

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting20th December 2007

1. Title of Item/Report

Alterations to the Scheme of Delegation and Planning Committee Site Visits

2. Record of the Decision

Cabinet considered a report relating to the Council's scheme of delegation for planning applications and the Planning Committee's site visits procedure.

Members noted that the scheme of delegation had been amended in January 2004 along with improvements to the operation of the Planning Committee. A copy of the current scheme was provided to Members.

It was explained that performance had improved, however there was no room for complacency and a peer review of the Planning Service had specifically highlighted areas of concern around delegation and the signing off procedure.

Subsequently the delegation scheme had been fully reviewed as part of the Planning Service's Service Improvement Plan. Also, the Local Government Association and Office of the Deputy Prime Minister published advice on providing a simpler delegation scheme, based on the 'by exception' approach.

Members noted that the suggested revised scheme was simpler than the current scheme and made it clear what applications could not be determined by Officers. It also provided a procedure allowing any Member to call in a delegated application, given certain circumstances. A flowchart describing this procedure was provided to Members.

Cabinet noted the proposed revised scheme that delegated authority be granted to Officers to process and make decisions on all applications subject to the following:-

a.) those cases which appear to the Director of Development and Neighbourhood Services or the Head of Planning to be extraordinary when viewed against established policy guidelines, or warrant

- consideration by Planning Committee;
- b.) development proposed by the Council itself except those of a minor nature as detailed in Appendix 3- definitions associated with the operation of the scheme of delegation;
 - c.) those cases where the Officer recommendation is for approval but it constitutes a departure from the Development Plan;
 - d.) those cases where there were more than 10 letters/emails by way of response which are contrary to the recommendation of the case officer, with the exception of mobile phone mast applications where they remain delegated regardless of the number of objections received;
 - e.) where a Member requests in writing or by email within 21 days of publication of details of the application that Committee determine the application on the grounds of a matter of fundamental principle or precedent;
 - f.) those cases which involve development on land owned, or in which an interest is held, by a Council Member (or their spouse/partner) or by any member of the Council staff (or their spouse/partner) as far as is reasonably practicable.

It was suggested that Mobile Phone Masts applications be delegated to officers regardless of the number of objectors. This would be a departure from the '10 objections' rule which was being recommended as triggering a referral to committee. Should there be more than 10 objections to such an application, the Case officers would liaise directly with Ward Councillors to make them aware of the issues which were being raised, as often clarification could be given on the siting and design due to local knowledge.

Members were provided with information relating to the current procedure for signing off decisions and were informed that the peer review team had commented on how onerous and time consuming it was. In view of this a proposed streamlined process had been identified and details were provided to Members.

Cabinet was provided with details of the protocol relating to requesting site visits and how they were conducted.

It was explained that that the Planning Committee had considered the proposed scheme and site visits procedures and had suggested a number of amendments. Details of these suggested amendments were provided to Cabinet.

Cabinet considered the proposed revised scheme and, taking account of comments made by Planning Committee, agreed certain amendments.

RECOMMENDED to Council that

1. the revised scheme of delegation, signing off procedure and site visits protocol be approved subject to the following amendments, that take into consideration comments of the Planning Committee:-

a) The number of objections which trigger an application to committee for consideration to remain at 5.

b) The requirement in the current scheme for there to be a matter of 'fundamental principle or precedent' to be identified to allow an application to be referred to Planning Committee be amended to include "an issue of fundamental principle shall be taken to involve the interpretation of a matter of policy which could undermine the purpose and objectives of the Local Plan or Local Development Framework, and where a member can demonstrate that the proposal would have such a prejudicial impact or effect on the area or Borough or its residents as to warrant determination by Planning Committee"

2. The Executive Scrutiny Committee and appropriate Select Committee be requested to consider the inclusion of a review of the new scheme of delegation, one year after its implementation, within the Scrutiny Work Programme.

3. Reasons for the Decision

This report was presented to Cabinet to comply with the findings of the Peer Report and the Service Improvement Plan in order to make a more streamlined and efficient service, consistent with the ambition and aspiration of excellence embedded into Stockton on Tees Borough Council.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not Applicable

7. Date and Time by which Call In must be executed

Not applicable

Proper Officer
21 December 2007