
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	12 th February 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	Adrian Kirkham (Ext. 5743)	DOC:
SUBJECT:	PLANNING AND BUILDING CONTROL DELEGATION AGREEMENT	REF:
WARDS AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That the delegation agreement attached at Appendix A is adopted for a period of two years up to and including 30th April 2004.

2.0 Purpose of Report

- 2.1 To advise members that the current delegation agreement is due to expire on 30th April 2002, to seek the agreement of members to make modifications to the current agreement and to gain members' agreement to adopt the revised agreement for a two-year period expiring on 30th April 2004.

3.0 Detail

- 3.1 The delegation agreement was last renewed in February 2000 and permitted the scheme of delegation to officers to be carried forward until the end of April 2002.
- 3.2 Since that time there have been some minor modifications to the general agreement and the inclusion in it, in October 2000, of delegated powers for many enforcement issues (including untidy site notices) into the agreement.
- 3.3 The scheme of delegation, as now constituted, has worked well. This has been despite increases in the complexity of the planning system and in workloads for both development control (up 23% in three years) and enforcement services. Specifically, it has enabled the Council to continue to determine in excess of 70% of planning applications within 8 weeks (this is currently the indicator used by government to measure efficiency but it will change in 2002/2003.) and to continue to deliver a reactive enforcement service. Additionally, the scheme of delegation was considered to be a major positive feature of the service in the Best Value Review of Development Control in 2000.
- 3.4 The scheme of delegation has worked on the basis that all cases giving rise to significant controversy or which are contrary to the Council's planning policies and/or its' Supplementary Planning Guidance (SPG) have been brought to members for final

determination. More recently members' role has been strengthened in the planning process by the process of receiving letters of notification on all submissions made within their own ward.

- 3.5 In the time that the scheme of delegation has operated the ombudsman has found no cases of maladministration against the Council.
- 3.6 The use of the delegation scheme continues to be advocated by Government and it remains a best value indicator. However, the government intends that in the near future 90% of planning submissions should be determined under delegated powers. It is intended that this will become the new indicator of Best Value. The government takes the view that this would provide more time for elected members to consider larger and more complex applications in detail and that would have a significant bearing on the wellbeing of areas for which they are elected.
- 3.7 The operation of the delegation scheme has increased over time with 588 applications being determined under delegation in 1991/1992 (50%), 736 in 1996/97 (72%) and 648 in 1998/1999 (78%). In the quarter up to September 2001 this Council determined 86% of the applications submitted by way of delegated powers. This increase reflects the increasing need to determine applications under delegated powers in the interest of efficiency as well as the recent increase in the submission of less complicated applications.
- 3.8 Notwithstanding this, the scheme of delegation needs to be continually monitored and, in view of the increasing workloads of the development control and enforcement sections, updated to enable the section to continue to provide a rounded and complete service that is responsive to its customers.
- 3.9 Therefore, further changes are proposed at this stage. Currently, minor matters particularly, but not exclusively, relating to house holder applications are referred to the Committee when either a statutory consultee objects to them or more than two letters of objection are received. This has often resulted in minor applications coming before the Committee that are fully in accord with the Council's planning policies and SPG and which are otherwise acceptable.
- 3.10 Bearing in mind the additional resources required to service the Committee and the pressure to achieve Government targets for both delegation and efficiency, it would be more effective for officers to deal with these matters under delegated powers irrespective of consultations received but strictly in accordance with the SPG. This would primarily relate to householder applications or minor residential development where strong supplementary planning guidance exists at present. If matters were considered to be significantly controversial, the Planning Services Manager would still refer them to the Committee.
- 3.11 Currently, the delegation agreement gives delegated powers to officers to deal with controversial matters concerning Tree Preservation Orders, the notification of works to trees within Conservation Areas and telecommunication related proposals in consultation with the Chair of the Committee. This is not in line with the other delegated powers. It is proposed to alter this to allow officer's to deal with this matter under delegation providing no more that two letters contrary to the officer recommended decision are received. If more than two letters are received, or comments are received from a statutory consultee contrary to the recommendation in this case then reference to the Chair would remain the recourse.

- 3.12 Currently, any matter requiring a section 106 (legal) agreement requires referral to the Committee. Where otherwise minor matters would be determined under delegation this often means a referral to the Committee. Whilst this would need to be treated with care to ensure compliance with probity, it is proposed that the delegation agreement is altered to allow officers to determine applications accompanied by section 106 agreements.
- 3.13 In addition some minor drafting changes are proposed to the planning delegation scheme, however, these do not affect the general working of the delegation agreement in its current form.
- 3.14 Minor changes are also proposed to be made to the building control delegation scheme to reflect arrangements to work co-operatively in partnership with other local authorities and users of the service.

4.0 Financial Implications

- 4.1 There would be no financial implications from the renewal of the delegation agreement or the extension of it. However, it would enable the current resources to adapt more readily to the increase in application numbers and the continuing complexity of planning legislation

5.0 Corporate Implications

- 5.1 The increase in the delegation agreement would have no corporate implications.

6.0 Community Implications

- 6.1 The proposals would have no direct implications on the community.

7.0 Human Rights Implications

- 7.1 The increase in the delegation agreement would not adversely impact upon the Human Rights of individuals as the courts have held that there remains a right of appeal against planning decisions either through the courts on points of law or through appeal to the Secretary of State.

8.0 Conclusions

- 8.1 The delegation agreement continues to contribute significantly to the effectiveness of the Planning Service in general and the provision of the development control and enforcement services in particular. The renewal of the scheme would enable the service to meet the ever-increasing demands on the service and the increase in delegation would not have detrimental impact on the service or its customers and enable the service to continue to deliver an effective service.

