
Subject: **PLANNING – SCHEME OF DELEGATION**

Meeting and Date: **Planning Committee – 21 April 2013**
Extraordinary Council – 22 May 2013

Report of: **Nadeem Aziz, Chief Executive**

Portfolio Holder: **Non Executive Function**

Decision Type: **Non Executive Decision**

Classification: **Unrestricted**

Purpose of the report: To recommend to the Planning Committee and Council a new scheme of delegation for the taking of planning decisions

Recommendation:

1. Agree the new scheme of delegation
2. Agree that the new scheme will be reviewed again by Planning Committee after 12 months.

1. Summary

- 1.1 It is important to strike the right balance between the efficient and timely processing of planning applications and the need for the Planning Committee to be able to scrutinise and decide upon those applications that have an important role in fulfilling strategic objectives or are contentious and require closely balanced judgement.
- 1.2 This report reviews the existing scheme of delegation to identify efficiencies and ensure that Planning Officers can dedicate the maximum amount of time to the determination of planning applications.

2. Introduction and Background

- 2.1 The current Scheme of Delegation to officers in relation to planning matters is based on all planning applications having to be referred to Planning Committee except those specifically delegated to Officers.
- 2.2 The current scheme is at Appendix 1 and is published within the Council's Constitution. This is not an easy document to navigate, even for those experienced in the Planning process or Local Government. Therefore, It is not easy for members of the public to understand.
- 2.3 An analysis of decisions made by Planning Committee from May 2012 to January 2013 indicates the following

	Total No of Decisions	No. where the Officer recommendation was confirmed	% of cases where the Officer recommendation was confirmed
Decisions made in period	53	40	75
Applications had 3 - 5 contrary representations	16	11	68

	Total No of Decisions	No. where the Officer recommendation was confirmed	% of cases where the Officer recommendation was confirmed
Applications had 6 -10 Contrary representations	11	10	91
Applications had over 10 contrary representations	14	10	71
Member Call-In	5	2	40
Applications where the applicant is a Councillor	3	3	100
Departure from Plan	2	2	100
No delegated powers	2	2	100

3. The options

3.1 Retain the existing scheme

3.2 Update the existing scheme

3.3 Introduce a new scheme

Retain the existing scheme

3.4 This is not recommended. The current scheme is out of date and members of Planning Committee have been seeking a review of the scheme for some time.

Update the existing scheme

3.5 This is not recommended as it retains the current complexities and does not enable minor changes in legislation to be delegated effectively without referral to Planning Committee and Council.

Introduce a new scheme

3.6 This is the recommended option. The new proposed scheme is more in line with delegated arrangements for other areas of Council business. The main change would be the assumption that all decisions are delegated with a number of exceptions. It carries forward the existing provision for the Head of Regeneration and Development to refer matters to Planning Committee in any case and should also provide the opportunity for greater communication between the Chair of Planning Committee and Officers.

3.7 The proposed scheme is at Appendix 2. The main points are below

- (a) The principal of all decisions being delegated to Officers with exceptions is introduced
- (b) It is no longer obligatory for applications for telecommunications to be referred to Planning Committee
- (c) Member call-in remains and is likely to have more impact in the future, but emphasising the need for call-ins to have appropriate planning merit
- (d) To promote the ongoing work of bringing action against the owners of run down and unsightly properties, appropriate delegation to the Principal Enforcement Officer and the enforcement team will be made.

3.8 The number of cases referred to Planning Committee is currently around 7 per meeting and this proposal is likely to reduce that to around 4 per meeting.

3.9 It is further recommended that the new scheme of delegation is reviewed after 12 months by Planning Committee.

4. Key financial impacts for the Council

4.1 There are no financial impacts associated with this report

5. Corporate Implications

5.1 Comment from the Section 151 Officer: The Director of Finance, Housing and Community has been consulted and there are no additional comments

5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been closely involved in the preparation of this report and has no further comments to make .

5.3 Comments from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

6. Appendices

Appendix 1 – Existing scheme of delegation (extract)

Appendix 2 – Proposed scheme of delegation (extract)

Contact Officer: Dave Robinson, Planning Delivery Manager (01304) 872121