

**Committee:** Planning Committee Working Group **Date:** 23 March 2022  
**Title:** Changes to Section 2 Part 3 – responsibility for function relating to planning  
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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. There are five key changes recommended. The text is set out as track changes in Appendix 1 of this report. All of the recommended changes are designed to increase the efficiency of the authority and to remove applications from the Planning Committee agenda which would otherwise appear on it when they are not controversial. 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.
3. 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.
4. The second proposed change is to para 1.4 to extend the delegation for approval of major applications district wide and remove the requirement for schemes of more than 5 dwellings outside of Great Dunmow, Saffron Walden and Stansted to be reported to Planning Committee. There is also new proposed wording to raise the threshold for schemes of less than 20 dwellings in Great Dunmow and Saffron Walden to be determined by officers.
5. The third proposed change is to insert a new paragraph 1.6 to ensure applications where the applicant is an officer of the Local Planning Authority or an elected Member it should be determined by Planning Committee.
6. 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

7. 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

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

### Background Papers

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

### Impact

- 10.

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

### 11.Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That a review does not take place in accordance with good governance and best practice as recommended by the East of England Local Government Association (EELGA)	3	3	The recommended changes are intended to improve the efficiency of the Local Planning Authority and create space space for controversial applications to be considered 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.