

Committee:	Planning Committee Working Group	Date:	
Title:	Changes to Section 2 Part 3 – responsibility for function relating to planning		17 February 2022
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Summary

1. At the previous meeting of the [Planning Committee Working Group](#) (PCWG), members agreed to receive a report with recommendations about changes to the general delegations to committees chief officers and deputy chief officers as they relate to Planning Committee and to Assistant Director of Planning. Now called the Director of Planning and Building Control.
2. A report prepared for the working group on 27 January has been withdrawn and this report dated 17 February replaces that.
3. There are five changes recommended. The text is set out as track changes in Appendix 1 of this report. All of the recommended changes are intended to increase the efficiency of the authority in dealing with minor applications and remove small applications which do not need to be there from the agenda. Members will note that all of the major applications will now be reported to Planning Committee. It should be remembered that changes to the scheme do not remove the right of Members to call an application to Planning Committee should they wish to do so.
4. The first proposed change is to para 1.1 is to allow officers to deal with variation of conditions applications on all types of previously approved applications where they have been determined by Planning Committee, except where the application was accompanied by an Environmental Statement. Those applications will always go to Planning Committee.
5. The second proposed change requires that all major applications are reported to Planning Committee. Previously it was the applications recommended for approval only. This change reflects the current complex policy environment. Members will also notice that the wording relating to 5 dwellings has been deleted. Call in powers can capture these where they are controversial.
6. The third proposed change is to insert a new paragraph 1.6 to ensure applications where the applicant is an officer of the Council or an elected Member it should be determined by Planning Committee.
7. The fourth change ensures that any deed of variation application to a s106 Agreement where there is a change to the Head of Term and the Planning Committee agreed the Head of Terms should be reported to Planning Committee.
8. The final proposed change is to paragraph 2. It is proposed to delete the need for enforcement notices to be jointly authorised by the Assistant Director – Governance and Legal. Whether to serve an enforcement notice is a matter of

planning judgement and is dependant on whether in the opinion of the planning authority it is expedient to do so. Accordingly this is not a legal decision and there is no need to have a joint sign off arrangement.

Recommendations

9. To recommend to GAP Committee that the changes set out in the track changed document Appendix 1 Extract from the constitution with track changes, Section 2 Part 3 – Responsibility for Functions should be agreed as changes to the constitution and recommended to Full Council for adoption:

Financial Implications

10. Any proposed changes to the constitution to be facilitated within existing budgets.

Background Papers

11. Appendix 1 Extract from the constitution with track changes Section 2 Part 3 - Responsibility for Functions

Impact

12.

Communication/Consultation	This group is a working group and will make recommendation to GAP
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

13. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That a review does not take place in accordance with good governance	3	3	The recommended changes are intended to improve the efficiency of the Local Planning Authority

and best practice as recommended by the East of England Local Government Association (EELGA)			and create space space for major applications to be determined by Planning Committee
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.