

Report to District Development Committee



**Epping Forest
District Council**

Date of meeting: 7 December 2010

Subject: Planning Services – Delegation and Authorisation of Officers

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Democratic Services Officer: Simon Hill (01992 564249)

Recommendations:

- (1) That the Director of Planning and Economic Development be delegated, as of 8 December 2010 until further notice to authorise suitably qualified and/or experienced officers to exercise those functions relating to the management and provision of the planning service as set out in the attached schedules of functions, (i) “Development Control”, and (ii) “Forward Planning and Allied Functions”;**
- (2) That the Director of Planning and Economic Development be authorised to update the schedules of functions, subject to the agreement of the relevant portfolio holder(s) to any substantive changes;**
- (3) That the Director of Planning and Economic Development shall maintain an up to date record of the internal scheme of delegation of particular functions; and**
- (4) That, accordingly, the appropriate amendments to be made to the Schedule of Delegation to Officers be referred to the Constitution and Members Services Standing Scrutiny Panel for incorporation in the Council’s constitution.**

Report:

1. (Director of Planning and Economic Development) To provide an efficient and effective service planning officers need to be authorised to act under a wide range of legislation. Presently when legislative or staff changes occur the necessary authorities may need to be updated by specific reports.
2. The presentation of the current arrangements in the Constitution reflects their development over the lifetime of the Authority, and is as a result complex, and difficult to interrogate or interpret. In particular there is a real difficulty of scrutiny, for members or the public to be able to be sure that relevant powers are in place.
3. The intention of the current recommendations is two-fold:
 - (a) To ensure that the new scheme of delegation is as complete and up to date as possible, without being unwieldy or over-long and excessively complex; and
 - (b) To ensure that in general the scheme of delegations in relation to the exercise of (i) Development Control, and (ii) Forward Planning and Allied Functions (such as the conservation of buildings and heritage and the protection of trees) is fit for purpose, open and transparent, and capable of being readily updated or amended in future.

4. By giving delegated authority to the Director, and a specified list of senior officers, and making changes subject to portfolio holder approval, as set out in the recommendations above, members will ensure that powers are up to date, and also streamline the updating process, thus preventing delay in authorising officers to act, and increasing effectiveness and efficiency.
5. For ease of reference and future use the scheme of delegation for the Directorate has been divided into three, each with a separate schedule. The current report and schedules do not deal with the third, relating to the Building Control function. Agreement to changes to the scheme of delegation in respect of Building Control is largely not within the remit of District Development Committee. However members may wish to be aware that consistent procedure is being followed across the Directorate and that similar updating is being pursued by the appropriate route, i.e. the Constitution and Members Services Scrutiny Standing Panel. A recommendation seeking these changes as part of the work of that Panel is proposed.

Note on the exercise of these powers:

6. The recommended scheme of delegation brings the scheme of delegation up to date with recent legislative changes, makes the connections between the powers used and the underlying legislation more explicit and open to scrutiny, but does not extend the existing reservations of powers where current arrangements in the constitution specifically reserve powers to the Council or members. In particular and for example there is no change to the scheme of delegation in respect of approval of planning or TPO applications. Cases where powers are reserved are noted as exceptions in the schedules, and the particulars are included as relevant details.

Statement in support of recommended action:

7. The proposed recommendation will ensure that all authorities are up to date, enhance the ability to scrutinise the arrangements by achieving increased transparency, streamline the authorisation process and save time for both members and officers.

Other options for action:

8. The only other option would be to continue to maintain the status quo, including the current authorities, and to undertake ad hoc updating, where every change to the delegation scheme has to be approved separately by members, and where the presentation in the constitution would continue to be difficult to scrutinise.

Consultation undertaken:

9. Legal and Administrative Services and Research and Democratic Services.

Resource implications: Net saving of member and officer time.

Budget provision: Not applicable

Personnel: Increase in the efficiency of officer authorisation

Land: None

Community Plan/BVPP reference: None

Relevant statutory powers: Local Government Act 1972 section 101

Background papers: None

Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference (if required): Not a key decision.