

Report to the Overview and Scrutiny Committee



Date of meeting: 11 April 2011

Report of: Constitution and Member Services SSP

Subject: Officer Delegation – 2010/11 Review

Chairman: Councillor Mrs M McEwen

Recommendations:

- (1) That a report be submitted to the Council recommending that the schedule of changes to Council delegation (Appendix 1) be approved;**
- (2) That the Schedule of Executive Delegations set out in Appendix 4 be recommended to the Leader of the Council for approval;**
- (3) That the revised schedules be incorporated in the Constitution once the approval of the Council and the Leader is given;**
- (4) That the schedules of delegation be re-configured on a Directorate basis in future; and**
- (5) To review the position regarding householder applications in Appendix 3.**

Report:

1. Introduction

- 1.1 We have carried out the usual annual review of officer delegation. This review is designed to keep these documents up-to-date and to reflect current statutory requirements and operational needs.
- 1.2 Such delegated authorities are agreed in one of two ways:
 - (a) approval by the Council in respect of Council (i.e. non-executive and regulatory) functions; or
 - (b) approval of the Leader of the Council for Executive (or Cabinet) functions.
- 1.3 This report brings forward updates to the delegation schedule, including those which have already been approved by the Council during the last 12 months.

2. Proposed Changes

- 2.1 Appendix 1 sets out changes to delegation of Council functions. Appendix 4 shows proposals for Executive Functions. The remaining appendices show changes which have already been approved in each category.

2.2 We are recommending that the format for the officer delegations used in respect of the Planning Directorate (see Appendix 3) should be used for the entire schedule in future. We feel that this is more user friendly for the public, officers and members and will also make the updating of the schedule easier.

3. Planning Delegation (Appendix 3)

3.1 During our review, we noted the decisions of the District Development Control Committee on delegation to officers as set out in Appendix 3. It was queried whether the reference on the last page of that Appendix at paragraph (f)i actually reflected the decision of the Committee regarding householder applications. We asked the Assistant to the Chief Executive to check the position after our meeting and include an explanation in this report. There was also a feeling that the wording used in the Appendix at paragraph (f) needed clarification.

3.2 Paragraph (f)i is drafted in such a way that, even if two expressions of objection material to planning merits are received, a householder application would still be dealt with at officer level. Some Panel members were concerned that the intention of the Committee was that all householder applications would be referred to members and not determined under delegated powers.

3.3 The draft minutes of District Development Control Committee do not record any discussion on paragraph (f)i. there is no indication that the schedule was not approved as presented.

3.4 The Director of Planning and Economic Development advises that he accepts that the schedule is complex, however the intention is clear. For reasons of efficiency and to assist with achieving members' performance targets, the position as agreed is that neighbour objections do not trigger referral of Householder applications to the Area Planning Subcommittees. This is not a change to the current situation. Indeed householder applications have been dealt with in this way for many years. The alterations to the schedule were intended to update and clarify the existing position last agreed by the District Development Control Committee of March 2010..

3.3 In view of this the Committee is asked to decide how to deal with the situation. The Committee could:

(a) refer the matter to the District Development Control Committee, with or without a suggested change; or

(b) ask the Planning Scrutiny Panel to look at the issue.

3.4 It should be said that officers will currently refer any householder application which attracts 5 or more valid objections for decision by members. However, this is an informal guideline not reflected in the scheme of delegation. At this level the approach serves to keep to a minimum the number of such applications which are referred for Committee decision so as to maintain performance at target levels.

4. Next Steps

4.1 The Committee is asked to consider the proposed changes and to:

- (a) recommend the changes in Appendix 1 to the Council so as to amend the Constitution (subject to review of Appendix 3); and
- (b) recommend the changes in Appendix 4 for approval by the Leader of the Council and publication in the Constitution.