

Rother District Council

Report to: Planning Committee

Date: 10 March 2022

Title: Proposed changes to the scheme of delegation and establishment of a Planning Consultation Group

Report of: Myles Joyce

Ward(s): All

Purpose of Report: The purpose of this report is to propose changes in the scheme of delegation for certain planning applications which currently are determined at Planning Committee and whether they are more appropriately dealt with under delegated powers

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) the officer scheme of delegation in respect of the Planning Service be permanently amended by requiring the 'COM' applications to be discussed at a Planning Consultation Group consisting of Members and officers organised by the Development Management Service which will decide whether the application(s) go forward to be determined by Planning Committee or returned to officers under delegated authority;
- 2) the Planning Consultation Group be established and comprise of the Chair of the Planning Committee (or Vice-Chair), a Member of the opposition who is also a Planning Committee member, a third member to be chosen by rota, the Development Manager (or Area Team Leader(s)) and where appropriate the case officer(s);
- 3) the Planning Consultation Group shall determine only whether the said applications will be dealt with by Planning Committee or more appropriately returned to officers to decide under delegated powers;
- 4) a list of such applications and the outcome of the Planning Consultation Group's decisions be reported to the next scheduled meeting of the Planning Committee; and
- 5) the Council's Constitution be amended accordingly.

Introduction

1. Members will note that the weekly list denote applications as either 'DEL' for determination under delegated powers or 'COM' for determination by Planning Committee.
2. The current set up provides a vehicle for 'call-in' by Ward Members provided a valid planning reason is given up to 28 days of the weekly list or up to seven

days after the expiry of the consultation period for the given planning application.

3. The proposed amendment is to allow for the type of applications which automatically get called in due to ownership and/or relationship between both Members and officers and the Applicants to go before a Planning Consultation Group (PCG) which will consider and determine the most appropriate means of determining the planning application(s) before them.
4. It is proposed that the PCG will consist of the Chair of the Planning Committee (or Vice-Chair in their stead), a Member of the opposition who is also a Planning Committee member, a member to be chosen by rota by the Development Manager or Area Team Leader(s) in their stead and where appropriate the case officer(s).
5. Whilst it is anticipated that there will be one such meeting to be held on the Monday prior to the deadline for submission of Committee reports for each Committee cycle, it is anticipated that on occasion more than one meeting per cycle may be required.
6. A list of applications before the PCG and the agreed method of determination will be reported to the next scheduled meeting of the Planning Committee for information. There will be no opportunity for the Planning Committee to change the recommendation of the PCG.
7. The proposal is considered to be a cost and time effective way of considering the above applications and the most appropriate method of determination. It is anticipated that several items which would automatically be before the Planning Committee at present could be dealt with under delegated powers allowing Planning Committee resources to focus on more complex and or controversial cases.
8. The PCG shall bestow voting rights for Members only with officers' present in an advisory role. The PCG will only consider whether the items go to Committee or can be dealt with under delegated powers and have no other decision-making purpose.
9. The quorum shall be three and the chair shall have casting vote where difference of opinion between Members or any abstentions.

Conclusion

10. It is considered that the proposed revisions to the officer delegation scheme would be a resource effective way to streamline the Planning Committee procedure and its outcomes would be made public via a list.
11. In accordance with Article 15 – Review and Revision of the Constitution, 15.3 Changes to the Constitution, as this matter is in connection with officer delegations that flow from the Planning Committee, this matter does not require full Council approval.

Financial Implications

12. No additional financial implications identified.

Legal Implications

13. Amend the delegation scheme in the Constitution.

Risk Implications

14. Failure to revise the Constitution to simplify the planning delegation system will mean a continuation of a less efficient system adding continuing pressure on an already over stretched planning department.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

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Appendices:	N/A
Relevant previous Minutes:	N/A

Background Papers:	N/A
Reference Documents:	N/A