

REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting: 23 February 2021

Report of: Director for City Development, Housing and Supporting People

Title: Amendments to the Council's Constitution relating to planning decision making

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report proposes changes to the Council's Constitution in relation to the scheme of delegation in respect of planning matters. It recommends amendments that clarify and streamline the planning process

2. Recommendations:

This report recommends that Council approve the following changes to the Council's Constitution:-

(1) The Terms of Reference for Planning Committee be amended to include:-

- Applications referred by the Chair or Vice-Chair of Planning Committee.

(2) The Terms of Reference for Delegation Briefing to be amended to state :-

- Delegation Briefing is a sounding board of Members of Planning Committee that is open to all Members which meets periodically for a briefing on applications where the planning officers are minded to determine them under their delegated powers. The Chair (or Vice Chair) of the Planning Committee reserves the right to refer any applications for determination by the full Planning Committee, having first sought the views of the relevant ward member at the delegation briefing.

(3) The Scheme of Delegation to Officers and Deputies to include the following delegated powers to the Service Lead City Development in consultation with the Delegation Briefing:-

- Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation.

- Applications that have been subject to objections from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, that Officers are minded to approve under delegated powers.

3. Reasons for the recommendation:

National Planning Policy guidance advises that it is in the public interest for a local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.

The purpose of the amendments recommended by this report is to clarify and streamline the process for consideration of whether a planning or related application may be determined under delegated powers or will be referred to the Planning Committee for a decision. In particular, it is intended:

- To clarify that referral of Delegation Briefing items to the Planning Committee is at the discretion of the Chair or Vice-Chair of the Planning Committee, after considering the recommendation of the Service Lead City Development or other relevant Officer, and the views of the relevant Ward Members.
- To ensure that Members have the chance to consider representations from a statutory consultee that express views contrary to the officer recommendation.
- To introduce a new requirement to refer to Delegation Briefing any application that has been subject to an objection from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, if Officers are minded to approve it under delegated powers. This will ensure that Members can be fully engaged with decision-making where a Neighbourhood Forum has specific concerns about a development proposal.
- To reduce the number of cases automatically referred to Delegation Briefing by removing the requirement to refer all cases with an objection that Officers are minded to approve under delegated powers, and replacing it with a requirement to refer only applications that have been subject to objections based on material planning considerations, where the objection relates to impact on adjoining properties by overlooking, overbearing, overshadowing or insufficient on-site parking, that Officers are minded to approve under delegated powers. This will maintain Members' opportunity to influence planning decisions where there are amenity implications, but reduce the number of applications referred to Delegation Briefing where the grounds of objection are not related to amenity or are spurious. Members of the Planning Committee or Ward Members will still be able to request that any application be brought to Delegation Briefing.

4. What are the resource implications including non-financial resources.

None

5. Section 151 Officer comments:

There are no financial implications for Council to consider within this report.

6. What are the legal aspects?

None identified

7. Monitoring Officer's comments:

This report raises no issues for Monitoring Officer

8. Report details:

As detailed above in the reasons for recommendation section.

9. How does the decision contribute to the Council's Corporate Plan?

It enables all business of the Council to be effectively and efficiently undertaken without delay.

10. What risks are there and how can they be reduced?

The recommended amendments do not reduce the opportunity for Member involvement in planning decision-making and are not considered to introduce any significant risks.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report is simply varying existing delegated powers.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

There are options to leave the arrangements as they currently are, or to take an alternative approach which could be more lenient or more stringent in terms of what decisions should be made by the Planning Committee. However, the recommendations are considered to be appropriate having regard to the public interest.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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