

Report to Planning Committee

Subject: Changes to the planning delegation scheme following the adoption of the new constitution

Date: 30 March 2022

Author: Democratic Services Manager

Purpose

To seek approval to amend all current delegations previously approved by Planning Committee following the adoption of the new constitution.

Recommendations

THAT:

- 1) The officer delegations at Appendix 1 be approved;
- 2) The Monitoring Officer be authorised to make any other necessary administrative amendments to reflect the change to the constitution.

1 Background

- 1.1 On 3 March 2022 full council agreed the adoption of a newly re-written constitution taking affect from 4 March 2022. The new constitution was a result of several meetings of a cross party working group along with officers who came together to review the effectiveness of the constitution.
- 1.2 As part of the review of the constitution, a review of the schemes of delegation was conducted.
- 1.3 The main changes to the officer delegations are as follows:
 - Authority to approve requests for minor amendments to planning conditions made under S73 and 96A of the Town and Country Planning Act 1990 in respect of applications previously determined by the Planning Committee.
 - Authority to approve the making and confirmation of a Tree Preservation Order under Sections 197 - 201 of the Town and Country Planning Act 1990

- Authority to modify section 106 agreements which have been previously agreed by the Planning Committee, except where in the opinion of the Head of Development and Place it is of significant public interest, has a significant impact on the environment or is likely to be widely controversial; in which case it will be referred to Planning Committee.
- Authority to determine when it is expedient to investigate alleged breaches of planning control.

Other minor amendments have been made to reflect the changes in legislation and correct typographical errors.

2 Proposal

It is proposed that the amended officer delegations set out in Appendix 1 be approved.

3 Alternative Options

Not to amend the delegations but this will lead to lack of clarity about which Officer has the power to act.

4 Financial Implications

None arising from this report.

5 Legal Implications

5.1 Officer delegations in respect of non-executive functions are made under the powers contained in Section 101 of the Local Government Act 1972 (as amended) and with reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

5.2 If the officer delegation scheme is not updated it will lead to lack of clarity over who can make decisions. This could in turn lead to risk of legal challenge.

6 Equalities Implications

There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

Appendix 1 – Non-Executive Planning Matters scheme of delegations to officers

9 Background Papers

None.

Statutory Officer approval

Approved by Chief Financial Officer

Date: 22 March 2022

Approved on behalf of the Monitoring Officer

Date: 22 March 2022