



AGENDA ITEM (9)

REVISED SCHEME OF DELEGATION

Accountable Member	Councillor MGE MacKenzie-Charrington Cabinet Member for Planning and Licensing Services and Cirencester Car Parking Project
Accountable Officer	Kevin Field Planning and Development Manager 01285 623000 kevin.field@cotswold.gov.uk
Purpose of Report	To consider an up-dated version of the Scheme of Delegation for the Planning and Licensing Committee
Recommendation(s)	That the revised Scheme of Delegation relating to the Planning and Licensing Committee be approved and adopted
Reason(s) for Recommendation(s)	To promote the effective working of the Development Management and Heritage and Design Services.
Ward(s) Affected	All
Key Decision	No
Recommendation to Council	No
Financial Implications	Delegation of decisions to the appropriate level ensures effective service delivery and thereby enables costs to be effectively controlled and unnecessary costs and delays avoided.
Legal and Human Rights Implications	None
Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	None
Equalities Impact Assessment	Not Required

Related Decisions	The last major update to the Scheme of Delegation was in December 2016. Since then minor revisions have been agreed with the Cabinet Member in accordance with the Scheme of Delegation.
Background Documents	None
Appendices	None

Performance Management Follow Up	Not applicable
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Options for Joint Working	Not applicable
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<p>Background Information</p> <p>1. The Scheme of Delegation relating to the Planning and Licensing Committee is kept under constant review to ensure that it reflects prevailing conditions and assists the Council in the delivery of the planning service.</p> <p>2. The establishment of Publica has implications for the procedures operated within the Development Management and Heritage and Design services. The law requires the Council's planning decisions to be signed-off by Designated Officers who are employed directly by the Council. This duty cannot be delegated to Officers who are employed solely by Publica.</p> <p>3. In response to the above, delegated decisions, even on minor matters, are now signed-off only by Designated Officers who are either solely employed by the Council or who have dual contracts with both the Council and Publica. This change of procedure is permitted under the provisions of the Council's Constitution and would have previously been covered by the changes that could be approved by the Cabinet Member for Planning and Licensing Services and Cirencester Car Parking Project.</p> <p>4. The review of the changes required following the establishment of Publica has highlighted the need to consider changing the Scheme of Delegation in respect of how the Council determines some of the most minor of applications, notifications and consultations, and whether these should be submitted to this Committee for determination. In particular, anything falling within Class D (Paragraph 3.4) of the current Scheme of Delegation, namely non-material changes, compliance with conditions, Certificates of Lawfulness of Proposed Use and Environment Impact Assessment Screening and Scoping Opinions. A potential issue occurs when the current exceptions and conditions to Class D are applicable.</p> <p>5. The exceptions to Class D include cases submitted:-</p> <ul style="list-style-type: none"> (i) by or on behalf of the Council; (ii) on Council owned land; (iii) on land which the Council has an interest; (iv) by or on behalf of, or on land owned by, a serving Member of the Council; (v) by or on behalf of, or on land owned by the partner, close relative or close relative of the partner, of a serving Member of the Council. 	
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6. The applications, notifications etc. in question are of a nature that means that the normal consultation requirements are unlikely to apply. Government guidance for local planning authorities provided within its Planning Practice Guidance (March 2014) publication, under the heading of 'Flexible Options for Planning Permissions', states that 'New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new application under Section 70 of the Town and Country Planning Act 1990 will need to be submitted.' Where less than substantial changes are proposed, however, the Guidance states that one of the acceptable options is by Non-Material Amendment Procedure. The timeframe for determination of this application type is twenty-eight days, unless a longer period is agreed with the Applicant.

7. Taking into account the nature of the applications and notifications etc., the Council's current practice appears inconsistent with the Government's objectives to bring forward development without unnecessary delay or expense. From the Council's perspective, the effectiveness and value of the existing procedure must also be questioned. The Council has already found it necessary to hold a Special Meeting of the Planning and Licensing Committee to deal with applications on land currently in the Council's ownership for non-material amendments and condition compliance for the approved development at the Brewery Court, Cirencester. The Schedule of Planning Applications for this Meeting includes further applications for minor changes to applications recently approved for single dwelling units in Mickleton.

8. It is therefore suggested that, for Class D applications, notifications etc. only, the exceptions outlined in paragraph 5 should be deleted and that the Scheme of Delegation be amended accordingly. Members and Officers could still refer any such application, notification etc. to the Committee for determination if they were of the view that this was warranted by the planning considerations of the case.

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