

Report to: **COUNCIL**

Date: **8 December 2015**

Title: **Development Management Scheme of Delegation**

Portfolio Area: **Customer First**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y / N**

Date next steps can be taken: **8 December 2015**  
**(Immediately following this Council meeting)**

Author: **Anna Henderson-Smith and Catherine Bowen** Role: **Community Of Practice Lead specialist for Planning and Legal respectively**

Contact: [Catherine.Bowen@swdevon.uk](mailto:Catherine.Bowen@swdevon.uk)  
[Anna.Henderson-Smith@swdevon.gov.uk](mailto:Anna.Henderson-Smith@swdevon.gov.uk)

---

**Recommendations:**

**That the revised Planning Delegation proposals (as attached at Appendix 1) be adopted.**

*(NOTE: this report is also due to be considered by the Planning and Licensing Committee at its meeting on the morning of 8 December 2015).*

**1. Executive summary**

This reports ask Members to review the Planning Scheme of Delegation to ensure that:

- a. there is a clear and readily understood process so that members of the public understand the process that their applications will go through in order to reach a decision;
- b. efficiencies are delivered to provide better customer service and swifter handing of applications leading to improved performance;
- c. the Council has the tools to improve its delivery of planning targets for both minor and major applications and the proposed changes will go some way in helping deliver these improvements;

- d. the processes are aligned across both Councils in line with T18 objectives making working practices more efficient, transparent and more robust; and
- e. working practices are easier and more robust with less opportunity for possible misinterpretation and error as the procedures and triggers for delegation will be aligned across the Councils.

## **2. Background**

- a. The Council's Delegation Scheme is set out in part 3 of the Constitution and sets out the roles and responsibility of the Planning & Licensing Committee (P&L) together with the main areas of responsibility of the Community of Practice Planning Lead Specialist (Planning COP).
- b. The current delegation scheme (setting out the respective responsibilities of the Committee and Planning COP) is attached at Appendix 2.
- c. The Planning Delegation needs to be reviewed in order to ensure that it is more readily understood by the customer, complies with current ways of working and in order to improve the effectiveness of decision-making and timely processing of applications and enforcement action.

## **3. Outcomes/outputs**

The proposed revised Delegation Scheme is set out in Appendix 1 attached to this report. The **main changes** to the existing Scheme are:

- a. An amendment to the time for Members to reply to requests for delegation from 7 days to 3 working days. This will enable the officers to proceed and process the applications more effectively.
- b. An increase in the number of representations (contrary to officer recommendation) required to trigger the need to seek agreement of delegation, from 1 to 5 representations. This does not imply that where fewer representations are received that they will not be seriously and professionally considered and addressed by officers, but it will mean an increase in the numbers of applications that can be completed more quickly. This does not apply to Parish & Town Councils responses where a response contrary to officer recommendation will continue to trigger the need to seek agreement to delegate.
- c. For planning enforcement matters, the reintroduction of Ward Member involvement and formal agreement to delegation of injunctions and prosecutions.
- d. Members will also note that the revised scheme at Appendix 1 also sets out issues of clarification around minor variations to section 106 agreements that will enable delivery of the intentions of the Committee without incurring delays by having to refer the matter back to Committee for clarification. Obviously substantive changes that do not accord with the Committee's intentions will be referred back to Members.

- e. Clarity has been provided about the current arrangement for multi-member wards and what happens where no representations have been received from members within the required time frame. This again will enable the applications to be progressed efficiently and will provide clarity to members of the public that the officer has clear authority to make decisions in these circumstances.
- f. The attached scheme also clarifies the authority of the Planning COP in relation the Decision Notices following Committee approval or refusal, and again this is to enable transparency and clarity to the public in the authority that the Officers have in this regard.
- g. The suggested amendments are in no way intended to disenfranchise Members but to create a smoother swifter path for those applications which are not usually called in in any case.
- h. It is intended that a Planning Protocol and Corporate Enforcement Policy will follow to sit alongside this revised scheme and provide guidance and clarity on associated issues such as lobbying of Members.

#### **4. Options, consideration of risk and proposed way forward**

- a. The attached revisions in Appendix 1 are intended to improve clarity, understanding and deliver efficiencies in the Planning and Enforcement Service in line with the Council’s T18 ways of working with the emphasis on Customer First.
- b. The reduction in the time for Member decision from 7 days to 3 working days will enable decisions to move through the process more swiftly and thus provide better customer service and swifter handing of applications leading to improved performance
- c. Arriving at a common delegation scheme with South Hams will also provide an opportunity to improve delivery of the planning service and reduce the risk of confusion and error in processing applications
- d. The alternative is to retain the existing scheme at Appendix 2 but at the risk of failing to realise the opportunity of delivering the objectives in bullet point one.

#### **5. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Council is required to have a Delegation Scheme setting out the roles and responsibilities of Council, its Committees and its officers. These are set out in Part 3 of the Council’s Constitution.</p> <p>In addition to the Delegation Scheme set out in the Constitution, the Council has previously agreed further detail in relation to how the Council decides its Development Management and planning Enforcement functions, and it is this delegation which members are being requested to review.</p>

		The full Council must make the final decision on the scheme to be adopted.
Financial	Y	There are no direct financial implications but the revised scheme will deliver efficiencies in both officer and member time
Risk	Y	These are addressed in the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	These are considered within the application process
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	

## **Supporting Information**

### **Appendices:**

**Appendix 1:** Proposed Revised Planning Delegation Scheme

**Appendix 2:** Current Planning Delegation Scheme