

# Review of delegation of powers to the Planning Policy Committee

## Planning Policy Committee Thursday, 18 January 2024

Report of: Head of Legal & Democratic Services (Monitoring Officer)

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Purpose: To enable the Committee to make a recommendation to Full Council.

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Publication status: Open

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Wards affected: All

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### Executive summary:

Following an Officer review of the scheme of delegation to Committees, this report proposes three amendments regarding this Committee's powers to recommend / resolve.

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**This report supports the Council's priority of:** Building a better Council

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### Recommendations:

It be recommended to Council that:

- A. the following additional item be added to the list of matters reserved for this Committee to recommend to Full Council:

*"publication of draft Local Plans under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012"*

B. the following amendments be made to the list of matters reserved for this Committee to resolve:

1. item (ii):

Preparation and review of Local Development Documents, subject to the publication of draft Local Plans (under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) having to be recommended to Full Council

2. item (vii):

The seeking of Deemed Planning Consents planning permission by, or on behalf of, the Council

C. the proposed replacement wording in B2 above for the seeking of Deemed Planning Consents (i.e. to read, "*The seeking of planning permission by, or on behalf of, the Council*") be also made to the corresponding clauses within the 'To Resolve' sections of the delegation schemes for the Community Services, Housing and Strategy & Resources Committees.

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## Background

1. Arrangements for the delegation of powers to Committees are set out in Part E of the Council's constitution, including, for each Committee:
  - (i) terms of reference
  - (ii) matters reserved for the Committee to recommend to Full Council
  - (iii) matters reserved for the Committee to resolve
2. Officers are empowered to determine matters not reserved for Full Council or Committees in (ii) and (iii) above.
3. At its meeting on the 30<sup>th</sup> November 2023, the Strategy & Resources Committee agreed an action for the Council's scheme of delegation to Committees to be reviewed during this this cycle of meetings (Minute 189 (23/24)). This was prompted by a matter which highlighted the fact that certain financial thresholds had not been revised for several years and that uplifts may be required to take account of inflation.
4. Consequently, Officers have reviewed the delegation scheme and identified potential amendments for relevant Committees to consider. The suggested revisions include uplifting financial thresholds as referred to in 3 above (which will be reported to the Strategy & Resources Committee), together with other amendments.

5. The proposed revisions exclusive to the Planning Policy Committee are as per recommendations A and B1 above. At present, this Committee can 'resolve' that a proposed Local Plan be published prior to submission to the Secretary of State (the Committee made such a resolution in July 2018 in respect of 'Our Local Plan 2033'). The revisions would require such publications to be ratified by Full Council in future, meaning this Committee could only 'recommend' the relevant actions.
6. The other recommended amendment concerns the following clause which is repeated in the 'to resolve' sections of all four Policy Committees' delegation schemes:

*"The seeking of deemed planning consent"*

7. This clause has been included within the scheme of delegation for many years. Its original intention is not entirely clear but is believed to relate to planning applications submitted by, on behalf of, the Council. Arising from discussions with the Chief Planning Officer, amended wording is proposed to make the clause more explicit, i.e. *"The seeking of planning permission by, or on behalf of, the Council."*
8. Since November 2021, the Planning Committee has been empowered to determine all planning applications submitted for its consideration. Prior to that, Council applications could only be recommended to Full Council. It seems appropriate for the actual submission of Council applications to be approved by the relevant Committee in the first instance.
9. Recommendation C would enable the corresponding *"seeking of deemed planning consent"* clauses to be amended within the delegation schemes for the Community Services, Housing and Strategy & Resources Committees.

## **Key implications**

### **Comments of the Chief Finance Officer**

There are no direct financial implications arising from this report. The 30<sup>th</sup> January 2024 Strategy & Resources Committee will consider revisions to the Council's financial thresholds as referred to in 3 above.

### **Comments of the Head of Legal Services**

There are no specific legal implications arising from this report. The changes proposed in this report help to strengthen the terms and reference for this Committee.

## **Appendices**

Appendix A – a full copy of the terms of reference and delegation of powers to the Planning Policy Committee, with the proposed amendments shown with track changes.