

Item No.

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NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

Meeting Date: 28 June 2007
Directorate: People, Planning and Regeneration
Corporate Manager: Christine Stevenson

Report Title	Amendments to Part 8 of the Council Constitution – Delegations to Officers – Planning (Development Control)
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1. Recommendations

That Part 8 of the Council Constitution be changed to incorporate the following wording in place of the present Section 2 of the delegated powers of the Corporate Manager, Development Control, Building Control and Environmental Health, to reflect the principles for change approved by Council on 26 March 2007:

(A) 2. Development Control

- 2.1 Subject in the relevant cases to consultation with the Solicitor to the Council on non-standard proposed conditions and reasons for refusal, determining all applications pursuant to the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, except:
 - 2.1.1 Any applications called in for determination by Planning Committee by any Member of the Council, following a written request which gives a planning reason for the call-in. (For this purpose, a list of new applications will be regularly circulated to all Councillors which will specify a date in relation to each application by which any call-in request must be made. A Councillor may subsequently withdraw a call-in request at any time before the application appears on a published Committee agenda.)
 - 2.1.2 Any application which would otherwise be delegated to the Corporate Manager but which the Corporate Manager considers should come before the Planning Committee
 - 2.1.3 Any application made by a Member or a person who has been a Member within the five years prior to making the application, or a

relative or partner of such a person

2.1.4 Any application made by an officer/employee of the Council, or a person who has been an officer/employee in the 5 years prior to making the application, or a relative or partner of such a person

2.1.5 Any application involving the Borough Council either as applicant or landowner, either on its own, or jointly with another party ”

B. WNDC

Make responses to the West Northamptonshire Development Corporation on planning applications for which they are the determining authority where this would not prejudice the policies and provisions of the Development Plan or have other strategic consequences, including its impact on or prejudice to the Councils strategic or corporate priorities.

2. Report Background

- 2.1 On 26 March 2007, Council approved the principle of amending Part 8 of the Council Constitution in respect of the Scheme of Delegation, to an “exceptions-based” approach towards delegated Development Control decisions, and that such amendments be formulated and submitted to a future meeting. This report therefore completes this process by submitting the detailed wording changes proposed.
- 2.2 The proposed change is rooted in the Service Inspection Report into Planning Services, undertaken in September 2006. This was critical of the low level of planning decisions delegated to officers, and stated that higher levels of delegation would lead to greater efficiency.
- 2.3 The proposed change is intended to achieve the objective of enhancing the efficiency and effectiveness of Planning Committee, by moving to an “exceptions-based” Scheme, whereby all applications are delegated to the Corporate Manager, with a number of clear exceptions.
- 2.4 The exceptions to officer delegation follow best practice advice issued by Government. These are briefly discussed below.
- 2.5 *Member “Call-in”* This is a usual but not universal element of delegation schemes and one which is fully supported by Government. In the current Scheme, the call-in right is restricted to the Ward Member(s). Such restrictions are considered inappropriate, especially given Government’s emphasis of the fact that each Member’s primary duty is to act in the interests of the Borough as a whole. Therefore, the proposed change will enable any Member to call-in any application within the Borough, not just those within the Member’s own Ward.
- 2.6 The request for call-in must be in writing and it must give a clear planning reason for the call-in, which may include the degree of public interest in the proposal. The proposed change also enables the Member to rescind their request for call-in if their concerns are satisfied as the application progresses

through the development control process.

2.7 *Referral by the Corporate Manager:* This is a normal element of such schemes, providing simply that the Corporate Manager can refer any application to the Committee, making clear that the reasons for referral relate to significant planning issues involved in the consideration of a particular application.

2.8 *Probity exception:* This type of exception is common, ensuring that:

- Significant applications made by or on behalf of the Council are handled by the Committee
- Applications on land owned by the Authority are dealt with by Committee
- Applications by or on behalf of current or recent (5 years) Council Members and officers, and their relations, are referred to Committee

3. Resource Implications (including Financial Implications)

The intention behind the proposed revision to the Scheme of Delegation in respect of planning applications for which the Borough Council is the determining authority, is to ensure that Members consider the “right” applications, including those which have attracted significant public interest. The current delegation rate is around 90%, which reflects the Government’s target. However, it is a “fragile” statistic, based on historical data.

The proposed revision does not guarantee that the length of the Committee agenda will reduce, but it does provide for Members’ attention to be focused on those applications which are truly significant and meritorious of Committee consideration.

4. Consultees (Internal and External)

Internal	Development Control, Legal
External	

5. Compliance Issues

A: How Proposals Deliver Priority Outcomes

Recovery Plan
In reaching the attached recommendations, regard has been given to securing the objectives and priorities set out in the Recovery Plan and the Planning Service Improvement Programme
Corporate Plan
In reaching the attached recommendations, regard has been given to securing the objectives, visions and priorities set out in the Corporate Plan, together with those of associated Frameworks and Strategies

B: Other Implications

Other Strategies
None

Finance Comments
None

Legal Comments
These have been incorporated within the Report.

6. Background Papers

Title	Description	Source
Amendments to Part 8 of the Council Constitution – Delegations to Officers – Planning (Development Control) Achieving Delegation	Report to Council – 26 March 2007	NBC

[Simon Rowberry, Change and Improvement Manager (Interim), Ext 8921]

Name	Signature	Date	Ext.
Author			
Corporate Manager			
Director			