

## Rother District Council

<b>Report to:</b>	Planning Committee
<b>Date:</b>	12 January 2023
<b>Title:</b>	Planning Scheme of Delegation – Clarifications
<b>Report of:</b>	Myles Joyce, Interim Development Manager
<b>Ward(s):</b>	All
<b>Purpose of Report:</b>	The purpose of this report is to consolidate, clarify, review and approve the revised officer Scheme of Delegation including widened officer sign off powers, clarification of call in for amendments to legal obligations, powers in relation to tree works and the Planning Committee Chairs' emergency call in powers from October 2020, consolidated in March 2021 and November 2022.
<b>Officer Recommendation(s):</b>	It be <b>RESOLVED:</b> That Appendix 1 be approved as the Planning Scheme of Delegation and that the Constitution be amended accordingly.

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### Introduction

1. Members will recall that a "Revision to the Planning Scheme of Delegation and other related changes" was presented to Committee on 13 August 2020 (Minute PL20/29 refers). Members approved the amendment of the officer Scheme of Delegation in respect of the Planning Service by the removal of the 'Notified D' report process and the insertion of an enhanced weekly list process as set out in the report and the consequent amendment of the Council's Constitution.
2. The new system was introduced on 6 October 2020 and was reviewed and accepted by Planning Committee in May 2021 (Minute PL21/09 refers).
3. At the same meeting, the Planning Committee Chair's resolution to clarify the limits of their emergency call in powers to Committee was also approved by the Planning Committee (Minute PL21/09 refers).
4. The above followed the approval of the Planning Committee for the procedure for the approval of minutes where the Planning Committee decision was contrary to officer recommendation in March 2021 (Minute PL20/98 refers).
5. It was considered to assist with the reduction in the backlog of planning applications, more rapid response with regard to taking formal enforcement action and to generally improve overall the decision making of officers, that the scope for sign off of application under delegated authority was increased to Level 4 officers and above regardless of their RTP1 status. These proposals were adopted by the Planning Committee November 2022.

6. It has been noted that notwithstanding the above certain aspects of the above approved amendments had not been updated in the wording of the Scheme of Delegation or Constitution. Accordingly, some officer titles have since been superseded by staff/organisation changes. Accordingly, the report before you seeks to clarify these delegated officer powers to reflect the current officer structure (Appendix 1).
7. It has also been noted that certain inconsistencies with regard to miscellaneous powers and tree works were inconsistent with the officer delegated powers of more recent amendments and this report seeks to amend these for the sake of clarity and consistency.
8. Finally, it is proposed to amend the Scheme of Delegation so it is clear that lawful development certificates and time limited applications that appear on the weekly list for information only or are not planning applications are not subject to call in powers and that accordingly, these amendments are sought in this report for the sake of clarity and consistency.
9. Therefore, in summation it is recommended to:
  - Update the Scheme of Delegation as approved on an interim basis by Planning Committee August 2020 and confirmed by Planning Committee March 2021 inserted in paragraphs 3.1.6 to 3.1.9 and including clarification of exemptions for time limited applications for information only as consistent with the delegated list.
  - To clarify sign off powers to Level 4 and above regardless of RTP1 status, approved by Planning Committee November 2021 as inserted in 3.1.4 to 3.1.5 and 3.1.10 and 3.1.11.
  - To clarify sign off powers with regard to investigations and formal actions with regard to Planning Enforcement approved by Planning Committee November 2021 and set out in paragraphs 3.1.12 to 3.1.18.
  - To clarify approval of minutes where Committee decisions differ from officer recommendations confirmed by Planning Committee March 2021 inserted as paragraph 3.1.3.
  - To clarify that any amendments to planning obligation which relate to financial matters including changes to affordable housing provisions be reported to the Planning Committee as in paragraph 3.1.13.
  - To clarify powers under tree matters including making of Tree Preservation Orders and High Hedge Notices in paragraph 3.1.25 to 3.1.27.
  - To clarify powers with regard to miscellaneous matters including making of Article 4 directions and Rights of entry under paragraphs 3.1.19-3.1.24.
10. 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**

11. No additional financial implications identified.

### **Legal Implications**

12. Amend the delegation scheme in the Constitution.

## Risk Implications

13. Failure to revise the Constitution to simplify the planning delegation system will mean a continuation of the current lack of clarity and consistency which may hamper effective decision making.

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:	Appendix 1 – Proposed Scheme of Delegation
Relevant previous Minutes:	PL20/29 / PL21/09 / PL20/98
Background Papers:	-
Reference Documents:	-