

OSCOM 14th December 2022

Referral of planning applications to committee

How planning decision making works

- The Council has an agreed Scheme of Delegation – September 2022.
- All councils have these arrangements but the detail varies significantly from one authority to another.
- This enables officers to make a wide variety of decisions directly thereby negating the need to refer these matters to regulatory or other committees, Cabinet or Full Council.
- The Scheme of Delegation sets out the decisions that can be made by officers and which officers those powers are delegated to.
- This includes most planning decisions including planning and other types of applications.

Planning delegations

- Delegation to Head of Planning and Building Services
- (1) To make decisions on all applications, notifications, consultations, negotiations, serving of notices, and other activities carried out under Town and Country Planning legislation, which are delegated to Head of Planning and Building Services, **except as follows ...**

Committee triggers

- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.

Committee triggers cont ...

(c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.

(d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.

Committee triggers cont...

(2) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

NB: Lawful Development Certificates are not committee items. November 2022

Code for Members & Officers/Member and Officer Interests Protocol/Officers' Code of Conduct

- There is also the Local Code for Members and Officers dealing with Planning Matters – October 2021 which should be read in conjunction with the Member & Officer Interests Protocol and Officers' Code of Conduct .
- This Local Code is an advisory document that expands on the Code of Conduct and other provisions concerning probity in public office as they relate to planning.
- The aim of this additional advice is to ensure the integrity of the planning system is preserved, and that it is, and is seen to be, open and fair to all parties.

Code et al cont...

So that the system operates in an open and transparent way, a Member who has any interest in a planning matter must immediately inform the Head of Planning and Building Services of that interest, in writing in accordance with the Member and Officer Interests Protocol.

The Head of Planning and Building Services will report planning matters in respect of which such notification has been received to the appropriate Committee for determination. Such a matter must not be determined under delegated powers by officers.

Code cont...

- The report to Committee will identify the reason for the report as a Member interest.
- A similar procedure applies in relation to any relevant officer interest in an application. A relevant officer is defined and includes senior posts within the council and those involved in planning matters. Not all officers.
- Proposals submitted by Members and officers or where they have some other interest must be reported to the relevant Planning Committee and not dealt with by officers under delegated powers.

In summary

- The Scheme of Delegation enables most decisions to be made by officers. They are delegated unless a trigger point applies.
- This is typical of most district/borough councils but the trigger points for referring items to committee for a decision will vary.

Questions?