

Report to the Overview and Scrutiny Committee



Date of meeting: 15 April 2010

Report: Constitution and Member Services SSP

Subject: Officer Delegation - 2009/2010 Review

Responsible Officer: I Willett (01992 564243)
Assistant to the Chief Executive

Democratic Services Officer: A Hendry (01992 564246)
Democratic Services Officer

Recommendations:

- (1) That the previously agreed delegated authorities in respect of (a) Tree Preservation Orders (Appendix 1) and (b) Crime and Disorder (Appendix 2) be noted and incorporated in the Schedules of Officer Delegation to be submitted to the Leader of the Council;
- (2) That the Committee note the agreement of this Panel and the Planning Services Standing Scrutiny Panel that no action is recommended concerning the delegated authority in relation to comments by local councils on planning applications;
- (3) That new and revised delegated authorities set out in Appendix 3 (Council Functions) be approved;
- (4) That the rejection by the Planning Services SSP of a proposal to delegate to officers decisions on applications to extend existing planning consents subject to certain provisos be noted; and
- (5) That the revised schedules of delegated authorities be incorporated in the Council's Constitution once the approval of the Council and the Leader has been given.

Report:

1. Introduction

1.1 Each year a Working Party of Officers carries out a review of Financial Regulations, Contract Standing Orders and Officer Delegation. These reviews are designed to keep these documents up-to-date and reflect current statutory requirements and operational needs.

1.2 This report concerns officer delegation. Such delegated authorities are agreed in one of two ways:

- (a) by approval by the Council in respect of Council (i.e. non-executive and regulatory functions); or
- (b) by approval of the Leader of the Council for Executive (or Cabinet) functions.

1.3 We have considered updates to the delegation schedule made during the past year which should now be incorporated in the schedule and form part of the Constitution. Several new items (which are shown on Appendix 3 to this report) have also been considered.

1.4 Some of the proposed officer delegation changes in respect of planning matters have also been considered by the Planning Services Standing Scrutiny Panel prior to submission to this meeting. In addition reference is made to a previous discussion both in this Panel and the Planning Services Standing Scrutiny Panel concerning the question of officer delegation in relation to comments from local councils.

2. New Delegated Authorities Agreed during 2009/10

2.1 During the past year, new delegated powers have been approved by Portfolio Holders as follows:

(a) extension of delegation in respect of Tree Preservation Orders and Rights of Entry to Land (see Appendix 1).

(b) an extension of delegation relating to Crime and Disorder matters by reference to additional statutory powers (see Appendix 2);

2.2 We recommend that these changes will now be incorporated in the Schedule of Delegation in respect of executive functions which will be submitted to the Leader of the Council for approval.

2.3 No other delegated authorities have been agreed during 2009/10.

3. New or Revised Delegated Authorities

3.1 Appendix 3 to this report shows new or revised delegated authorities in respect of Planning Services.

3.2 The proposals regarding changes to planning delegation were also considered by the Planning Services Standing Scrutiny Panel and are shown listed in Appendix 3 and were forwarded to this Panel for consideration.

3.3 One further amendment was rejected by that Panel. This related to a new paragraph (m) designed to allow officers to determine applications for extensions to the time limit for implementing planning permissions. This followed from recent changes to the rules by the Government designed to assist applicants during the economic downturn. This new section would have read as follows:

“(m) Applications for extensions to the time limit for implementing planning permission, listed building consents or conservation area consents, unless there had been no changes to material considerations, including planning policy from when the permission was granted.”

3.4 We noted that developers with planning permissions granted up to 30.9.09 where the time limit had not expired, could apply to extend their permissions. This allows applicants to apply for new planning permissions where the original consent is in danger of lapsing. The Director of Planning & Economic Development indicated that if these applications were delegated to officers, subject to the proviso regarding no new changes, would help with performance against NI 157A in respect of “turn round” times for major applications within 13 weeks of receipt.

3.5 The Planning Services SSP rejected this proposal as members felt that the decision on whether the circumstances had changed or not would be one which would be better informed by the local knowledge of Area Plans Sub Committee members. It was also considered that whether a case would be delegated or not was not sufficiently clear from the proposed wording.

3.6 In addition, the Panel previously considered a request by Councillor J Knapman for a change to the operation of the Director of Planning and Economic Development's delegation in respect of planning applications. This proposal was to make the interpretation of the views of local Councils more flexible, and would result in more cases being referred to the appropriate Area Plans Sub-Committee for decision.

3.7 We did not support the change, preferring to rely on improved advice from Planning Officers to local Councils on how they should make their views clear. We submitted a recommendation to that effect to the Overview and Scrutiny Committee, which then decided to refer the issue to the Planning Services Scrutiny Panel. The latter came to the same conclusion and it is recommended that the Committee note that no action is recommended.

4. Further Action

4.1 Following consideration of the delegate authorities set out in Appendix 3, the Panel should recommend to the Overview and Scrutiny Committee and the Council that these changes be agreed and incorporated in the Council's Constitution. Those proposals relating to executive functions will be submitted to the Leader of the Council for approval and then published in the Council's Constitution.

4.2 We recommend as set out at the commencement of this report.