



Report of the Assistant Chief Executive (Corporate Governance)

Full Council

Date: 23 February 2011

Subject: Recommendations from General Purposes Committee

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report sets out recommendations to full Council from the General Purposes Committee at its meeting on 4 February 2011 relating to amendments to the Officer Delegation Scheme (Council (non-executive) functions) of the Constitution.
2. General Purposes Committee recommends full Council to approve amendments to the Chief Planning Officer delegation scheme as set out in Appendix 1 to this report.

1.0 Purpose Of This Report

1.1 This report presents recommendations to full Council from the General Purposes Committee for amendments to the Constitution to the delegation to the Chief Planning Officer.

2.0 Background Information

2.1 General Purposes Committee is authorised to consider proposals to amend the Constitution. At its meeting on 4 February 2011, the General Purposes Committee considered an item about proposed amendments to the Officer Delegation Scheme (Council (non-executive) functions) of the Constitution. This report sets out the recommendations from General Purposes Committee relating to that item.

3.0 Main Issues

3.1 The report to the General Purposes Committee set out a number of proposed amendments to the delegation scheme to the Chief Planning Officer, following a review of the delegation by a Planning Member/Officer Working Group. The review had been requested by the Joint Plans Panel, and included consultation with all Council Members. A further amendment was also proposed by the Head of Governance Services for clarification purposes.

3.2 The General Purposes Committee considered the proposed amendments. The Committee recommends to full Council that the Chief Planning Officer's delegation scheme be amended as set out in Appendix 1 to this report. The proposed amendments to the table of 'Exceptions' are as follows:

- **Exception (a):**

- (footnote 4) to add clarification that the 21 day period for a request for an application to be referred to Plans Panel begins on the validation date of the planning application and noting that the statutory advertisement deadline for receipt of representations is 21 days, after which time a decision may legally be made.
- to add wording to allow Members of neighbouring wards to request that an application is referred to Plans Panel for determination where the Member considers that the development would have a significant effect on their ward;
- to delete the reference to the ability of the Chair of Area Committees to refer applications. Chairs of Area Committees have rarely referred applications to Plans Panel;

- **Exception (d):**

- to clarify that applications for major development which the Chair in conjunction with the Chief Planning Officer considers to be sensitive, controversial or would have significant impact on local communities would go to Plans Panel. (This is to reflect the Chair's wide understanding of locality issues and which applications are likely to be of public interest)
- to footnote 6, (now renumbered footnote 5 in the attached Appendix 1), to clarify that 'major development' includes minerals and waste development which 'does require' rather than 'may require' an Environmental Impact Assessment;

- **Exception (g):** to replace the words 'Chief Planning Officer' with 'Chair', and insert the footnote 'in conjunction with the Chief Planning Officer'. This change would reflect the role of the Chair in having a wide understanding of community issues and which applications may be of significant public interest.
- **Exception (h):** to replace the word 'control' with 'management' after 'development', to reflect the national move away from the traditional development control approach towards development management to achieve better quality developments.

3.3 An amendment to the phrase 'statutory technical consultees' in exception (f) was discussed by the General Purposes Committee but it was resolved not to recommend any alteration.

3.4 The General Purposes Committee also considered an amendment proposed by the Head of Governance Services intended to clarify that two of the Council (non-executive) functions in relation to Town and Country Planning and Development Control are concurrently delegated to the Director of City Development and the Chief Planning Officer. In order to clarify the scheme, the list of Town and Country Planning and Development Control functions has been split into two sections:

3.4.1 Section 1 contains the two concurrent functions (currently (cc) and (dd) and now renumbered (a) and (b)). The introduction to Section 1 is proposed to reflect the fact that the Director of City Development may direct that these functions are not exercised by the Chief Planning Officer;

3.4.2 Section 2 contains only those Town and Country Planning and Development Control functions which are not concurrently delegated. The Town and Country Planning and Development functions are continuously numbered across Sections 1 and 2 for ease of reference, and therefore the list of functions in Section 2 begins at (c).

3.5 Appendix 1 to this report sets out the recommended amendments, with some minor formatting changes to the delegation scheme.

4.0 Implications For Council Policy And Governance

4.1 It is in accordance with good governance principles to update the Constitution to ensure that it is fit for purpose.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications arising from the proposed amendments to the Constitution.

6.0 Conclusions

6.1 Full Council is recommended to approve the proposed amendments to the Officer Delegation Scheme (Council (non-executive) functions) of the Constitution, as set out in the attached Appendix 1.

7.0 Recommendations

- 7.1 General Purposes Committee recommends full Council to approve amendments to the Chief Planning Officer's scheme of delegation as set out in Appendix 1 to this report.

8.0 Background Papers

- 8.1 Report of the Chief Planning Officer to the General Purposes Committee, 4 February 2011.
- 8.2 Draft minutes of the General Purposes Committee, 4 February 2011.