



Policy Development Scrutiny Committee

Date:	Thursday, 9 October 2014
Venue:	Town Hall, St Annes
Committee members:	Councillor Fabian Craig-Wilson (Chairman) Councillor Len Davies (Vice Chairman) Councillors Frank Andrews, Susan Ashton, David Chedd, Maxine Chew, John Davies, David Donaldson, Charlie Duffy, Angela Jacques, Barbara Nash, Elizabeth Oades, Richard Redcliffe, Elaine Silverwood, Vivienne Willder
Officers:	Tracy Morrison, Paul Walker, Mark Evans, Kirstine Riding and Paul Walker

1. Declarations of interest

Members were reminded of their responsibilities for declaring interests as required by the Council's Code of Conduct for Members. There were no declarations on this occasion.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy Development Scrutiny Committee meeting held on 10 September 2014 as a correct record for signature by the Chairman. It was noted that the Chairman also signed the amended minutes from the meeting held on 6 June 2014.

3. Substitute members

The following substitutions were reported under Council procedure rule 23(c):

Councillor Angela Jacques for Councillor Ben Aitken

Councillor Barbara Nash for Councillor Ed Nash.

4. Empty Residential Properties

Mrs Kirstine Riding (Senior Housing Officer) and Ms Tracy Morrison (Director of Resources) presented an update regarding the number of empty residential properties in the borough and the effect new Council tax premiums had on the reduction of the numbers.

Mrs Riding explained that a position statement had last been brought to Committee in November 2013. With effect from 1 April 2014 changes to Council Tax levies for empty residential properties had commenced. The first of the changes was to residential properties empty longer than six months. Mrs Riding explained that for empty properties, the first six months Council Tax was

charged at 50%, after six months was raised to the full 100% charge. For properties empty over two years the levy increased by 50% to a 150% premium.

Mrs Riding reported that in April 2013 there were 701 empty residential properties across the borough, by October 2013 this had dropped to 586. With the introduction of the new levies, this had fallen to 488 in October 2014.

Mrs Riding further advised that it was uncertain if this level of reduction would continue and cautioned that the number may plateau in the future. She advised that of the 488 properties currently empty, there were an estimated 132 which had been empty for over two years, and as such would be subject to the new premium.

Finally she reported that the housing team was responsive to complaints regarding empty properties, of which there had been very few in the current financial year.

Following questions from Committee regarding the Council's proactive approach, Ms Morrison reported that the Revenue and Benefits team was working proactively to identify the long term empty properties. The team's work was to ensure that the Council had details of the owners and landlords. She advised that every empty property brought back into use contributed to the New Homes Bonus calculation.

In response to questions from Committee, Mr Evans (Head of Planning and Regeneration) confirmed that those properties brought back into use reduced the number of new homes required for the 5 year housing supply and the required housing numbers in the Local Plan.

Following a discussion it was RESOLVED

1. To note the current position with regard to long term empty properties in the borough
2. To receive a further position statement in April 2015, following a full year of the new premiums and levies.

5. Planning Appeals

Mr Mark Evans (Head of Planning and Regeneration) and Mr Paul Walker (Director of Development Services) presented an overview of the appeals procedure, the different forms of appeal and statistics for the period 1 August 2012 to 31 July 2014.

Mr Evans advised that 30% of refusals were determined by appeal. He advised that the residential developments outside of settlements were the most challenging to the Council, with 75% of appeals for such developments being lost.

He further advised that appeals conducted by way of written representation were not only cheaper for the Council, but also more likely to have a favourable outcome.

Mr Evans advised that in terms of minimising the staff time and cost involved with appeals, the Planning team advocated pre-application discussions with applicants, were willing to adapt the Council's position dependent on current guidance, offered robust reasons for refusal and provided a strong defence of appeals.

Members of the Committee enquired whether there was a pattern to the types of applications that went to appeal or if there was a correlation between appeals and decisions made by the Planning Committee.

Mr Evans advised against any such examination or comparison of appeals, stating that as many planning decisions were finely balanced with a weighing of differing considerations, comparisons were inherently difficult, statistically producing an unclear or unbalanced picture. He stated that some officer recommendations had been supported by the Planning Committee and the Council had

lost on appeal and had costs awarded against them, as the Planning Inspector had weighted those considerations differently to officers.

Members asked if there was enough support in place for members to allow for officers to assist even against an officer recommendation. Mr Evans advised that the Planning Code of Conduct had recently been amended to allow for a brief adjournment for members to seek advice from officers when proposing a refusal. He stated that this was helpful, but cautioned that bounded by professional code, officers could only advise. He added that he would like to involve members in preparation for appeals, especially to help with amendments to refusals.

Members expressed concern that members of the Planning Committee did not routinely conduct site visits for major or high profile applications. Other members commented that involving members, especially ward members, at an earlier stage, i.e. before applications reached Committee, may reduce refusals at Committee.

Mr Evans advised that all members currently received information regarding applications in their ward. He further advised that members were welcome to discuss their concerns, but officers had to be mindful of national planning guidance regarding the involvement of councillors in pre-application matters.

Councillor Duffy expressed his disquiet about the method of bringing the report to Committee. He stated that the reference to the Scrutiny Management Board (in the report) was incorrect, as this body did not exist, had no constitutional standing and it was for the Committee to determine what it should scrutinise.

Councillor Duffy advised Committee that, in his view, neither of the Council's Scrutiny Committees were being conducted in accordance with their remits stipulated in the Council's constitution. He specifically mentioned that the Committees did not regularly review a work plan, indeed, had never reviewed a work plan. Councillor Duffy also advised that whilst the Committees reported their work to Cabinet, the Constitution stated that such reports should go to full Council and as such they were not working in accordance with their terms of reference.

The Chairman thanked Councillor Duffy for his comments, and stated that she understood he had raised these concerns with the Council's Monitoring Officer and the Head of Governance and had received a response.

It was noted that Councillor Duffy wished to merely share his disquiet with the Committee, which was why he had approached officers prior to the meeting with his concerns.

After a lengthy discussion it was RESOLVED:

1. To note the contents of the report
2. To recommend that:
 - a. Officers would arrange site visits for the Planning Committee when considering major applications, and if possible the relevant ward councillors were included for those visits;
 - b. Officers would review the current notifications to members regarding applications within their ward, to ensure the notifications were timely and the option for discussing the application with officers was explicit.
 - c. Officers would explore arranging an annual development tour, which would view developments to assess which had worked well and those that had worked less well, with a view to improve decision making by both officers and the Planning Committee.
3. That current custom and practice of defending planning appeals was maintained

4. That the success rate in defending planning appeals continued to be monitored, with a similar monitoring report to be brought to the appropriate committee in 12 months.

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