

Report to: **Planning and Licensing Committee**
Date: **29 March 2016**
Title: **REVIEW OF PLANNING SCHEME OF DELEGATION**
Portfolio Area: **Customer First - Cllr Moody**

Wards Affected: **All**

Relevant Scrutiny Committee: Overview and Scrutiny (Internal)
Committee

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

Date next steps can be taken: The Committee
recommendations will be
presented to the Council
meeting on 5 April 2016 for
approval.

Author: **Pat Whymer** Role: COP Lead Specialist –
Development Management

Kathryn Trant Senior Case Manager

Contact: **Email: pat.whymer@swdevon.gov.uk**
kathryn.trant@swdevon.gov.uk

RECOMMENDATION:

That the Planning and Licensing Committee RECOMMEND to Council that:-

- 1. the revised Planning Scheme of Delegation as presented at Appendix A of the report be adopted; and**
- 2. authority to make any minor amendments prior to adoption be delegated to the Community of Practice Lead Specialist Development Management, in consultation with the Chairman of the P&L Committee.**

1. Executive summary

- 1.1 The Council has adopted a Planning Scheme of Delegation which governs the way that decisions are made in respect of planning matters, and how and when applications can be referred to the Planning and Licensing Committee.
- 1.2 As a result of the Transformation Programme, officers now work across both West Devon Borough Council and South Hams District Council. As a consequence, this review has provided the opportunity for both councils to consider adopting a more aligned Planning Scheme of Delegation that will make working practices more efficient and robust.

2. Background

- 2.1 A revised Planning Scheme of Delegation was initially presented to the Planning and Licensing Committee held on 8 December 2015. At that meeting, following a lengthy debate, Members raised a number of concerns with the presented document and recommended that 'two Members of the Committee be authorised to work with two Members of South Hams District Council as a joint group to be tasked with reviewing the Planning Scheme of Delegation'.
- 2.2 At the full Council meeting held later that day, and bearing in mind the level of Member concerns expressed, the following resolution was then made (Minute CM 41 refers):
 1. *That a Working Group be established that has the remit of reviewing the draft Development Management Scheme of Delegation and that this review be undertaken as soon as is practically possible;*
 2. *That the merits of this review being undertaken jointly with South Hams District Council (SHDC) be recognised and SHDC therefore be asked to consider this request;*
 3. *That the Group comprises of two Members, who are also Members of the Planning and Licensing Committee, and be supported by officers as necessary;*
 4. *That the two Group Member appointments be agreed by the two Group Leaders; and*
 5. *That the findings of the Working Group be presented back, in the first instance, to a meeting of the Planning and Licensing Committee.*
- 2.3 During these meetings, Members had clearly set out their wish to be involved in future discussions in relation to the revised Planning Scheme of Delegation.

3. Outcomes/outputs

- 3.1 Following the resolution at Full Council on 8 December 2015, the Working Group was convened on 24 February 2016. The Group Leaders nominated Cllr Terry Pearce and Cllr Graham Parker to serve on the Working Group and both Members attended this meeting.
- 3.2 As a starting point, Members of the Group worked through the version of the Planning Scheme of Delegation that had been initially presented to the Planning and Licensing Committee and Council in December 2015 and raised their concerns where appropriate. Members also referred to the existing documents in use at both West Devon Borough Council and South Hams District Council. During discussion, a number of the concerns previously raised were addressed and amendments subsequently made.
- 3.3 As a result of the discussions held, a revised Planning Scheme of Delegation document was produced and supported by the Working Group. This revised version is now attached at Appendix A.

4. Options available and consideration of risk

- 4.1 The Planning Scheme of Delegation sets out the parameters for decision making in respect of planning matters. Currently, the two Councils have quite different schemes.
- 4.2 Whilst one option would be to continue with the existing schemes, a more closely aligned scheme would result in more efficient working and greater continuity for the Development Management service. In addition, the proposed amendments to the scheme should enable decisions to be made more swiftly and therefore improve customer service. An aligned scheme would also reduce the risk of error.

5. Proposed Way Forward

- 5.1 Following the support of the Working Group, a revised Planning Scheme of Delegation has now been produced. Members are requested to recommend that the Council approve the revised document.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	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>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> <p>The full Council must make the final decision on the scheme to be adopted.</p>
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:

1: Revised Scheme of Delegation

Background Papers:

Planning and Licensing Committee Report and Minutes – 8 December 2015

Council Report and Minutes – 8 December 2015

Scheme of Delegation