

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....11th July 2013

1. Title of Item/Report

Alteration to the Scheme of Delegation

2. Record of the Decision

Consideration was given to a report on an alteration to the Scheme of Delegation. The Government had introduced new permitted development rights for a 3 year period which required prior notification to the Local Planning Authority if the applicant had not been formally notified of a decision by the last day of the statutory period for determination.

The Council's scheme of delegation authorised the Head of Planning to determine applications which did not generate more than 5 individual letters of representation contrary to the officer recommendation. There was genuine concern that there may be situations arising under the new prior notification process where more than 5 individual letters of representation were received contrary to the officer recommendation but the application could not be reported for determination by the Planning Committee before the expiry of the statutory period for determination and the deemed approval provisions would take effect.

The report examined the new issue and proposed alterations to the Scheme of Delegation to make it possible for prior notification applications to be determined lawfully within the statutory time period and prevent prior approval being obtained via the deemed approval provisions.

The issues had been considered by the Planning Committee on 29th May 2013 when Members supported the proposed alteration to the Scheme of Delegation subject to the situation being monitored and reported back to the Planning Committee.

If the Local Planning Authority were unable to decide a prior notification application within the statutory time period this situation would be clearly contrary to the rules of natural justice. This would be totally unsatisfactory for neighbours if their representations cannot be properly considered.

The Secretary of State for Communities and Local Government had

indicated that it was up to the Local Planning Authority to determine how it wished to determine prior notification applications.

The proposed change would still result in the officer scrutiny applied under the existing scheme of determination of applications under delegated powers as indicated below.

Each application required the signature of the case officer, and the Area Team Leader / Major Projects Officer from one of the other teams. During the course of a prior notification application, case officers would liaise with their own line manager to discuss the case and recommendation. Therefore to ensure consistency in decision making and for an independent view, another team leader must act as signatory on the delegated decision, i.e. they cannot sign off their own team members' decisions.

Applications recommended for refusal, in addition to the 2 signatures above, would require to have a 3rd signature, that of the Development Services Manager to ensure consistent decision making across the teams and as a way of monitoring performance with regards to appeals.

In conclusion it was therefore recommended that the Head of Planning is authorised to determine all applications for prior notification. The revised scheme of delegation would ensure transparency, probity, fairness and consistency in decision making, and lead to continued improvements in performance.

RECOMMENDED to Council that the Head of Planning be authorised to determine all applications for prior notification and the proposed change to the scheme of delegation be incorporated into the Council's Constitution.

3. Reasons for the Decision

It is therefore recommended that the Head of Planning is authorised to determine all applications for prior notification. The revised scheme of delegation will ensure transparency, probity, fairness and consistency in decision making, and lead to continued improvements in performance.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

N?A

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

Midnight on Friday, 19th July 2013

Proper Officer  
15 July 2013