice where necessary.

It is noted that the report being presented to the Governance Committee is the correct procedure as set out in Article 11 of the Council's Constitution

**Human Resources implications and risks:**

There are no material implications.

**Equalities implications and risks:**

There are no direct equalities implications arising from this report. Where relevant, the Planning Service would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity team.

**BACKGROUND PAPERS**

None