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# Governance Committee

Wednesday, 16th August, 2017 at 5.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors: Michael Willett (Chairman)  
David Coldwell (Vice-Chairman)  
Toni Bradnum  
Karen Burgess  
Peter Burgess  
Philip Circus  
Roger Clarke  
Leonard Crosbie  
Matthew French

You are summoned to the meeting to transact the following business

Tom Crowley  
Chief Executive

## Agenda

	Page No.
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	5 - 8
To approve as correct the minutes of the meeting held on 26 <sup>th</sup> July 2017 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. <b>Declaration of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. <b>Changes to the Constitution of Horsham District Council</b>	9 - 20
To receive the report of the Interim Monitoring Officer	
6. <b>Urgent Business</b>	
Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances	

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## **Extract from Part 3 of the Constitution: Scheme of delegation of responsibilities to Committees of the Council**

### **3.2.4 Functions of the Governance Committee**

- a) Receive reports of the Monitoring Officer to amend the Constitution of the Council and make any consequent recommendation to the Council.
- b) Consider reports of the Monitoring Officer about governance, the Council's structure and procedures consequent to Article 13, clause 13.2 of this constitution.
- d) Community Governance Reviews.
- e) Electoral Reviews.

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**Governance Committee**  
**26 JULY 2017**

Present: Councillors: Michael Willett (Chairman), David Coldwell (Vice-Chairman), Toni Bradnum, Karen Burgess, Peter Burgess, Philip Circus, Leonard Crosbie and Matthew French

Apologies: Councillor: Roger Clarke

Also Present: Councillor: Nigel Jupp

GO/9 **MINUTES**

RESOLVED

That the minutes of the meeting held on 14<sup>th</sup> June 2017 be approved as a correct record.

GO/10 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/11 **ANNOUNCEMENTS**

The Chairman:

- Welcomed Councillor Karen Burgess, who replaced Councillor Tricia Youtan following her appointment to the Cabinet, to her first meeting of the Committee.
- Reminded Members that Ben Bix, Governance Project Manager, was leaving the Council at the end of the month to take up a permanent position with Eastbourne and Lewes Councils. The Committee congratulated him on his appointment and thanked him for the significant contribution he had made in respect of governance issues during his two years with the Council.
- Advised that agenda item 6 on changes to the Constitution had been withdrawn and a further meeting of the Committee would be called in due course to deal with this matter.

GO/12 **REVIEW OF THE CHANGES TO GOVERNANCE ARRANGEMENTS INTRODUCED IN 2016**

Mr Paul Kornicky addressed the Committee referring to his statement at the previous meeting regarding the lack of any public consultation on this issue. His statement also suggested that consideration should be given to how the public could hold the Council to account with particular reference to the provisions within the Council's Constitution regarding questions by members of

the public at meetings of the Council. The Chairman indicated that a response would be given to Mr Kornycky's statement at the next meeting.

Following the approval of the Committee at its last meeting of the use of a questionnaire to conduct a Member review of the effectiveness of the governance changes introduced in 2016, the review had now been carried out and a summary of the results was submitted. The Committee was pleased to note that almost two-thirds (64%) of Members had responded.

The quantitative findings, which tested the five desired effects of: Member involvement; efficiency; accountability; timely decision making; and openness, all indicated that Members considered the governance changes had resulted in improvements.

The qualitative findings from Members' free-form comments were summarised and categorised as follows:

**Endorsement** – A number of comments had been made that supported the quantitative findings that Members had experienced an overall improvement in the areas of Member involvement, efficiency, accountability, timely decision making, and openness.

**Information** – Several comments indicated that Members considered that insufficient advance information was given in respect of issues to be discussed at the various Policy Development Advisory Groups (PDAGs) and it was therefore proposed that there should be a more structured approach to the publication of PDAG agendas, as set out in recommendation (ii) of the report.

**Attendance** – Comments had been made regarding poor attendance of some Members. Attendance at meetings was a matter for individual Members and not something that could be addressed by the review.

**General** – A number of individual comments regarding number of meetings, availability of information, meeting recordings and use of technology had also been made. Some of these were addressed by recommendations (iii) and (iv) in the report. It was noted that audio recordings of all Council, Cabinet and committee meetings held in public would now be broadcast live and subsequently published (subject to room and technology parameters). With regard to technology matters, Members were encouraged to work with officers to resolve any issues they had.

Members of the Committee discussed the findings of the review. They expressed particular concern regarding the poor attendance at meetings of some Members and noted that later start times for some meetings during the previous year had had no discernible effect on attendance by either Members or members of the public. The Committee noted the importance of PDAGs as 'private thinking space' for Members and a sounding board for Cabinet Members in the development of policy. The advisory and non-decision making nature of these groups was also emphasised. However, it was agreed that the

availability of clearer information both before and during the meetings of PDAGs regarding the issues to be discussed was important.

The Committee supported the recommendations in the report and agreed that a further review in 12 months' time to ascertain whether Members' concerns had been addressed was required.

#### RESOLVED

- (i) That the findings of the governance review be endorsed and supported.
- (ii) That, in future, each Policy Development Advisory Group (PDAG) agenda item will be:
  - (a) Described, in sufficient detail to make clear its purpose, on the agenda front sheet; AND
  - (b) Where appropriate a paper explaining the topic and covering relevant issues will be circulated to PDAG members in advance of the meeting; OR
  - (c) Where appropriate a slide presentation will be given by officers, and the slides will be circulated to members of the PDAG thereafter.

The decision on whether option (b) or (c) is appropriate will be for the Cabinet Member following discussion with the relevant senior officer(s).

- (iii) A Forward Plan extract, listing all forthcoming key and non-key decisions within that Cabinet Member's portfolio of responsibilities, will be re-introduced as an agenda item to note at PDAG meetings.
- (iv) The frequency of meetings of the Community and Wellbeing, and Housing and Public Protection PDAGs will be reduced from six to four per annum.
- (v) That a further Member review of the effectiveness of the Council's governance arrangements be undertaken in 12 months' time.

#### REASON

To satisfy council resolution CO/96 (27.4.16) that the changes to the governance arrangements introduced in 2016 be reviewed.

GO/13 **CHANGES TO THE CONSTITUTION OF HORSHAM DISTRICT COUNCIL**

Report withdrawn.

GO/14 **URGENT BUSINESS**

There were no matters of special urgency to be considered.

*The meeting closed at 6.24 pm having commenced at 5.30 pm*

CHAIRMAN

## Report to Governance Committee

16 August 2017

By the Interim Monitoring Officer

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### Changes to the Constitution of Horsham District Council

#### Executive Summary

The Governance Committee was created by Council on 7 December 2016. One of the functions of the Governance Committee is to receive reports from the Monitoring Officer on amendments to the Constitution and make any consequent recommendation to Full Council.

The report sets out a number of proposed variations to the Constitution in respect of the discharge of planning functions delegated to the Planning Committees and minor changes to the Scheme of Delegation to Officers (Director of Planning, Economic Development and Property). The reason for the proposed changes are that a number of ambiguities have arisen regarding the delegation to the planning committees regarding the determination of applications under the Town and Country Planning Act 1990 and related Regulations, these ambiguities have arisen as a consequence of the introduction of a new streamlined Constitution. The effect being that Applications under the scheme of delegation to the Planning Committee are not defined. The report fully explains the context of this with reference to the Old and New Constitution and recommends changes to address the ambiguities. The Committee are to decide whether to recommend the amendments to Full Council for approval.

#### Recommendations

That the Committee is recommended to consider the proposed amendments to the Constitution as set out in Appendix 2 and if agreed to recommend approval of changes to the Constitution to the Full Council.

#### Reasons for Recommendations

To comply with Article 13, Review and Revision of the Constitution.

#### Background Papers

The Constitution of Horsham District Council 7 December 2016 (Amended April 2017).

**Wards affected:** All

**Contact:** Ann-Maria Brown, Interim Monitoring Officer.

## Background Information

### 1 Introduction and Background

- 1.1 It is a legal requirement for the Council to have a Constitution under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011).
- 1.2 The Council undertook a major review of the Constitution in 2016 resulting in the adoption of a revised Constitution by Full Council on 7 December 2016. At the same time as the adoption of a revised Constitution, Full Council created a Governance Committee.
- 1.3 One of the functions of the Governance Committee is to ensure that the Council's Constitution is kept up to date and fit for purpose. This includes receiving reports from the Monitoring Officer to amend the Constitution and to make recommendations to Full Council on any changes that are not covered by the Monitoring Officer's delegated powers.
- 1.4 The discharge of planning functions are delegated to the Planning Committees of the Council (Planning Committee North and South). These are currently set out in Part 3 of the Constitution (Responsibility for and delegation of functions), Delegation of Functions 3:2:2 a) – c). The determination of Applications to the Committee are set out in 3.2.2 c) i. – vii. Further under the Council's Scheme of Delegation to Officers, the Director of Planning, Economic Development and Property under Part 3 of the Constitution at paragraph 3:6:2 has delegated authority for all operational and administrative matters relating to the discharge of functions of the Council relating to Town and Country Planning matters including development management **except for** those matters reserved to Planning Committee.
- 1.5 It is considered that there are a number of ambiguities currently set out in the Scheme of Delegation to the Planning Committee regarding the determination of applications under the Town and Country Planning Act 1990 and related Regulations. To explain this, reference is made to the Council's former Constitution. In the old Constitution (prior to December 2016) there was no mention of the type of application which would be determined by the respective Planning Committees. The description of the applications to be determined was set out in the Scheme of Delegation to Officers Part 3F (Article 13) of the Constitution, October 2015 and in particular paragraph 10 Powers delegated to the Head of Planning and Environmental Services. Under the old Constitution and Scheme of Delegation to Officers paragraph 10.6 referred to applications for planning permission, 10.7 referred to applications for consent, whilst paragraph 10.8 referred to planning consultations and opinions. Paragraph 10.9 specified those matters that were not delegated to an Officer, they included the determination of applications referred to in paragraphs 10.6, 10.7 and 10.8 i.e. applications for planning permission, application for consent, that were departure applications, those that needed to be referred to the Secretary of State (SOS), those made by the Council, by a Member, Officer or their family or where the Committee directed otherwise, where a Member of the Committee requests it, where the Head of Service considers it should go to Committee or where the Parish or neighbourhood Council request it. In the new Constitution which was adopted in December 2016, this level of detail was removed from the delegation to Officers but was included in

the delegation to the Planning Committee. However, the context in which it was read i.e. 10.6 and 10.7 planning permissions and consent was not carried over. . The ambiguity that has arisen is that the term “Applications” which is referred in the delegation of planning functions to the Planning Committee in paragraph 3.2.2 of the Constitution is not defined in any way.

The effect of the wording in the current Constitution is that the term “application” would seem to cover everything i.e. variation of condition application, minor material amendment application, non-material amendment, discharge of condition application with the effect that all such minor applications falling within 3:2:2.(c).(i) – (vii) would have to be considered by the Planning Committee.

For ease of reference, Appendix 1 shows as a comparison the delegations to the Planning Committee(s) and officers under the Old Constitution compared to the current delegations to the Planning Committee(s) and to officers under the Council’s current Constitution approved in December 2016.

- 1.6 To enable the efficient discharge of planning functions, changes have been made to the Delegation of Planning functions to the Planning Committee and to the Scheme of Delegation to Officers (Director of Planning, Economic Development and Property) in order to address the ambiguities that have arisen. These draft changes to Part 3 paragraph 3:2:2 Functions of the Planning Committees are set out in Appendix 2, these changes will replace the current delegation of Functions of the Planning Committees relating to the determination of applications as set out in 3.2.2 (c) i. - vii. New wording is highlighted in **bold** and **underlined**. Appendix 2 also includes additional wording in paragraph 3:6:2 of the Constitution Delegation to the Director of Planning, Economic Development and Property this additional wording is also set out in **bold and underlined** in Appendix 2

## **2 Relevant Council policy**

- 2.1 The Corporate Plan 2016-19 heading Efficiency – Great value services will be better enabled by a modern, agile constitution which if flexible, permissive, well-understood, and realigned to a model constitution in an accessible single-document format.

## **3 Details of the Proposed Variations and Amendments**

- 3.1 The draft changes to the delegation of planning functions to the Planning Committee under Part 3 paragraph 3:2:2 and paragraph 3:6:2 of the Constitution Delegation to the Director of Planning, Economic Development and Property are set out in Bold and underlined in Appendix 2 attached to this Report.

## **4 Next Steps**

- 4.1 These changes are not considered to fall within the delegations of the Monitoring Officer to make minor changes to the Constitution, if approved the Governance Committee will make a Recommendation to Full Council to make the changes to the

Constitution. Following approval by Full Council the Monitoring Officer will publish the amendments on the Council's website.

## **5 Outcome of Consultation**

- 5.1 Consultation has taken place with the Director of Planning, Economic Development and Property and Service Managers.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The Constitution requires to be updated for effective governance it needs to be treated as a 'living' document with the need for frequent amendments to ensure it remains up to date and reflects the operation of the Council.

## **7 Resource Consequences**

- 7.1 There are no cost implications arising from these changes.

## **8 Legal Consequences**

- 8.1 Under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011), it is a legal requirement for the Council to have a Constitution. It is the responsibility of the Monitoring Officer to monitor and review the operation of the Council's Constitution to ensure that the aims and principles of it are given full effect and to make recommendations for ways in which the Constitution could be amended in order to enable decisions to be taken efficiently and effectively.

## **9 Risk Assessment**

- 9.1 The recommendations within this report are part of mitigating corporate risk CRR08 described in the Corporate Risk Register. The risk source: The Council's decision-making processes are based on Constitution that is overly bureaucratic and unnecessarily complicated. Event: Non-compliance with the Constitution and delays in decision-making. The potential consequences described are: opportunities lost, complaints/claims/litigation/financial losses and lack of openness and transparency.

## **10 Other Considerations**

- 10.1 The Constitution and its Procedures, Rules and Codes act as an enabling tool in helping the Council meet its obligations under the Human Rights Act 1998 and the Equality Act 2010.
- 10.2 Consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making and the Constitution will facilitate such considerations.

## DELEGATIONS TO PLANNING COMMITTEE

### 1. OLD CONSTITUTION (May 2016)

#### 2.2 Development Management (North) Committee

**Matters delegated to the Committee:**

Those matters falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended

#### 2.3. Development Management (South) Committee

**Matters delegated to the Committee:**

(a) Those matters falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.

(b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1<sup>st</sup> April 2011 until 31<sup>st</sup> March 2014.

### 2. NEW CONSTITUTION (December 2016)

#### “3.2 Scheme of delegation of responsibilities to Committees of the Council

Article 8 establishes the Committees of the Council, this scheme allocates responsibilities to those Committees.

#### 3.2.2 Functions of the Planning Committees

##### EXISTING CONSTITUTION 2016

a) Discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.

b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 April 2011, will be discharged by the Planning Committee (South) only.

c) Determination of applications as follows:

- i. Applications made by or on behalf of, the Council.
- ii. Where the application has been made by a Member or an officer or a member of their immediate family.

- iii. Where a Member of the relevant Planning Committee requests; such request to be in writing (to include e-mail) and received by the Development Manager within 35 days of the date of validation of the application.
- iv. Where eight or more persons in different households or bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Development Manager's recommendation.
- v. Any application that is defined as a departure application under the Town & Country Planning (Development Management Procedure)(England) Order 2015, where the recommendation of the Development Manager would represent a departure to the development plan.
- vi. Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Development Manager's recommendation, within the consultation period, and wishes to address the Planning Committee.
- vii. Where the Development Manager considers the application should be presented to the Development Management Committee for a decision."

## **DELEGATION TO DIRECTOR OF PLANNING**

### **Old Constitution (October 2015)**

#### **Part 3F (Article 13)**

#### **SCHEME OF DELEGATION TO OFFICERS**

### **10. POWERS DELEGATED TO HEAD OF PLANNING & ENVIRONMENTAL SERVICES**

#### **10.1 Regulatory Functions**

The exercise of the Council's regulatory functions relating to:

- (a) amenities on the highway;
- (b) animal welfare;
- (c) caravan sites;
- (d) environmental protection;
- (e) fitness and standards of housing;
- (f) food safety and hygiene;
- (g) gambling;
- (h) gaming permits;
- (i) hackney carriages and drivers;
- (j) health and safety at work;

- (k) houses in multiple occupation;
- (l) house to house collections;
- (m) highways management;
- (n) licensable activities under the Licensing Act 2003;
- (o) lotteries;
- (p) markets;
- (q) motor salvage operators;
- (r) pest control;
- (s) pleasure boats;
- (t) private hire vehicles, drivers and operators;
- (u) public health;
- (v) public safety;
- (w) registration plates;
- (x) residential accommodation;
- (y) scrap metal dealers;
- (z) shops and Sunday trading;
- (aa) street collections;
- (bb) street trading;
- (cc) water and sewerage
- (dd) smoke-free regulations

(  
[10.2 Housing Fitness](#)

The determination of any matter affecting the fitness or standards of housing.

[10.3 Building Control](#)

[Applications](#)

The determination of the following :

- (a) Applications for building regulations approval including the passing or rejection of plans;
- (b) Application for the relaxation of building regulations.

[10.4. Building Control](#)

[Enforcement](#)

Without prejudice to Paragraphs 2.8(b) above, the issue and service of notices pursuant to the Building Act 1984, and Building Regulations and the carrying out of works in default.

[10.5 Planning Agreements](#)

The entering into of planning or other agreements regulating or controlling the use or development of land (except where the determining body for any associated planning application is a committee

[10.6 Applications for Planning](#)

[Permission](#)

Subject to Paragraph 11.9, the determination of applications for planning permission pursuant to the Planning Acts Including

- (a) Development specified in the GPDO where express planning permission is required by reason of limitations or conditions imposed by that Order;
- (b) Determinations in connection with the prior notification procedure under GPDO.

### **10.7 Applications for Consent - Planning**

Subject to Paragraph 11.9, the determination of applications for consent pursuant to the Planning Acts.

### **10.8 Planning Consultations and opinions**

Subject to Paragraph 10.9 the determination of the Council's stance in respect of consultations and opinions concerning matters referred to in Paragraphs 10.6 and 10.7.

### **10.9 Non-Delegated Planning Matters**

The determination of the following applications mentioned in Paragraphs 10.6 to 10.8 above shall not be delegated:

(a) departure applications within the meaning of the Town and Country (Development Plans and Consultations) (Departures) Directions 1999;

(b) applications requiring reference to the Secretary of State (but not applications for listed building consent);

(c) applications for development requiring an environmental impact assessment (but not the requirement for an environmental impact assessment or matters in connection with an environmental impact assessment);

(d) applications made by, on behalf of, jointly with or promoted by the Council;

(e) where the application has been made by a Member or an officer or a member of their immediate family;

(f) where the appropriate Development Control Committee directs otherwise;

(g) where a members of the relevant Development Control Committee requests; such request to be in writing (to include email) and received by the Head of Service within 35 days of the date of validation of the application;

(h) where five or more persons in different households or bodies make a representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Service's recommendation;

(i) where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Service's recommendation within the consultation period and wishes to address the Committee;

(j) where the Head of Service considers the application should be presented to the Committee for a decision.

### **10.10 Planning - Lawful Development Certificates**

The determination of applications for lawful development certificates (TCPA ss 191, 192).

### **10.11 Planning - Miscellaneous Planning Applications**

The determination of applications under the Local Government (Miscellaneous Provisions) Act 1972 s 37 (temporary markets).

### **10.12 Planning - Orders etc. under the Planning Acts**

The giving, making and confirmation of any order or direction under the Planning Acts.

### **10.13 South Downs National Park**

Those matters referred to in an agreement between South Downs National Park and Horsham District Council having effect from 1<sup>st</sup> April 2011 until 31<sup>st</sup> March 2014.

### **10.14 Enforcement Action and Notices under the Planning Acts Etc.**

Without prejudice to Paragraph 2.8(b) above the issue, service, modification and withdrawal of any notice under the Planning Acts and the carrying out of works in default including notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, s 79).

### **10.15 High Hedges**

The determination of application and the taking of any action under the Anti- Social Behaviour Act 2003 Part 8.

### **10.16 Regulation of Investigatory Powers Act 2000**

The grant, review, renewal and cancellation of authorisations.

### **10.17 Goods Vehicle Operators' Licences**

The determination of the Council's stance relating to Goods Vehicle Operators' Licences

## **New Constitution (December 2016)**

### **3.4 Scheme of delegation to officers**

#### **3.6.2 Director of Planning, Economic Development and Property**

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution: Planning Policy, Development Management, Building Control, Housing Strategy and Economic Development and specifically:

a) Administer, subject to the Key Decision framework, the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves

and variations of rent of the Council's land and buildings and all consequent operational and administrative matters.

b) Exercise all the functions of the Council relating to town and country planning matters, including development management, **except for** those matters reserved to a committee in part three of this constitution.

c) Refer to Full Council if he is of the opinion that the relevant Planning Committee is minded to make a decision in which there are likely to be significant cost implications.

Draft changes (new wording bold and underlined) to the delegation of planning functions to the Planning Committees under Part 3 Paragraph 3.2.2 of the Constitution: Functions of the Planning Committees

- (a) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.
- (b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 April 2011, shall be discharged by the Planning Committee (South) only.
- (c) Determination of applications as follows:
  - 1. Where the Head of Development considers the application should be presented to the Planning Committee for a decision.
  - 2. Any planning application that is defined as a departure application under the Town & Country Planning (Development Management Procedure) (England) Order 2015 where the recommendation of the Head of Development would represent **an initial** departure from the development plan **with the exception of:**
    - a) Where the initial departure has already been agreed by virtue of a previous grant of planning permission (extant and not extant) and the application represents a subsequent application for either the same, similar or alternative development on the same or an adjacent site which would not alter the previous material planning considerations.**
  - 3. **Planning Applications, Outline Planning Applications and Applications for Approval of Reserved Matters or Listed Building Consent made by or on behalf of the Council or on land owned by the Council or in which the Council has a legal interest with the exception of a) Applications to vary or remove a condition b) Applications seeking advertisement consent and c) clauses i to viii below.**
  - 4. An application that has been made by a council member or an officer or a member of their immediate family with **the exception of a) Applications to remove or vary a condition b) Applications seeking advertisement consent and c) clauses i to viii below.**
  - 5. Where a Member of the relevant Planning Committee requests it. Such request to be in writing (to include e-mail) and received by the Head of Development within 35 days of the date of validation for all applications **with the exception of clauses i to viii below.**
  - 6. Where eight or more persons in different households or bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Development's recommendation **with the exception of clauses i to viii below.**
  - 7. Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Development's recommendation, within the consultation period, and wishes to address the Planning Committee **with the exception of clauses i to viii below.**

Exception clauses applying to 3-7 above:

- i. Applications for a Certificate of Lawfulness (proposed or existing)
- ii. Applications for Prior Approval (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iii. Applications for Prior Notification (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iv. Applications for the submission of details of conditions pursuant to planning permission
- v. Applications for works to trees in a Conservation Area
- vi. Applications for works to trees covered by a Tree Preservation Order
- vii. Applications to modify or discharge an obligation contained within a Unilateral Undertaking or a S106 Agreement
- viii. Applications for a non-material amendment

Draft changes (additional wording set out in bold and underlined in (b)) to the delegation of planning functions to the Director of Planning, Economic Development and Property

### **3.6.2 Director of Planning, Economic Development and Property**

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution: Planning Policy, Development Management, Building Control, Housing Strategy and Economic Development and specifically:

a) Administer, subject to the Key Decision framework, the acquisition, re-use appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings and all consequent operational and administrative matters.

**b) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part 1 paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.**

c) Exercise all the functions of the Council relating to town and country planning matters, including development management, **except for** those matters reserved to a committee in part three of this constitution.

d) Refer to Full Council if he is of the opinion that the relevant Planning Committee is minded to make a decision in which there are likely to be significant cost implications.