

Report to the Council

Committee: Overview and Scrutiny Committee

Date: 28 June 2011

Chairman: Councillor R Bassett

1. OFFICER DELEGATION 2010/11 REVIEW

RECOMMENDING:

- ...
- (1) That the schedule of changes to Council delegation (Appendix 1) be approved including clarification of paragraphs (f) and (h) of the attached Appendix 2;**
 - (2) That the revised schedules be incorporated in the Constitution; and**
 - (3) That the schedules of delegation be re-configured on a Directorate basis in future.**

Report:

1. Introduction

- 1.1 We have carried out the 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 or the Cabinet during the last 12 months.

2. Proposed Changes

- 2.1 Appendix 1 sets out changes to delegation of Council functions. The remaining appendices show changes which have already been approved.
- 2.2 We are recommending that the format for the officer delegations used in respect of the Planning Directorate (see Appendix 2) should be used for the entire schedule in future. We feel that this is clearer for use by the public, officers and members and will also make the updating of the schedule easier.

3. Planning Delegation – Householder Applications

- 3.1 During our review, we noted the decisions of the District Development Control Committee on delegation to officers as set out in Appendix 2. Two queries arose in relation to this delegation.

- 3.2 Paragraph (f)i deals with householder applications. The Scrutiny Panel had asked the Assistant to the Chief Executive to check the position after their meeting and to include clarification in this report.
- 3.3 After discussion at our meeting, we are recommending revised wording for paragraph (f) which distinguishes between a number of development categories involved. We are also recommending that the number of objections required to trigger reference to an Area Plans Sub-Committee a minimum of 5 in the case of certain minor and defined “other” categories of planning application. There is no change from how the delegated procedure has been operating but it adds clarity. This will avoid an excessive number being referred to meetings.

4. Planning Delegation – Planning Applications Referred to Committee by Members

- 4.1 We also reviewed the wording of paragraph (h) of Appendix 2. This relates to the circumstances in which a Councillor can require, on planning grounds, that an application should be referred to an Area Plans Sub Committee rather than being dealt with by the Director of Planning and Economic Development under delegated powers.
- 4.2 Once again, we feel that the wording should be clarified to make clear:
- (a) that the Councillor requesting the call in should represent a ward within the relevant Area Plans Sub area;
 - (b) that if that member is not the Ward Councillor for application site, he or she should have notified the Ward Councillor in advance; and
 - (c) that call in requests should be made within 4 weeks of the receipt of the application being notified in the Council Bulletin.

5. Conclusions

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