

Report to: COUNCIL

Date: 6 December 2022

Executive Member: Councillor Gerald P. Cooney Executive Leader

Reporting Officer: Julian Jackson – Director of Place

Subject: **AMENDMENT TO THE CONSTITUTION RELATING TO STRATEGIC PLANNING & CAPITAL MONITORING**

Report Summary:

Council Constitution Part 2 - Articles of the Constitution Article 9 - Speakers Panel (Planning) state at 9.1 Regulatory and Non Executive Functions 1. – *“The Council will appoint the Speakers Panel (Planning) to discharge its quasi-judicial and regulatory functions, as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These include functions relating to Town and Country Planning and development control (strategic planning matters are within the terms of reference of the Strategic Planning and Capital Monitoring Panel).”*

Part 3a - Terms of Reference and Scheme of Delegation 11. STRATEGIC PLANNING AND CAPITAL MONITORING PANEL 1. Terms of Reference The Strategic Planning and Capital Project Monitoring Panel shall have delegated powers to deal with the following:-

Within the framework of Council Policy, and having regard to the Development Plan, Local Development Documents, other planning guidance and development briefs approved by the Council, the Panel shall exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (as amended). Most of these functions are delegated to the Speakers (Planning) committee and then onwards to the Director or Head of Planning but the following are reserved to the Strategic Planning and Capital Project Monitoring Panel 1. applications for Large Scale Major Development, defined from time to time by Department for Communities and Local Government. Currently this includes residential developments of 200 dwellings or more, or 4 ha or more and 10,000 square metres or more, or 2 ha or more of retail, commercial or industrial or other floorspace. 2. Smaller scale major applications contrary to Development Plan Policy; 3. All significant applications which would depart from Green Belt policy shall be referred to the Strategic Planning and Capital Monitoring Panel for determination. ‘Significant’ will be defined by the Executive Leader and Chief Executive or their nominees;

There are a number of applications that whilst falling within the delegated authority for determination by the Strategic Planning and Capital Monitoring Panel, the Executive Leader as Chair of Strategic Planning & Capital Monitoring is of the view they would be more expediently dealt with by Speakers Panel and therefore would like the delegated discretion to refer such matters in consultation with the Chair of Speakers Panel Planning and the Director of Place.

Recommendations: It be RECOMMENDED to Council that the Constitution is amended so that the Executive Leader in consultation with the Chair of Council's Speakers Panel (Planning) and the Director of Place can at their absolute discretion refer such matters as would ordinarily fall within the delegation and scope of Strategic Planning and Capital Monitoring Panel to Speakers Panel where considered expedient to do so.

Corporate Plan: Accepting the recommendation will enable the council to meet its requirements in respect of a flexible approach to meeting the need to provide modern infrastructure and create a sustainable environment.

Policy Implications: In line with the constitution.

Financial Implications: There are no additional financial implications as a consequence of Speakers Panel considering the application as opposed to Strategic Planning and Capital Monitoring.
(Authorised by the statutory Section 151 Officer)

Legal Implications: The constitution sets out how the Council has delegated its functions and the Council has the authority to make alternative delegations
(Authorised by the Head of Legal)

Risk Management: To avoid legal challenge and ensure openness and transparency of decision making.

Background Information: The background papers relating to this report can be inspected by contacting Melanie Hale, Head of Planning



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