

EAST RENFREWSHIRE COUNCIL
PLANNING APPLICATIONS COMMITTEE

16 May 2018

Report by Director of Environment

REVISED POLICY FOR ONLINE PLANNING INFORMATION

PURPOSE OF REPORT

1. The purpose of this report is to revise the policy regarding the placing of representations to planning applications online.

RECOMMENDATIONS

2. It is recommended that the committee instruct the Director of Environment to make representations to planning applications available online, as per the procedures set out within this report, subject to:-

- (a) all sensitive personal data being redacted in accordance with Legal Services' advice on the EU's General Data Protection Regulations (GDPR); and
- (b) the requirements for the new arrangements being put into place by the autumn.

BACKGROUND

3. In 2014 the Planning Applications Committee approved a proposal to change some of the planning application procedures, particularly by agreeing not to display online the personal data and representations of parties making comment on planning applications. However, recently there has been a view expressed that this policy should be reviewed to enable greater transparency to the decision making process.

REPORT

4. In 2014, in response to the changing data protection and freedom of information legislation and the Council's "Modernising the way we work" policy, the Committee agreed to no longer publish representations to planning applications online. Instead only the number and nature of the representations would be narrated in the Report of Handling. However, all representations including names and addresses would remain open to public inspection in the development management office.

5. In recent times there have been numerous requests from members of the public, elected members and developers to the Service to make representations available online. It should be noted that there is no legal requirement to do this and the practice of other councils across the country is mixed. However, many people feel that without representations appearing on line, that the process lacks transparency, and does not allow people to obtain a balanced view on development from supporters and objectors alike. Developers also cite the need to be aware of objections in order that they can potentially resolve them during the application process.

6. From 25 May 2018, data protection legislation is becoming more restrictive which will impact on the way in which the Council uses personal information. The EU's General Data Protection Regulation (GDPR) will supersede the UK Data Protection Act 1998. This Regulation will increase the rights of individuals to control how their personal information is collected and processed and places a range of new obligations on organisations to be more accountable for data protection. Legal Services is currently issuing advice to all Service departments and the redaction of information will be based on this advice and best practice.

7. At the present time representations to planning applications can be received by the Council through the Planning Online Portal, an e-mail to either the Development Management e-mail address or to an officer or by letter.

8. Redacting documents to ensure that no sensitive personal data (signatures, personal phone numbers and personal email addresses) is published online takes both professional and business support staff significant time, to the detriment of processing the application. It will therefore be necessary to increase the number of staff to cater for this increased workload. It has already been agreed that the number of graduate planners will be increased in the structure from 2 to 3. In addition a further FTE business support officer's post will be created. Informal discussions on these posts has taken place with the Trade Unions. It should be noted however that there will also be further implications regarding the bigger and major developments where there are multiple (sometimes hundreds of) objections. Officers will have to spend additional time to ensure that any personal data contained within the body of the objection is identified for the redacting officer. Therefore, this change would have an adverse impact on decision timeframes, particularly on the larger/major applications.

9. Any person making a representation to a planning application will receive an acknowledgement advising them that the representation has been received and will be considered. They will also be advised that their representation will be subject to the GDPR legislation. However, it may take some time for their comment to appear online as redaction takes time to process.

10. It should be noted that officers will not respond to Members, objectors, supporters or applicants as a result of representations appearing online. The representations will simply be considered as part of the determination process.

11. It should also be noted that where there are a significant number of representations to an application, it may be more difficult to navigate the display of documents to find the other relevant drawings and documents.

12. It is proposed that the procedure for online documentation will be:

- During the consideration of an application the policy will be to continue to show the planning application form, plans, design/access statement, pre-application consultation report, final responses from consultees and all other supporting reports which are to be referred to in the Report of Handling (committee report). In addition copies of the representations with all sensitive personal data i.e. signatures, personal email addresses and personal phone numbers redacted will be shown; following advice from Legal Services names and addresses may also be redacted.
- People should additionally have the opportunity upon request to have their representation removed from online publication. When previously representations were online some complaints were received from people not wanting their information displayed. Even in recent times, we have continued to have people wanting their name and address removed from older records which are still displayed. To accord with data protection principles, all people making representations will need to be advised in their acknowledgement letter that their representation along with their name and address will be displayed online.

- There is a legal obligation in Reports of Handling (committee reports) to report the number of representations made and to summarise the main issues that have been raised by these representations. This practice will continue but the individual representations will not form part of the Report of Handling.
- Once a planning application is decided the representations will be removed from online display. However if an appeal or review is submitted, then the representations will be displayed while the appeal/review is processed along with the other appeal/review documents. The remainder of the information noted above along with the decision notice and report of handling for four years will continue to be displayed.
- Any non-material variations approved, after the original decision is made, will also be displayed online.

FINANCE AND EFFICIENCY

13 It will be necessary to increase the number of staff to cater for this increased workload. It has already been agreed that the number of graduate planners will be increased in the structure from 2 to 3. In addition a further FTE business support officer's post will be created. Informal discussions on these posts has taken place with the Trade Unions.

14. There will also be a requirement to modify the development management IT system to ensure that applications prior to 2014 which may still appear online have all sensitive data removed. There will be a cost implication for this work which has as yet to be determined.

15. There will be additional staff costs arising from this policy change. There is however income accrued by the Development Management Service from planning application fees and this will be used to offset the costs to the Environment Department.

16. In order to enable the staff to be recruited and trained and the IT system to be modified, this change to policy, if approved, will not take effect until autumn 2018.

CONSULTATION

17. Informal consultation has taken place with the Trade Unions to advise them of this proposed policy change and the implications for Development Management's Business Support staff.

PARTNERSHIP WORKING

18. The Service has responded to calls from various parties to include representations on-line.

IMPLICATIONS OF THE PROPOSALS

19. The IT and staff implications have been set out above. There are no further implications specifically in terms of property, legal, equalities and sustainability.

CONCLUSIONS

20. In response to recent requests to the Development Management Service it is proposed to make representations to planning applications available online. This change, if approved, will take effect from autumn 2018.

21. Redacting documents to ensure that no sensitive personal data is published online takes both professional and business support staff significant time, to the detriment of processing the application. It will therefore be necessary to increase the number of graduate planners in the structure from 2 to 3 and seek the employment of a FTE business support officer. These additional costs of these posts can be met from income derived from planning applications without impacting on the overall Environment Department's budget.

RECOMMENDATIONS

22. It is recommended that the committee instruct the Director of Environment to make representations to planning applications available online, as per the procedures set out within this report, subject to:-

- (a) all sensitive personal data being redacted in accordance with Legal Services' advice on the EU's General Data Protection Regulations (GDPR); and
- (b) the requirements for the new arrangements being put into place by the autumn.

REPORT AUTHOR

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Councillor Annette Ireland, Chair of Planning Applications Committee

March 2018

BACKGROUND PAPERS

Report to Planning Applications Committee 8 October 2014