

**WORKING GROUP ON CONTRACT STANDING ORDERS, FINANCIAL REGULATIONS  
AND OFFICER DELEGATION**

**SCHEDULE OF DELEGATION REVIEWS – COUNCIL**

**1. Development Control (Delegation Reference P4) (g) and (h)**

**(a) Local Council and Members' Requests for Reference of Planning  
Applications to Area Plans Sub Committees**

1. This delegation relates to planning applications which would normally be dealt with under delegated authority but which under certain circumstances can be referred to an Area Plans Sub Committee.

2. Items (g) and (h) of P4 were amended last year to require that member requests for applications to be referred to Area Plans Sub Committees should be subject to a deadline of 4 weeks from the date of receipt of the relevant Council Bulletin list. This was to avoid such requests being received shortly before Sub Committee meetings resulting in the item having to be deferred to a later meeting with an adverse effect on the Council's performance against the eight week BVPI target.

3. A change was also made in respect of representations by local councils whereby reference to a Sub Committee would only occur if the views expressed related to material planning considerations and where applications are recommended contrary to an objection from a local council.

4. The net effect of these changes, together with the change to the 3 weeks Area Plans Sub cycle has resulted in 36 more cases being determined within the 8 week period. We feel that these arrangements have operated satisfactorily over the past year and that they should be confirmed.

**Recommendation:**

**To confirm the changes to P4(g) and (h).**

**(b) Planning Objections by Parish and Town Councils (Delegation  
Reference P4)**

5. Item P4(g) requires (as stated above) that any proposed decision under the Director of Planning and Economic Development's delegated authority to grant consent contrary to an objection from a local council on grounds which are material to the planning merits of the proposal, must be referred to Area Plans Sub Committees for determination.

**Councillor J Knapman** asked the Panel to consider the following proposal:

6. "Delegated powers should not be used if the Director of Planning and Economic Development intends to refuse a planning application where a local council

has indicated a measure of support in its response and that such cases should stand referred to the relevant Area Plans Sub Committee."

For the following reasons:

"Most Parish Councils state "no objection" which appears to be viewed by Planning Officers as a neutral stance on applications, thereby giving authority to make a delegated decision either to grant or refuse consent. Sometimes, the comments of local councils which accompany "no objection" can indicate support for an application. The officer delegation should therefore provide for such comments to be taken into account in deciding whether reference to a Sub Committee should take place."

### **Review of Proposal**

7. We considered that Councillor Knapman's proposal would lead to uncertainty since it is unclear what should be taken as an indication of support. Our view is that because of the lack of clarity the amendment will be likely to lead to disagreements on whether a local council has actually expressed support. Councillor Knapman's proposal could therefore cause uncertainty and conflict between officers, members and local councils. That uncertainty could also threaten the validity of decisions taken under delegated powers and therefore leave them open to legal challenge.

8. It should be recalled that if local councils are supportive of an application it is open to them under existing arrangements to express their support. They can start their comments with the word "Support".

9. We also feel that the proposal will also result in more applications going to Committee for decision. This could result in a decision on an application being made outside the statutory period. The District Councils' objective of achieving upper quartile performance for planning performance could therefore be undermined.

10. As an alternative, we are recommending that further advice should be given to local councils to avoid any ambiguity in responses. It is also suggested that when the Council is, moving to an era of electronic responses, it might be useful to include "tick" boxes with supporting comments which make the views of the local council clear.

### **Recommendation:**

**That no change be made to delegation P4(3) and that further advice to local councils on the current format for submission of comments and any future move to electronic submissions should be given by the Director of Planning & Economic Development so as to avoid any ambiguity in the future.**