

**WAVERLEY BOROUGH COUNCIL**

**VALUE FOR MONEY AND CUSTOMER SERVICE O&S COMMITTEE**

**18 NOVEMBER 2019**

**ENVIRONMENT O&S COMMITTEE**

**25 NOVEMBER 2019**

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**Title:**

**PLANNING APPEALS PERFORMANCE: SCOPING REPORT**

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**Summary and purpose:**

The purpose of this report is to outline the scope for this item and to receive feedback from the Committee as to what information is to be included in the final report.

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**How this report relates to the Council's Corporate Priorities:**

This report relates to the vision set out in the Corporate Strategy which promotes and sustains 'a financially sound Waverley, with infrastructure and services fit for the future' together with 'responsible planning and development, supporting place-shaping and local engagement in planning policy.'

**Equality and Diversity Implications:**

There are no direct equality and diversity implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

**Financial Implications:**

The cost implications of defending planning appeals is not budgeted for and so supplementary estimates are required as appeals arise.

**Legal Implications:**

No legal implications arise from this report. Legal comment may be necessary after the relevant data has been collected.

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**Background**

At its June meeting, the Value for Money and Customer Service O&S Committee expressed concern over the performance in relation to planning appeals, with particular reference to the cost implications and value for money, and requested further information.

This report sets out a proposed structure for presentation of this information.

## Introduction

- What is a planning appeal?
- Grounds for appeal
- Routes for appeal
- Types of appeals
- Appeals costs
  - Officer time
  - expert witnesses
  - legal representation,
  - overheads
  - unreasonable behaviour cost awards
- What is unreasonable behaviour?

## Patterns in relation to allowed appeals

- Committee overturns
- Delegated decisions
- Area Planning Committees, JPC
- Types of scheme

## Government monitoring of appeals performance

- Penalties for underperforming against Government targets
  - Reputational damage
  - Loss of income (diverted planning applications)

## Council actions

- Regular performance updates
- Review of committees structure and scheme
- Review of scheme of delegation
- Focussed training for contentious areas of judgement

Quantitative analysis (Based on 04/2018 – 03/2019 and 04/2019 to date)

**04/2018 – 03/2019**

	Delegated decision	Committee decision		Appeal route	Cost award
		Overturn? Yes	No		
Officer time spent (including lawyers)					
Cost of legal advice/representation					
Cost of contracting expert witnesses					
Total number of appeal decisions					
Total amount of costs award <u>against</u> Council					
Total amount of costs awarded <u>to</u> Council					

**04/2019 - present**

	Delegated decision	Committee decision		Appeal route	Cost award
		Overturn? Yes	No		
Officer time spent (including lawyers)					
Cost of legal advice/representation					
Cost of contracting expert witnesses					
Total number of appeal decisions					
Total amount of costs award <u>against</u> Council					
Total amount of costs awarded <u>to</u> Council					

## Qualitative

(Over the last two quarters i.e July-September and October to December 2019)

- More detailed breakdown of appeal decisions – delegated v. overturns, any common factors (i.e. a particular APC/JPC) and common themes in allowed appeals.
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## **Recommendation**

It is recommended that the Committee provide feedback to officers on the proposed structure and content of the report.

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## Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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