

Appendix

**REPORT TO THE CONSTITUTIONAL REVIEW COMMITTEE
MEETING OF 22nd FEBRUARY 2011**

Status: Recommendation

Title: Amendments to scheme of delegation for Development Control decisions.

Originator: Adrian Eastwood, Development Control Manager

Where from: Brett Culpin, Head of Built Environment Services

Where to next: Council

1 Purpose Report

1.1 To seek changes to the scheme of decision making for development control decisions to improve efficiency of the service.

2 Recommendations:

2.1 **Include at Constitution C 1.5 (3.1) that officers may exercise power in matters relating to Non Material Amendments.**

2.2 **Include at Constitution C 1.5 (3.1) that officers may exercise power in matters relating to planning appeals subject to notification of local ward member(s) if officers are seeking to depart from a planning committee decision; and**

2.3 **Insert at Constitution C 1.5 (3.2d) 'other than notifications and approvals under 3.1 (d) & (f) (ie remove the need for committee to consider prior notifications for agriculture etc and tree works where the applicant is a member or officer of the Council)**

3 Summary of Reasons for the Recommendations

3.1 Recommendation 2.1 will correct an existing anomaly. The Constitution does not refer to introduced Non Material Amendment (NMA) application type introduced in 2009.

3.2 Recommendation 2.2 will correct an existing anomaly whereby appeals are not mentioned in the constitution. Officers' progress appeals to meet strict timetables set out by the Planning Inspectorate. This is usually without reference to planning committee. A May 2010 planning committee report confirmed the Council performs favourably defending decisions at appeal. This recommendation will clarify the existing practice and involve ward members if action contrary to a planning committee decision is proposed.

3.3 Recommendation 2.3: tree and agricultural notifications including those proposed by members and officers are usually relatively minor. They are also effectively deemed to be approved if the Council does not take a decision in a 56 day period. When a relevant notification has been previously reported to committee it has usually been by brief verbal or written report. If accepted this recommendation removes the need to report some very minor proposals to committee solely because a member/officer is involved.

4 Impact on Communities

4.1 No change. The rigour of decision making is unaffected. The 'call in' option at 3.2(a) of the Constitution remains to remove delegation from any planning decision.

5 Key Facts

5.1 The Constitution sets out the scheme of delegation for planning decisions.

6 Legal Issues

6.1 There are no direct legal issues arising from this report.

7 Resource Issues

7.1 The recommendations will potentially result in a small increase in delegated decisions as opposed to committee decisions. Delegated decision are generally less costly and more timely.

8 Equality Impact Assessment Implications/ Outcomes

8.1 None in the context of this report.

9 Impact on the Organisation

9.1 Effective Development Control decision making enhances public trust and confidence in the authority and attains National Performance Indicators. Transparency in decision making is maintained by the ability of any Member to 'call-in' proposals.

10 Community Safety Implications

10.1 None in the context of this report.

11 Consultation

11.1 The Planning Briefing Group is aware of the proposals and has no objection.

12 Options Considered

12.1 Continue existing arrangements. This may result some in planning applications continuing to be reported to planning committee

13 Background Papers

13.1 Constitution Part 3 Section C 1.5

Previous report(s): 19th October Constitutional Review Committee
Information Issued Under Sensitive Issue Procedure: No.
Ward Members Notified: Not Applicable.

