
CONSTITUTION COMMITTEE

11 FEBRUARY 2019

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES**

PLANNING COMMITTEE DELEGATIONS

Reason for this Report

1. To allow the Committee to consider inclusion of officer delegations approved by the Planning Committee within the Constitution Scheme of Delegations.

Background

2. The Planning Committee is a standing committee established by full Council to discharge the town and country planning and development control functions of the authority in accordance with its terms of reference, which are set out in the Scheme of Delegations in Part 3 of the Constitution.
3. Under section 101 of the Local Government Act 1972, where any functions of a local authority may be discharged by a committee, then, unless the local authority otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority.
4. In March 2018, the Planning Committee reviewed its officer delegations, and having regard to Welsh Government guidance, approved new delegations and resolved to ask the Constitution Committee to consider incorporating the Planning Committee's approved delegations within the Scheme of Delegations in the Constitution.

Issues

5. An effective, clear and transparent scheme of delegations is essential for good governance within local government.

6. The Council is required by law to maintain a list of all powers delegated to officers (pursuant to section 100G of the Local Government Act 1972).
7. The powers delegated by the Planning Committee to the Head of Planning (and Operational Managers with responsibility, in his absence) in March 2018 are appended as **Appendix A**. Members will note that the Committee has granted a general delegation to the Head of Planning (exercisable in consultation with the Chair of Planning in cases involving objections) with a list of excepted matters which are reserved for decision by the Planning Committee (broadly major developments, policy issues or controversial cases).
8. Incorporation of the Planning Committee's approved delegations (**Appendix A**) within the Scheme of Delegations in the Constitution will ensure the Council's arrangements for the discharge of its planning functions are transparent, clear and accessible. Once incorporated within the Constitution, any changes to the delegations recommended by the Planning Committee would require the approval of full Council.
9. The Planning Committee has also previously delegated various highways powers to the Chief Officer responsible for highways (or equivalent). These highways powers, delegated in June 2013 are listed in **Appendix B**. For consistency and transparency, it is recommended that these delegations should also be incorporated within the Constitution.

Legal Implications

10. Under the Constitution Committee's terms of reference, the Committee is responsible for reviewing the Constitution and making recommendations on any appropriate changes to full Council (except for certain specified changes which the Committee may approve itself).
11. Any changes to the Council's Scheme of Delegations require the approval of full Council.
12. Other relevant legal provisions are referred to in the body of the report.

Financial Implications

- 12 This report has no direct financial implications.

RECOMMENDATION

Committee is recommended to:

1. Agree to incorporate within the Scheme of Delegations in Part 3 of the Constitution:
 - (i) the planning delegations approved by Planning Committee on 15 March 2018 set out in **Appendix A**; and
 - (ii) the highways delegations approved by Planning Committee on 12 June 2013 as set out in **Appendix B**,
Subject to the approval of full Council.
2. Authorise the Monitoring Officer to draft the appropriate Constitution amendments for approval by full Council.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND
MONITORING OFFICER

5 February 2019

APPENDICES

Appendix A Planning delegations approved by Planning Committee in March 2018

Appendix B Highways delegations approved by Planning Committee in June 2013

Background papers

Planning Committee report, 'Planning Committee Delegations', 15 March 2018

Planning Committee report, 'Discharge of Various Highways Functions', 12 June 2013