

Full Council	
Meeting Date	24 th July 2024
Report Title	Scheme of Delegation and Committee Procedure Rules – proposed changes relating to Planning Committee
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson, Head of Place
Lead Officer	Ceri Williams, Development Manager
Classification	Open
Recommendations	1. To agree the proposed changes to the Scheme of Delegation and Committee Procedure Rules as set out in Appendix I.

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the rationale for proposed changes to the Scheme of Delegation and Committee Procedure Rules in relation to Planning Committee (parts 2.8 and 3.1 of the Constitution).

2 Background

- 2.1 In early 2023, officers in the Planning Service developed a Planning Improvement Strategy, intended to improve the productivity of the service, and the wellbeing (and consequently the recruitment and retention) of staff.
- 2.2 One area of consideration was the nature of applications decided by Planning Committee, rather than by officer delegation. The overarching rationale for amendments was twofold;
- to ensure that appropriate planning applications are referred to Planning Committee for reasons of public interest, and
 - to promote transparency and accountability.
- 2.3 Proposed changes were discussed by the Planning and Transportation Policy Working Group (PTPWG) in September 2023 and November 2023.
- 2.4 PTPWG's recommendations were considered by the Constitution Working Group (CWG) in January 2024. CWG's recommendations were then considered by Policy and Resources Committee on 15th July 2024. The final recommendations are set out in Appendix I.
- 2.5 Appendix I shows the current wording of the Council's adopted Constitution for the specific areas where amendments are proposed (left column) set against the recommended changes (right column). Proposed additions are shown in red text, and proposed deletions are struck through.

2.6 A summary of the rationale for the proposed changes is set out below:

Ref	Summary of Change	Rationale
1	Delegated powers should not apply to Council owned land.	At present there is no requirement for applications on Council owned land to be reported to Committee, but this is considered important for transparency.
2	Members asked to provide a reason for calling an application in to Committee	<p>Provision of a reason will help focus Committee consideration, and align with best practice.</p> <p>Providing reasons gives an opportunity for officers to discuss and address the concerns of members with them, and with applicants/ agents, and where this is not possible it allows for a more focused report to be provided that fully considers the identified member concerns.</p> <p>To be clear, the reason provided does not need to be planning-related.</p>
3	Definition of statutory consultation period provided, and recognition given that extension of time requests to respond to consultations will not be unreasonably denied.	To tighten loose wording, and to promote engagement in the planning system.
4	Parish / Town Councils to state in their representations that they want an application to be considered by Committee in order to trigger call-in.	A large number of applications are taken to Committee following a Parish or Town Council representation. A specific request that the application be decided at Planning Committee rather than under delegation will ensure that member and officer time is use effectively, and should help focus Committee time on those applications of greatest public interest.
5	When informing a Parish / Town Council that their representation is not considered to reflect relevant planning policy considerations, the ward member will no longer be 'urgently notified' but included in the appropriate email.	To promote Parish / Town – borough relations, whilst ensuring the ward member is aware at the earliest opportunity.
6	Parish / Town Councils to be reminded they are able to send a speaker to Committee if they request an application is called-in.	To promote engagement in the planning system.

7	Redefinition of the reason why the Head of Planning may refer applications to Committee which have not met other triggers.	This change puts greater focus on the public interest test. The role of the Planning Committee is to ensure that decisions are made in the best interest of the borough and the rewording is intended to reinforce that.
8	Removal of the requirement to specifically consult with ward members re: hedgerow notifications.	Members are sent a weekly list of applications and are consulted on applications in their ward – this specific requirement is anomalous, as there is no benefit in singling out hedgerow notifications.
9	Change the requirement to consult the Chair or Vice-Chair of Planning Committee before serving enforcement notices to a requirement to consult all borough Councillors.	To allow wider views to be received on the appropriateness of action.
10	Reference added that Planning Committee is a meeting in public, and not a public meeting and that observers cannot participate.	This is being recommended for all Committees - to ensure public expectations are clear from the outset of a meeting.
11	Removal of the limitation on members of the public speaking again at Committee following a site visit.	To further public engagement in the planning system by allowing an additional opportunity for views to be aired, and / or to show view evolution.

3 Proposals

- 3.1 To agree the proposed changes to the Scheme of Delegation and Committee Procedure Rules as set out in Appendix I.

4 Alternative Options

- 4.1 Members may choose not to agree some or all of the proposed amendments, and / or to agree additional changes.

5 Consultation Undertaken or Proposed

- 5.1 Two reports detailing proposed amendments were discussed by PTPWG in September and November 2023. A further report was considered by the Constitution Working Group in January 2024, with CWG's recommendations considered by Policy and Resources Committee on 15th July 2024.

6 Implications

Issue	Implications
Corporate Plan	The proposals align with the corporate priority "Running the Council": to work within our resources to proactively engage with communities and outside bodies and to deliver in a transparent and efficient way.
Financial, Resource and Property	The proposals are likely to have a positive impact on resources as they will focus member and officer time on the most appropriate planning decisions.
Legal, Statutory and Procurement	The proposals would require an amendment to the Constitution, which requires approval from Full Council.
Crime and Disorder	No implications identified
Environment and Climate/Ecological Emergency	No implications identified
Health and Wellbeing	No implications identified
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified
Risk Management and Health and Safety	No implications identified
Equality and Diversity	No implications identified
Privacy and Data Protection	No implications identified

7 Appendices

Appendix I: Relevant Extracts from the Current Scheme of Delegation and Committee Procedure Rules Alongside Proposed Amendments.

8 Background Papers

[Planning and Transportation Policy Working Group agenda pack – 19th September 2023](#) (pp9 – 19).

[Planning and Transportation Policy Working Group minutes – 19th September 2023](#) Minute ref: 298

[Planning and Transportation Policy Working Group agenda pack – 23rd November 2023](#) (pp151 -160)

[Planning and Transportation Policy Working Group minutes – 23rd November 2023](#) Minute ref: 433

[Policy and Resources Committee agenda pack – 15th July 2024](#) (pp135-143)

Appendix I: Relevant Extracts from the Current Scheme of Delegation and Committee Procedure Rules (Left Column) Alongside Proposed Amendments (Right Column).

Proposed additions are shown in **red text**, and proposed deletions are ~~struck through~~.

2.8.15 DELEGATIONS TO THE HEAD OF PLANNING SERVICES

2.8.15.1. To determine applications, negotiate and enter into Section 106 Agreements, to agree minor variations to planning obligations, to respond to prior notifications, and to make observations on behalf of the Borough Council in accordance with the provisions of the appropriate Development Plan or other adopted Borough Council Planning Policy Guidance.

2.8.15.2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member of the Council or Members of staff and for Council development (whether involving Council owned land or not);

(b) Applications where the decision of the Head of Planning would conflict with any written representation received within the specified representation period from:

- (i) Any Member of the Borough Council;
- (ii) A statutory consultee;
- (iii) A Parish or Town Council;

Provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.

2.8.15.2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member or officer of the Council, for Council development (whether involving Council owned land or not) **or on Council-owned land.**

(b) Applications where the decision of the Head of Planning would conflict with **(a) reason(s) set out in** any written representation received ~~within the specified representation period~~ **from during the statutory consultation period (as specified within the Town and Country Planning (Development Management Procedure) (England) Order (2015) or any superseding legislation, or within an extension of time period agreed by officers, such consent not to be unreasonably withheld or delayed,** from:

- (i) Any Member of the Borough Council;
- (ii) A statutory consultee;
- (iii) A Parish or Town Council **where it is clearly stated that the Parish or Town Council would like the application to be decided by the Planning Committee in the event that the officer's recommendation conflicts with the Parish or Town Council view.**

(c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee;

(d) Applications which the Head of Planning considers are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

Where the Head of Planning determines that a representation from (iii) above is not based on relevant planning considerations, they will write to the Town or Parish council to advise them of this. The member(s) for the ward within the parish falls will also be urgently notified

Provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.

(c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee;

(d) Applications which the Head of Planning considers **to be in the public interest, such as those which would meet the standard triggers for Environmental Impact Assessment submission** or raise difficult questions of policy interpretation ~~or any unusual or difficult issues which warrant Member determination.~~

Where the Head of Planning determines that a representation from (iii) above is not based on relevant planning considerations, they will write to the Town or Parish council to advise them of this, **including the relevant ward member(s) in copy.** ~~The member(s) for the ward within the parish falls will also be urgently notified~~

Where the Head of Planning determines that a representation from (iii) above is based on relevant considerations and the Town or Parish Council has stated that they want the application to be reported to the Planning Committee, the Head of Planning will write to the Town or Parish Council to remind them of their right to send a speaker to the relevant Planning Committee meeting.

2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s).	2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s)
2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following consultation with the Planning Committee Chair or Vice-Chair and local ward Member(s).	2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990; the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following consultation with all borough Councillors the Planning Committee Chair or Vice-Chair and local ward Member(s).

Committee Procedure Rules	
3.1.38.5. The Chair will welcome any members of the public who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.	3.1.38.5. The Chair will welcome any members of the public who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.
<p>3.1.24. Disturbance by the Public</p> <p>If a member of the public interrupts the proceedings, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.</p> <p>If there is a general disturbance in any part of the meeting room open to the public, the Chair may ask for that part to be cleared.</p>	<p>3.1.24. Attendance Disturbance by the Public</p> <p>The Chair of a meeting will welcome any members of the public who are present in the public gallery, and remind them that the proceedings are a meeting in public, not a public meeting, and that they are able to observe but not to contribute to the debate.</p> <p>If a member of the public interrupts the proceedings, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.</p>

	If there is a general disturbance in any part of the meeting room open to the public, the Chair may ask for that part to be cleared.
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