



Report of the Chief Planning Officer

Corporate Governance and Audit Committee

Date: 12 May 2010

Subject: Assurance of the process by which planning decisions are taken by the Council

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

- 1.1 At its meeting in June 2009, the Corporate Governance and Audit Committee requested an annual report setting out arrangements and giving assurances for planning decisions taken by the Council.
- 1.2 This report outlines the arrangements that are in place to underpin the decision making process within the remit of the Chief Planning Officer:
 - Planning decisions taken by officers under delegated authority
 - Planning decisions taken by the Plans Panel
- 1.3 It will provide assurances to the Committee as to the operation of the arrangements and processes that are in place, ensuring they are accountable, transparent, have integrity, and are effective and inclusive.
- 1.4 Consideration is also giving to the risk of challenge and the measures in place to mitigate any potential risk and to the programme of continuous improvement to ensure that processes take into account best practices and from learning from past errors.

2.0 Background Information

- 2.1 The planning system in England and Wales is plan-led. This involves preparing plans that set out what can be built and where. The plan-led system was updated by the Planning and Compulsory Purchase Act in 2004. All decisions on applications for planning permission should be made in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 2.2 All applications are publicised so the public are aware of them and some are subject to more detailed consultation (depending on their scale and sensitivity).

The decisions made on applications are not made on the grounds of popularity or unpopularity, or if there are objections or support for a proposal. The decision on whether to grant permission is within the context of published national planning policy and guidance and those contained in the Development Plan and other material planning considerations. Material considerations covers a wide variety of matters including impact on neighbours and the local area.

2.3 In 2009-10 4,628 applications were received by Leeds City Council. The decisions were made by one of two methods; by the Plans Panels or by officers under delegated powers. The following section describes the arrangements and processes for these two ways of determining an application.

2.4 **Terms of reference of the Plans Panels**

2.5 There are three Plans Panels in Leeds- East, West and City Centre. Each panel is authorised to discharge functions within its own geographical area and comprises a number of council members:

East Plans Panel 10 members of the authority
West Plans Panel 10 members of the authority
City Centre Plans Panel 8 members of the authority

2.6 The Plans Panel terms of reference are included as appendix 1.

2.7 There are a number of types of applications and circumstances where an application would be considered by a Plans Panel and these are described as exceptions in the officer delegation scheme as functions the Chief Planning Officer is not allowed to discharge. But normally, it is the largest, most sensitive and strategically important applications, together with those applications that would constitute a significant departure from the development plan that would go to panel.

2.8 Requests to the Chief Planning Officer from a ward member or member of an Area Committee for an application to come to Panel is allowed. The request needs to be made within 21 days of the date of notification and must include reasons for the requested referral which should be based on material planning considerations and must give rise to concerns affecting more than neighbouring properties.

2.9 In the 2009-10 financial year, 150 decisions on applications were made by the Plans Panels.

2.10 **Delegation scheme**

2.11 The Chief Planning Officer is authorised to carry out functions on behalf of the authority. The delegation scheme forms part of the Constitution.

2.12 All planning applications are considered to fall within the delegation scheme and will be determined by officers under the sub-delegation scheme, unless they fall into defined exceptional categories. The exceptions, which will be determined by Plans Panels are set out in appendix 2 of this report.

2.13 However, the Plans Panel may arrange for the discharge of any of its functions by the Chief Planning Officer.

2.14 **Sub delegation scheme**

2.15 The scheme sets out which functions have been sub-delegated by the Chief Planning Officer to other officers and any terms and conditions attached to the

authority sub-delegated by the Chief Planning Officer. The latest sub delegation scheme was approved in March 2010.

- 2.16 The latest Chief Planning Officer's sub-delegation scheme reflects internal staffing changes and seeks to ensure that decision making is undertaken at the appropriate level of seniority and experience. For example, only officers at Area Planning Manager level and above have the authority to determine applications considered as major but which fall within the officer delegation scheme. Other applications can only be signed off by officers at PO4 level and above. This is to ensure that decisions are taken at the correct level of seniority given the importance, complexity and potential far reaching impact of major applications. No officer can 'sign off' their own applications and therefore an appropriate level of external scrutiny is brought to bear on each proposal before it is finally determined.
- 2.17 For the 2009-10 financial year, 96.68% of the decisions made were under the officer delegation scheme.
- 2.18 Officers, under the sub-delegation scheme may decide not to exercise their authority in relation to a particular matter. This may occur on an application where there are issues which are difficult to resolve, despite negotiation between officers and the applicant, such as a reduced Section 106 contribution or where there are wider implications to the local area. In such cases officers would refer the matter to the Chief Planning Officer, who may in turn decide to refer the matter to the relevant Plans Panel.
- 2.19 **Officer review process**
- 2.20 There is a procedure in place where a ward member who is concerned about a possible recommendation to approve a household application, where there has been objections from neighbours, can request that the application is reviewed by a senior officer. The senior officer, usually the lead officer for the Plans Panel, will also consider whether it is appropriate that the application is determined under delegated powers or referred to the Plans Panel. The final decision where the application is determined is made jointly by the chair and lead officer, with reasons for the decision clearly set out.
- 2.21 **Officer conflicts of interest**
- 2.22 Officers must follow the officer code of conduct and any other rules or requirements in relation to personal conflicts of interest, which apply to them. All officers at Principal Planner level and above are required to complete a Register of Interests.
- 2.23 A precautionary approach is followed within the service to ensure that case officers and decision makers are not involved in matters where potentially a conflict of interest could arise. Where any such conflicts could arise they are normally identified at an early stage in the life of a project and action is taken to reallocate cases to minimize risk and reduce any possible later challenge to the decision making process.
- 2.24 Any application for planning approval for officers working in development control / management are dealt with at Plans Panels, in accordance with the scheme of delegation.
- 3.0 Arrangements in place**
- 3.1 **Delegated decisions**
- 3.1.1 Planning Services recognises the importance of ensuring that the arrangements in place for decision making on planning applications is accountable, transparent and

effective. There are a number of internal arrangements in place to provide assurance in the process.

- 3.1.2 There is a clear process for determining an application, which is adhered to and understood by all officers. Case officers prepare written reports considering material planning matters, the development plan, government advice, responses from consultees and representations from the public and come to a recommendation whether to approve or refuse. Conditions may also be attached to an approval. There is a clear hierarchy of officers, so officers always have the opportunity to consult with more senior officers about any issues they may have in reaching their recommendation.
- 3.1.3 Reports are checked thoroughly by a more senior officer, to ensure that all material considerations have been addressed and that there is a clear basis for the decision which is being made. During this process the senior officer takes time to acquaint themselves with the details of the application and can ask for additional information or question the case officer on points, in order that thorough and robust consideration is given to each application.
- 3.1.4 Internal procedural guidelines make it clear that in the exercise of the delegation scheme, the decision needs to be made by an officer other than the case officer and the final authorisation requires a signature of a more senior officer, at Principal Planner level or above..
- 3.1.5 In the case of major applications, these can only be signed off by Area Planning Managers or Senior Managers to ensure that the decision is made at a sufficiently high level and that the appropriate level of scrutiny and experience is brought to bear.

3.2 **Professional updates- ensuring best practice**

- 3.2.1 The pace of change in the planning field is rapid, so planning officers need to be kept up to date with changes in legislation and practice and what the implications may be. This is achieved by a variety of methods including formal training courses from external providers such as the annual update from Trevor Roberts Associates; in-house training from other officers explaining changes such as the Core Strategy and from the Architectural Liaison Officer on planning out terrorism through *Project Argus Planners*. Speakers on particular issues are invited to the case workers meetings which is a forum for all planners. In circumstances where not all officers receive the training, the process is to cascade the information to the team to ensure everyone is aware of changes or new practices. Team Leaders in the Planning Service meet on a fortnightly basis to review performance, keep up to date with legislation and good practice, ensure consistency of approach and progress service improvements. Information is cascaded to caseworkers via regular team meetings and caseworker sessions, as well as on the intranet. Officers are also responsible for their own continuous professional development (CPD), and keep abreast of planning changes. Membership of the Royal Town Planning Institute also requires that regular CPD is undertaken. Performance is also dealt with as part of the officer appraisal system, which occurs on an annual basis, ensuring that all staff have the correct information, skills and competencies to undertake their role efficiently and effectively.

3.3 **Decisions involving Section 106 agreements**

- 3.3.1 A Section 106 agreement allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. These agreements are a way of delivering or

addressing matters that are necessary to make a development acceptable in planning terms. They are used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.

3.3.2 The agreements are prepared by the applicant in conjunction with the case officer and council solicitor, or external solicitor. Once the final draft is agreed, they are checked by the Area Planning Manager (or equivalent), prior to the issue of the planning consent. Draft Section 106 heads of terms are included in all Plans Panel reports for consideration and the Section 106 is publicly available as part of the planning register.

3.4 **Plans Panel decisions**

3.4.1 A number of significant changes have been made in recent years to ensure that the Plans Panels work effectively and that there are no grounds for suggesting that a decision made by the Plans Panels has been biased, partial or not well founded in any way.

3.4.2 The Plans Panels have reduced in size in order for them to work more effectively to between 7 and 11 members. It had been felt that the larger panels inhibited the ability for effective involvement in pre-application presentations and involvement in policy making, two things that are encouraged in the recent Local Government White Paper and Communities and Local Government report *Councilor Involvement in Planning Decisions*.

3.4.3 A comprehensive training programme for all Plans Panel members seeks to ensure that members have all the relevant information and updates in changes in planning legislation. This helps to ensure more informed and transparent decision making with the reasons for each decision clearly articulated and communicated. Members on the Plans Panels must attend 2 training sessions each year- a planning update session to receive guidance in relation to regulations and procedures and a governance and conduct session for training on declaration of personal and prejudicial interests. Failure to undertake either or both of these sessions will result in the member being unable to sit on the panel.

3.4.4 Reports are taken to the joint meetings of the Plans Panels about the number of member decisions which are not in accordance with the officers' recommendation and the potential consequences. There could be the perception that officers and Members are not working well together and the risk of a lack of confidence in the planning system by developers and the community. It also gives rise to inefficiencies, poor appeal performance and a higher risk of costs being awarded against the council.

3.4.5 There has been a reduction in the number of decisions taken contrary to the officers recommendation. The table below shows that performance has improved considerably between 2006-07 where 72 decisions, or 24%, were decisions contrary to the officers recommendation and 2009-10 where 18 decisions, or 12% were contrary to the officers recommendation. This reflects an improvement in the quality of reports by Planning Officers and the role of the Head of Planning Services in achieving greater consistency in decision making by the Plans Panels and greater knowledge and awareness of the issues by members.

Year	Decisions	Number of decisions not in accordance with officers recommendation	% of overall decisions
2006-07	305	72	24%
2007-08	230	28	12%
2008-09	238	44	18%
2009-10	150	18	12%

3.4.6 A full record of appeals performance is dealt with in section 6.12.

3.4.7 Compliance with the Council's own Code of Practice for the Determination of Planning Matters is monitored and reviewed for any breaches. In 2009-10 there was one formal complaint made about breaches of the code. However, after a preliminary investigation of the complaint, the monitoring officer decided that it did not warrant a full investigation.

4.0 Continuous improvement

4.1 Over the last few years a number of improvements have been made to ensure that decision making is of a high quality, transparent and impartial. In 2007 a thorough review of the workings of the Plans Panels was carried out with the aim of improving the working relationship between all parties – the community, applicants, officers and members in relation to processes and outcomes to ensure confidence in the judgments made. This was achieved through better decision-making processes and by ensuring high quality decisions were achieved in a consistent way across the city and by ensuring the decision-making process was both cost effective and fit for purpose. A number of changes and improvements have been made:

- Guidelines were issued to officers to produce better quality presentations and use position statements and pre-application presentations for the largest and most sensitive applications. Officer reports also now provide more comprehensive and contextual information complete with site and application history and clearly detail the reasons for the decisions.
- A protocol for pre-application presentations to ensure there is a consistent and transparent approach at all Panels.
- Shorter duration and greater focus meetings to facilitate effective decision making
- Good governance achieved through the adoption of a public speaking protocol and site visit protocol. The public speaking protocol establishes who can speak, including provisions for applicants, objectors, ward members, parish councillors and objectors. The protocol ensures there is a consistent approach to length of time people can speak in the interests of equity and sets out the procedure for dealing with members personal and prejudicial interest. The site visit protocol sets out the arrangements for visits, encouraging consistency and transparency and reduces the risk of an accusation that the visit is arbitrary and unfair or a covert lobbying device.
- Adoption of a pre-application protocol which means that wherever possible ward members are aware of issues *before* the formal application stage and there are no surprises, which may hinder the effectiveness of the decision making process. This is aimed at helping local communities and Members to influence the content of schemes before they are formally submitted. It flags up issues at an early stage that developers need to address and increases the predictability of the outcome. The pre-application discussions now take place within clear guidelines for officers and members, in order to limit the risk of

accusations of pre-determination nor bias. (The Killian Pretty Review highlighted the need for Local Planning Authorities to have a pre-application protocol and Leeds had adopted its protocol well in advance of the Killian Pretty recommendation.)

- The Head of Planning Services now attends all meetings of the Plans Panels to achieve consistency of advice and decision making

4.2 A charter between the Council and Parish and Town Councils has been adopted in 2010 to clarify arrangements describing the operational relationships between services and local councils, including the provision of service standards. The Charter promotes greater community involvement and through it, the service seeks to improve the level of information provided so that local people feel more involved in the decision making process.

4.3 A cross party member-officer working group was set up as a result of the Plans Panel review. This group initially dealt with the improvements arising from the review, but now meets on a monthly basis to discuss wide planning issues and is an essential forum for continuous improvement.

5.0 Monitoring and review arrangements

5.1 The service has arrangements in place for internally reviewing decisions and proactive checks for consistency of decision making. There is now more rigour in the preparation of reports for the Plans Panels and an increased role for the Head of Planning Services. The Chair of each of the Plans Panels meets with the Area Planning Manager, Head of Planning Services and other appropriate officers prior to the Plans Panel meetings. The presence of the Head of Planning Services ensures that similar applications are dealt with in a consistent way across all three Panels.

5.2 A 5 week review takes place by on all major applications by the Area Planning Managers with the Case Officer. This is to ensure that key issues are dealt with at an early stage and appropriate action is taken, guide the negotiation process and to avoid any last minute changes. This helps to ensure there is greater consistency of decision making.

5.3 A review will take place this year of the effectiveness of Planning Performance Agreements in terms of satisfaction of the developer in the way the agreement worked. It is anticipated that any identified improvements will be implemented wherever appropriate.

5.4 Reviews of previous applications and past decisions take place periodically. The Scrutiny Board has asked for a report which looks at four major applications, two of which were in time and two which went out of time and to address the reasons why some major planning applications had not been determined in time whilst others were determined on time. This will be a valuable exercise to identify where common problems arise and what actions can be taken to prevent them happening again.

6.0 Risk of Challenge

6.1 Planning decisions are not based on an exact science, they rely on informed judgement, within a firm policy context provided by national and local planning policy. This is heightened by the openness of the system; a system that actively asks for public opinion before making a decision. Decisions can be controversial as they have the potential to effect the lives of many people.

- 6.2 In order to mitigate the risk of challenge, the service adopts the current best practice and reviews its procedures and processes to ensure they are transparent, effective and accountable.
- 6.3 Officer reports are robust, clear and address all the issues arising, relevant policies that have been taken into account and particularly addressing the comments of any members of the public who have made representations on an application, even if the comments are non-material planning considerations. All decisions made by officers are made publicly available.
- 6.4 The process for signing off case officer reports is strictly adhered to with clear lines of accountability and checking by a more senior officer.
- 6.5 Possible officer conflicts of interest are dealt with at an early stage in the process (see section 2.21 – 2.24 above). Members declare any possible personal and prejudicial interests at the start of Plans Panel meetings and they are recorded in the minutes.
- 6.6 Members of the Plans Panels are required to be present throughout the whole debate on an application if they are to vote and there is more robust minute taking to record who is and who is not present for an application so that clear records are available. There is greater input from the monitoring officer, to ensure the code is being adhered to so as to reduce the risk of challenge of a decision if a member leaves the room part way through the discussion.
- 6.7 A legal officer attends all Plans Panel meetings and provides legal advice where appropriate and to ensure the probity and propriety of the planning and decision making process.
- 6.8 Ward members who wish to refer an application to the Panel, rather than it being dealt with under officer delegation, must express the reasons in writing, so there is a record of the decision and should refer solely to matters of material consideration. The reasons are also recorded and repeated in the Panel report to ensure transparency of the process.
- 6.9 Clear and accurate recording of reasons why other decisions have been made are also recorded, such as reasons for a site visit. Such information is in the public domain to minimise any risk of claims of unfairness or impartiality.
- 6.10 **Quality of service**
- 6.11 There are several ways to measure the quality of decision making: number of lost appeals, numbers of complaints and number of upheld complaints.
- 6.12 **Appeals**
- 6.12.1 All applicants have a right of appeal to the Planning Inspectorate against a refusal of planning permission or a failure of the council to determine the application within time limits set by Central Government. In many cases, particularly those with a high subjective element such as design issues or impact of a development on the character of an area or the streetscene, different decision makers may well reach a different conclusion as to what should and should not be permitted. Therefore, the number of appeals made per se should not be used as an indicator of level of performance. However, where appeals are brought, the appellant can apply to the Planning Inspectorate for a costs award against the council in circumstances where the council has acted unreasonably and the appellant has incurred costs as a result.

- 6.12.2 In 2009-10 the service received 298 appeals but this should be seen within the context of 4,449 decisions made by the service. There has been a steady improvement in the performance levels of dismissed appeals on the authority's decision to refuse on planning applications. 57% of appeals were dismissed in 2007-08, 69% in 2008-09 increasing to 74% in 2009-10.
- 6.12.3 In 2009-10, 20 cost claims were made against the council of which 14 were dismissed, 4 were allowed in full, and a further 2 partial awards were made. There has been 4 costs claims made for the council, of which 3 have been dismissed and one allowed.
- 6.12.4 Of those applications determined by Panel in 2008-09 contrary to the officers recommendations 20 resulted in appeals and 10 (50%) of these were allowed.
- 6.12.5 Appeal outcomes are regularly reviewed by the Head of Planning Services to see if there are any common themes arising and to identify where changes and improvements need to be made .

6.13 **Complaints**

- 6.13.1 At first glance it appears if the services receives a high number of complaints, however, again, this needs to be seen in the context of the high number of applications received each year. Over the last 3 years, the number of complaints has reduced from 167 in 2007\08 to 105 in 2009\10. In this period, the Council dealt with 18,794 planning applications. The number of complaints, therefore, represented about 2% of the total applications received in this 3 year period.
- 6.13.2 There has been a reduction in the number of stage 1 complaints received by the service over the last 3 years by almost 37% and there has also been a reduction in the number of complaints upheld compared with previous years:
- 2009-10: 105 complaints were received, 18, or 17% were upheld
 - 2008-09: 118 complaints were received, 32, or 27% were upheld
 - 2007-08: 167 complaints were received, 32, or 19% were upheld
- 6.13.3 There have been significant changes to planning processes (as a result of the outcome of complaint investigations) to reduce the number of complaints through improvements in customer care and enhancement to processes and procedures.
- 6.13.4 A dedicated complaints team regularly provide the planning services leadership team meeting with an analysis of complaints information. At the meeting, the nature of the upheld complaint is discussed and any learning points are identified. Measures have been put into place to minimise the risk of the complaint arising again.

6.14 **Ombudsman and local settlements**

- 6.14.1 The Planning Service receives most cases from the Ombudsman where there has been a refusal of planning permission or where a decision has been taken that it is not expedient to take enforcement action. The number of Ombudsman complaints has reduced significantly over the last 3 years:

	Numbers received	Local settlements	Closed on arrival at the Ombudsman's discretion
2009-10	21	6	11
2008-09	24	3	2
2007-08	56	16	15

6.14.2 In 2009-10, the number of cases closed, requiring no investigation by the Ombudsman, accounted for over half of the complaints received. There were 6 local settlements, 5 were cash settlements and the other local settlement involved a site meeting to provide advice on safely maneuvering a vehicle from the complainants garage on to the highway. The cash settlements involved totaled about £5,000.

6.14.3 Of the local settlements three related to how a planning application was considered by the case officer. The cases have been the subject of a management review to reduce the likelihood of a reoccurrence. Steps taken as a result include the implementation of a new protocol for seeking advice from highways officers on householder planning applications.

6.15 Judicial reviews

6.15.1 In the last 3 years 18,794 decisions have been made and during this time there have been 3 judicial reviews. 1 case in 2005 to quash planning permission was allowed on the grounds of procedural irregularities. Limited permission was granted to appeal for a judicial review on a case in 2007 on the grounds that the council's reasons for granting planning permission were inadequate. In both cases there were lessons to be learnt about providing proper, clear and robust reasons for decisions and service improvements have put in place to minimise the risk of future challenges on the same grounds.

6.15.2 The most recent case was in 2010 and the Judge concluded that the grounds on which he made his decision were case specific rather than setting a precedent or having wider implications for other cases or planning practices. Issues which were raised by the Judge have already been considered and reviewed by the service and specific improvements made;

- Grampian conditions to secure green space contributions are no longer used, Section 106 agreements are used instead ;
- a culture of more senior officer and legal involvement in decisions making on more sensitive applications so that the greater scrutiny and advice is brought to bear in the decisions making process and especially where there is a risk of legal challenge.

7.0 Implications for Council Policy and Governance

7.1 The importance of ensuring that the council's processes for decision making on planning applications are lawful, accountable, transparent, fair and in compliance with the principles of good governance and best practice is crucial to ensuring public confidence in the system from all sectors of the community including residents and developers. Regular reviews and public reporting on our systems such as this report to the Committee assists this process and provides an opportunity for testing the measures currently in place and a basis for continuous improvement in the way the planning service operates.

8.0 Legal and Resources Implications

8.1 The legal implications of ensuring that the system is fair and lawful is the potential reduction in the numbers of legal challenges, complaints resulting in financial

settlements and costs awards on appeals. There are no resource implications arising from this report.

9.0 Conclusions

- 9.1 Committee can be assured that the arrangements that are in place to underpin the decision making process are accountable, transparent and effective. The service places emphasis on ensuring there is good governance and quality assurance.
- 9.2 There is a commitment to a programme of continuous improvement activity in all areas of planning decision making. There has been a thorough review of the officer delegation scheme, review of the process and procedures of the Plans Panels and continuous improvements in planning practices for officers where the emphasis is on consistency and benchmarking with other local planning authorities and adopting best practice.
- 9.3 Importance is placed on learning from results of complaints, judicial reviews and Ombudsman cases to minimise the risk of complaints arising on the same grounds. However, it should be pointed out that the number of complaints is low in proportion to the total number of applications the service receives each year.
- 9.4 There is tangible evidence of progress in the form of fewer complaints, fewer local settlements and a reduction in the number of upheld appeals and the low level of successful judicial reviews of planning decisions.
- 9.5 A number of recent changes have sought to strengthen the decision making process making it more robust, consistent and to ensure there is confidence in the judgments being made. Arrangements for determining applications by Plans Panels, officers are clear and fit for purpose and are embedded and complied with by all parties. The officer delegation scheme has been the subject of significant changes so that decisions on major applications are made at the right level with the right level of scrutiny by senior officers.
- 9.6 Good governance has been achieved through the introduction of a number of protocols. The protocols promote a transparent and consistent approach and the pre-application protocol allows officers and particularly, members to be involved without the risk of accusations of pre-determination or bias.
- 9.7 A revised code of practice for the determination of planning matters for members is being drawn up, which will support members carry out their role as champions of their communities, whilst being able to make decisions openly, impartially with sound judgements and for justifiable reasons.

10.0 Recommendations

- 10.1 Members of the committee are asked to:
- Comment on and note this report
 - Receive a reports on planning decision making on an annual basis.

Background documents

Communities and Local Government *Councilor Involvement in Planning Decisions 2007*
Local Government Association *Probity in Planning.2009*
Local Government Association delivering Delegation 2004
Planning Officers Society Checklist for a successful Scheme of Delegation 2004

Plans Panel Terms of Reference

The Plans Panels are authorised¹ to discharge² the following functions³

1. all Council (non-executive)⁴ functions relating to:
 - a) town and country planning and development control⁵;
 - b) safety certificates for sports grounds and fire certificates⁶;
 - c) common land or town and village greens⁷;
 - d) street works and highways⁸;
 - e) public rights of way⁹;
 - f) the protection of hedgerows and the preservation of trees¹⁰; and
 - g) high hedges¹¹

2. in respect of any approval, consent, licence, permission, or registration which they may grant:
 - a) to impose conditions limitations or restrictions;
 - b) to determine any terms;
 - c) to determine whether and how to enforce any failure to comply;
 - d) to amend, modify, vary or revoke; and/or
 - e) to determine whether a charge should be made or the amount of such charge.

3. to discharge any licensing function¹², where full Council has referred a matter to the panel.

¹ Each Plans Panel is authorised to discharge functions in respect of its own geographical area as indicated on the plan attached (A larger scale more detailed copy of the plan is maintained by the Chief Planning Officer)

² With the exception of any licensing function under the Licensing Act 2003, the Panels and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of the Constitution.

³ “Functions” for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

⁴ Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

⁵ Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

⁶ Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

⁷ Items 37, 38 and 72 of Para B and Items 51-53 of Para I of Schedule 1 of the 2000 Regulations

⁸ Items 41,46A to 55 of Para B of Schedule 1 of the 2000 Regulations

⁹ Part I of Para I of Schedule 1 of the 2000 Regulations

¹⁰ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

¹¹ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

¹² (section 7 (5) (a) of the Licensing Act 2003) The matter must relate to: • a licensing function of the licensing authority and • a function which is not a licensing function. Unless the matter is urgent, the Panel must consider a report of the Licensing Committee

Extract from Delegation Scheme

The Chief Planning Officer is not allowed to discharge a number of functions and these will be determined by the Plans Panels:

- the determination of applications following a written request to the Chief Plans Officer by
 - a Ward Member concerning an application within his/her ward
 - a Chair of a Area Committee, concerning an application within his/her Area Committee Area that an application be referred to the relevant Plans Panel;
- the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force;
- the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
- the determination of applications for major development which would have significant impacts on local communities;
- the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
- the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
- where the Chief Plans Officer considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
- the determination of applications submitted in a personal capacity by or on behalf of
- Members, the Chief Executive, Deputy Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any officer who carries out development control functions.