

EXETER CITY COUNCIL

**PLANNING COMMITTEE
1 JUNE 2009**

**EXECUTIVE
16 JUNE 2009**

**COUNCIL
14 JULY 2009**

**LOCAL DEVELOPMENT FRAMEWORK –
AMENDMENTS TO THE CONSTITUTION**

1 PURPOSE OF REPORT

- 1.1 This report recommends amendments to the Council's Constitution, to update it in relation to the Local Development Framework.

2 PROPOSED CHANGES

- 2.1 Members will be aware that the Planning and Compulsory Purchase Act 2004 provided for a system of Local Development Frameworks (LDF), to replace Local Plans. In addition, no further County Structure Plans will be produced, but strategic policies will be set out in Regional Spatial Strategies (RSS).
- 2.2 Originally, the relevant Regulations¹ provided that the "higher level" policy documents known as Development Plan Documents had to be approved by Council rather than Executive, when being made available for public consultation, submitted for approval by the Secretary of State, or adopted by the Council. The "lower level" Supplementary Planning Documents were to be approved by Executive at all of the equivalent stages of preparation.
- 2.3 However, the Regulations have been amended to require Development Plan Documents to be approved by Executive except in more limited circumstances, namely when being either submitted to the Secretary of State or adopted, when they must still be approved by Council.
- 2.4 The proposed changes are set out in Appendix 1 to this report. A flow diagram showing the process is included as Appendix 2.

3 RESOURCE IMPLICATIONS

- 3.1 The changes will not have any resource implications.

4 RECOMMENDED that:-

- 4.1 Executive recommend Council to amend the Constitution in accordance with Appendix 1 of this report;
- 4.2 The Head of Legal Services be authorised to amend the Constitution in accordance with 4.1 above.

¹ The Local Authorities (Functions and Responsibilities)(England) Regulations 2000.

Baan Al-Khafaji
Head of Legal Services

CORPORATE SERVICES DIRECTORATE

Local Government Act 1972 (as amended)

Background papers used in compiling this report:-
Existing Constitution

APPENDIX 1

CHANGES TO THE CONSTITUTION FOR THE LOCAL DEVELOPMENT FRAMEWORK

Proposed insertions are shown underlined, deletions are shown struck through.

Part 3

Responsibility for Functions

Under “Responsibility for Council Functions”, amend item 2.9 as follows:-

The function	Committee	Membership of committee	Delegation of functions
2.9 To approve the Council's policy framework, annual general fund budget, capital programme, housing revenue account budget and the setting of the council tax. In the case of Development Plan Documents, this includes:- (a) the approval of draft proposals for public consultation; (b) the approval of documents for submission to the Secretary of State for approval; (e <u>b</u>) the adoption of documents.	Full Council	City Council Members	None

Under “Responsibility for Executive Functions”, amend item 3.19 (a) as follows:-

Function	Who is responsible	Delegation
3.19(a) To approve those parts of the Council's Local Development Framework which are not Development Plan Documents <u>the responsibility of Council</u> , and other development briefs, including:- (i) the approval of draft proposals for public consultation; (ii) the adoption of documents.	Executive Committee	None

Part 3 continued
Terms of reference

In the terms of reference for Council, amend item 1 as follows:-

“To approve the policy framework, including the annual general fund budget, capital programme, housing revenue account budget, council tax.

In the case of Development Plan Documents, this includes:-

- (a) ~~the approval of draft proposals for public consultation;~~
- ~~(b)~~ the approval of documents for submission to the Secretary of State for approval;
- ~~(c)~~ the adoption of documents.”

In the terms of reference for Executive Committee, amend item 16(a) as follows:-

“To approve those parts of the Council’s Local Development Framework which are not ~~Development Plan Documents~~ the responsibility of Council, and other development briefs, including:-

- (i) the approval of draft proposals for public consultation;
- (ii) the adoption of documents.”

APPENDIX 2

LOCAL DEVELOPMENT FRAMEWORK – COUNCIL OR EXECUTIVE?

