

To the Chair and Members of the Planning Committee

Delegated Authorities from Planning Committee to the Assistant Director of Development

EXECUTIVE SUMMARY

1. Periodically there is a need to review the delegated authorities given by the Planning Committee to the Assistant Director of Development to enable the efficient operation of the planning service. This report sets out some amendments to the current delegated authorities to build in greater effectiveness and efficiency within the service and brings the scheme up to date following previous organisational restructures. The report recommends amendments that are urgently needed to the service.

RECOMMENDATIONS

That the changes to the delegation agreement set out in paragraphs 4, 6 and 7 below, be agreed.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

2. The decisions deriving from this report will provide a more efficient planning service while maintaining transparency of decision making.

BACKGROUND

3. The first amendment seeks to avoid a situation where applications submitted by a planning agent whose spouse works within the same directorate but not in a position to have any influence over planning applications, do not automatically need to be determined by the Planning Committee. Within the current delegation agreement (attached as Appendix A) any applications submitted by this agent would be caught by clause 4 of the delegation agreement that reads,

The application is submitted by, or on behalf of a Councillor of the authority (or their spouse/partner) or by any staff member of the Development Directorate (or their spouse/partner).

As a result all applications submitted by the spouse of the staff member must be determined by Planning Committee.

4. It is proposed that this clause be amended to –

The application is submitted by, or on behalf of a Councillor of the authority (or their spouse/partner or a member of their household) or by any DMBC staff member (or their spouse/partner or a member of their household) whose job involves providing advice, processing, assessing or determining planning applications.

5. The second area for amendment relates to the 5th clause of the current delegation agreement that reads –

The application is subject to an objection by a staff member of the Development Directorate or a member of their household.

6. The obsolete term of Development Directorate should be removed and replaced in a similar way as in paragraph 4 above. It would thus read –

The application is subject to an objection by any DMBC staff member (or their spouse/partner or a member of their household) whose job involves providing advice, processing, assessing or determining planning applications.

7. The Committee is asked to consider an additional delegated authority applicable in relation to pending planning appeals. The proposed authority would read-

Delegate to the Assistant Director of Development the conduct of planning appeals including the withdrawal of a reason for refusal where:

- (i) The reason for refusal is one of several reasons for refusal and the appeal will still proceed on other reasons, and
- (ii) On receipt of written advice from Counsel that the reason for refusal is unsustainable and cannot be supported on appeal, and
- (iii) Subject to agreement with Planning Committee Chair and Vice Chair.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

8. Not to amend the scheme of delegation as set out in paragraph 4 above could lead to claims of giving some planning agents an unnecessary commercial advantage over others.
9. Not to amend the scheme of delegation as set out in paragraph 6 above would retain an obsolete directorate name and retain the current difficulties of awareness of directorate staff and staff expectations.

10. Not to amend the scheme of delegation as set out in paragraph 7 above would retain the need to await for a committee cycle to move matters forward often when time constraints set by the Planning Inspectorate are very tight and may not be able to be adhered to leaving the council exposed to the risk of a costs award against it.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

11. The following table summarises the key priorities in the Corporate Plan for 2014-17 and the priorities of the Elected Mayor.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	No implications
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	No implications
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	No implications
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	No implications
	<p>Council services are modern and value for money.</p>	The recommendations of this report will help towards creating a modern value for money efficient service.
	<p>Working with our partners we will provide strong leadership and governance.</p>	No implications

RISKS & ASSUMPTIONS

12. There may be further situations that these authorities do not envisage, but these will need to be dealt with as they arise in the most appropriate and transparent way.

LEGAL IMPLICATIONS

13. Within the Council's Constitution the determination of planning applications lies with the Planning Committee, the Chief Executive, the Director of Development or the Assistant Director of Development. The delegation agreement therefore specifies those instances where the Planning Committee considers it appropriate that they should be the decision makers on particular applications. The agreement provides transparency as to which applications are appropriate to be determined by the committee and aids good governance.

The other amendments within the agreement provide clarity in relation to the determination of specific applications and for the conduct of planning appeals where in some instances it is not possible to move matters forward including at the inquiry or hearing itself.

FINANCIAL IMPLICATIONS

14. There are no financial implications.

HUMAN RESOURCE IMPLICATIONS

15. There are no Human Resources implications.

TECHNOLOGY IMPLICATIONS

16. There are no identified technology implications.

EQUALITY IMPLICATIONS

17. There are no identified equality implications.

CONSULTATION

18. None

BACKGROUND PAPERS

19. Delegation Agreement as Copied at Appendix 1.

REPORT AUTHOR & CONTRIBUTORS

20. Richard Purcell – Head of Planning
Karen Winnard – Head of Regulatory Services

Peter Dale
Director of Regeneration and Environment