

Gloucester City Council

Meeting:	General Purposes Committee Council	Date:	14 March 2017 23 March 2017
Subject:	Changes to Constitution - Scheme of delegation relating to planning applications (Further amendment)		
Report Of:	Corporate Director Partnerships		
Wards Affected:	All Wards		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	None		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were to enable the report to be amended following consideration by the General Purposes Committee.

1.0 Purpose of Report

- 1.1 To propose a further amendment relating to the Council's scheme of delegation on planning matters in relation to applications received from Members and Council officers or their immediate relatives.

2.0 Recommendations

- 2.1 General Purposes Committee is asked to **RECOMMEND** that

- (1) The suggested changes to the Constitution set out in Para 3.5 of this report be approved by Council.

- 2.4 Council is asked to **RESOLVE** that

- (1) The suggested changes to the Constitution set out in Para 3.5 of this report be approved.

3.0 Background and Key Issues

- 3.1 The wider scheme of delegation has previously been considered by Constitutional Working Group on 5 October 2016, General Purposes Committee on 18 October and Council on 1 December.

- 3.2 In terms of existing delegation arrangements related to applications made by Members, Officers and their relatives, the Council’s current position is that only applications made by Members or Officers alone would be referred to Planning Committee for determination. This does not now reflect recent changes to national practice which also includes applications submitted by immediate relatives and this formed the basis of the proposed amendment in order to improve transparency in this area.
- 3.3 As part of this proposed amendment, an additional criterion was included which would maintain delegated authority for any application submitted by an Officer below ‘team leader level’.
- 3.4 At Council on 1 December, a Motion was submitted by Cllr Haigh to amend the proposed delegation by the removal of the criterion to maintain delegated authority for applications submitted by ‘junior’ Officers. The intention of the Motion was to seek to ensure that the resultant consideration of all such applications by Planning Committee would assist the Council in maintaining the transparency of the planning application process.
- 3.5 It is suggested that the Motion as raised during the consideration at Council would provide a clear and unambiguous process that would maintain transparency in decision making. While this amendment would result in more applications being referred to Planning Committee, the numbers involved would be very small and not add an unreasonable burden to the work of the Committee. It is therefore proposed that the scheme of delegation be amended in line with the proposal below.

EXISTING WORDING	PROPOSED WORDING
Applications submitted by a serving Member or Officer of the Council.	Applications submitted by a serving Member or Officer of the Council; or submitted by an immediate relative to either of the above. <i>Revised wording also widened to include relatives – this is consistent with a question contained on the national planning application forms, and increases transparency.</i>

4.0 Asset Based Community Development (ABCD) Considerations

4.1 Not applicable

5.0 Alternative Options Considered

5.1 Not changing the Constitution is an option. However, this would mean the current list of applications to be determined by Planning Committee would remain in place without achieving the benefits to be gained through the proposed modifications.

6.0 Reasons for Recommendations

6.1 The proposed change provides improved transparency in relation to applications submitted by Members, Officers or their relatives.

7.0 Future Work and Conclusions

7.1 If approved, the amendment to the Constitution will be made following consideration by Council on 23 March.

8.0 Financial Implications

8.1 None.

9.0 Legal Implications

9.1 The proposal will require an amendment to the Constitution which needs to be approved by full Council.

10.0 Risk & Opportunity Management Implications

10.1 Updating the types of applications to be handled by Planning Committee reduces the risks that may arise from uncertainty of whether some applications can be handled under delegated powers or not.

11.0 People Impact Assessment (PIA):

11.1 The PIA Screening Stage principally focussed on the fact that these are procedural changes to clarify who determines planning matters. As the ultimate decisions on such matters are made in terms of national and local planning policy, and also that principally it is the impacts of the development that are fundamental rather than who the applicant is.

11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

12.1 Not applicable.

Sustainability

12.2 The principle of sustainable development is at the heart of the planning system, although these procedural changes should have no significant additional effects on sustainability.

Staffing & Trade Union

12.3 Not applicable.

Background Documents: None