

PLANNING DEVELOPMENT CONTROL COMMITTEE

8 May 2014

MINOR CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS

REPORT OF HEAD OF LEGAL AND DEMOCRATIC SERVICES

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

This report recommends a number of minor changes to the Scheme of Delegation to Officers within the Council's Constitution in respect of planning matters.

RECOMMENDATIONS:

That the alterations to the Scheme of Delegation to Officers as set out in Section 1 of the Report be approved.

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DETAIL:

1. Proposed changes to the Scheme of Delegation to Officers

- 1.1. The proposed changes have resulted from a routine review of the scheme of delegation to officers, as set out in Part 3 of the Council's Constitution.
- 1.2. The existing delegation to the Head of Development Management is by way of a general delegation (of any function within the remit of the PDC Committee, subject to various exceptions). These exceptions include applications where a Councillor asks for an application to go to Committee, where six or more objections are received, etc. The general delegation does not apply to certain specific matters (TPOs, Certificates of Lawfulness and Stop Notices, which are covered separately).
- 1.3. The changes are set out below:

C.2 Head of Development Management

Paragraph 2 (additional words shown in **bold**):

The following matters shall be delegated to the Head of Development Management subject to the exceptions stated:-

- (vi) Authority to **stop up or divert a public footpath pursuant to Section 257 of the Town and Country Planning Act 1990 or under Sections 118 and 119 of the Highways Act 1980.**

Delete Paragraph 4 and renumber Paragraph 5 accordingly:

~~4. Decisions on issuing stop notices shall not be delegated to the Head of Development Management but shall be dealt with under the existing delegated powers to the Chief Executive to take action in an emergency or (where meeting timetables permit) by decision of the Planning Development Control Committee~~

Head of Legal and Democratic Services

Paragraph 7 – delete existing and replace as follows:

~~7. Decisions on applications for Certificates of Lawfulness for Existing Use or Development, in consultation with the Portfolio Holder for Built Environment (or in his/her absence the Leader of the Council) and Ward Councillors.~~

7. Decisions on Lawful Development Certificates (existing and proposed)

under Sections 191 and 192 of the Town and Country Planning Act 1990
and renumber subsequent paragraphs.

1.4. The reasons for the proposed changes are as follows:-

- 1.4.1. For footpaths and bridleways, there is already delegated authority for officers to deal with diversions. The proposed change adds to this authority the power to deal with stopping up of footpaths, as well as diversions, for completeness. Ward Councillors would be consulted in such cases.
- 1.4.2. In respect of stop notices, there is a need for these to be actioned quickly. Temporary stop notices are already delegated to the Head of Development Management (as they are a function within the remit of the PDC Committee, and therefore fall under the general delegation as set out in 1.2 above). At present, stop notices, are expressly excluded from the general delegation to the Head of Development Management. In view of the need to deal with such matters quickly, the Chief Executive's emergency powers therefore have to be used to authorise the issue of full stop notices. It is considered appropriate that the Head of Development Management should be authorised to issue full stop notices, as well as temporary stop notices, given the need to consider planning issues in both cases. This would allow both types of notices to be issued without delay, although wherever possible, relevant Members would be consulted if time permitted.
- 1.4.3. Lawful Development Certificates (LDCs) for proposed development have always been delegated to officers, as they are generally a question of law, rather than fact or policy. LDCs for existing uses have historically been delegated to the Head of Legal and Democratic Services, in consultation with the Portfolio Holder and Ward Members. Experience indicates that there have been no cases where the consultation process (which takes place just prior to a decision being made) has resulted in a change in the final decision. Applications are noted on the weekly list, and any Member interested in a particular application can indicate their interest to the Legal Services Team, and can then be kept informed/consulted with the progress of the application.

OTHER CONSIDERATIONS:

2. COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

None specifically

3. RESOURCE IMPLICATIONS:

The proposals will streamline decision-making and reduce the costs which would otherwise be incurred in taking such decisions at formal Member meetings.

4. RISK MANAGEMENT ISSUES

None

5. BACKGROUND DOCUMENTS:

None.