

CABINET

26 July 2005

MINOR CHANGES TO CONSTITUTION – DEVELOPMENT PLAN AND
SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

CAB1006 – Minor Amendments to the Constitution – 19 January 2005

PS167 – Review of Decision Making Structures and Member Services – 29 March 2005

CAB1091 – Review of Decision Making Structures, Council Meetings and Member Services,
29 June 2005

EXECUTIVE SUMMARY:

At Cabinet on 29 June 2005, it was noted that a minor amendment to the Scheme of Delegation to Portfolio Holders was required to enable draft Supplementary Planning Guidance (such as Village/Neighbourhood Design Statements) to be approved for publication by the Portfolio Holder for Planning, with approval of the final document to be made by Cabinet (rather than Council as at the current time) – Report CAB1091 refers. This change was required to implement the principle approved by Council at its meeting on 13 April 2005. The same procedure should be adopted for Supplementary Planning Documents (which will succeed Supplementary Planning Guidance under the new arrangements for Local Development Frameworks).

At the same time, amendments are needed to Part 3 of Section 4 of the Constitution (Planning Development Control Committee) in connection with the Local Development Plan functions. When the section was last up-dated in February 2005 these functions were incorrectly (due to an error in the report) put with the Planning Development Control Committee, rather than with Cabinet advising Council. The Local Development Framework (contained in the Planning and Compulsory Purchase Act 2004) will replace the existing Local Plan provisions, although the Constitution will need to cover both until the new Winchester District Local Plan Review is adopted.

RECOMMENDATION (TO COUNCIL):

1. That the Delegation to Portfolio Holder as contained in Part 3 of the Council's Constitution, Section 3, be amended by the addition of the following paragraph under the delegation to the Portfolio Holder for Planning:

“Approval of draft Supplementary Planning Guidance and Supplementary Planning Documents for publication, with the approval of the final Guidance/Document to be made by Cabinet.”

2. That Article 4.01 of the Constitution (“The Full Council”) be amended by substituting the following for Article 4.01 (b):-

“b) (i) The Development Plan and any proposals in connection with the preparation of an altered or replacement Development Plan, prior to public consultation under regulations 10 and 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999;

(ii) Local development documents which are development plan documents (under the Planning and Compulsory Purchase Act 2004).

3. That Article 4.04 of the Constitution (“The Full Council”) be amended by inserting the following (and renumbering subsequently):-

“o) The powers to establish, confer functions on, and request a dissolution of, a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority, under Sections 29, 30, and 31 of that Act”.

4. That Section 2 of Part 3 of the Constitution (Matters where Cabinet does not have delegated powers but makes recommendations to Council) be amended by the addition of the following:-

“2 (d) The preparation and adoption of local development documents which are development plan documents, and matters concerning the establishment, functions and dissolution of a joint committee under Sections 29, 30 and 31 of the Planning and Compulsory Purchase Act 2004”

5. That Section 4 of Part 3 of the Constitution be amended by the deletion of the following sections of 4.1 (Planning Development Control Committee) with subsequent renumbering:-

Function	Provision of Act or Statutory Instrument
1. Powers and duties relating to local development documents which are development plan documents.	Sections 20 to 23 and 25, 26 and 28 Planning and Compulsory Purchase 2004 (c. 5)
2. Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.	Section 29 of the Planning Compulsory Purchase Act 2004.
3. Power to agree to confer additional functions on a joint committee.	Section 30 of the Planning Compulsory Purchase Act 2004.
4. Power to request the dissolution of a joint committee.	Section 31 of the Planning Compulsory Purchase Act 2004.

OTHER CONSIDERATIONS:

CORPORATE STRATEGY (RELEVANCE TO)

“To have efficient structures and procedures to provide political leadership to the Council and District. Also to annually review procedures to ensure that they remain efficient, open and accountable.”

RESOURCE IMPLICATIONS

None.

BACKGROUND DOCUMENTS

None.

APPENDICES

None