

COUNCIL

26th MARCH 2020

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

PLANNING COMMITTEE – EMERGENCY DELEGATIONS

Reason for this Report

1. To allow the Council to consider emergency delegations to facilitate the discharge of Planning Committee functions during the period when normal business operations are disrupted due to government restrictions imposed in response to the COVID-19 pandemic.

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, a local authority may arrange for the discharge of any of its functions by a committee, sub-committee, officer or another local authority. 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. An effective, clear and transparent scheme of delegations is essential for good governance within local government.
5. The Planning Committee reviewed its officer delegations, having regard to Welsh Government guidance, in March 2018. The revised Planning Committee delegations were incorporated into the Scheme of Delegations in the Constitution in March 2019, with the approval of full Council, in order to ensure the Council's arrangements for the discharge of planning functions are clear and transparent.

Issues

6. The UK government has introduced a range of personal isolation and social distancing measures in response to the COVID-19 pandemic. The application of these measures means that it is unlikely that the Planning Committee will be able to meet for several months until the restrictions are lifted.
7. Having reviewed the current planning delegations, the Director of Legal and Governance and the Head of Planning, in consultation with the Chair of the Planning Committee, have recommended that Council be asked to approve a temporary extension of officer delegations to ensure that Planning Committee functions may continue to be discharged during the period when the Committee is unable to meet.
8. The current delegations approved by the Planning Committee and set out in the Scheme of Delegations, Section 4F, are shown in **Appendix A** to this report.
9. Members will note that the Head of Planning has a general delegation to exercise Planning Committee functions (subject to 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. The matters currently reserved for decision by the Planning Committee include planning applications submitted by Members or senior officers; those in respect of major Council developments; applications raising policy considerations, unresolved objections from a statutory consultee or widespread local concerns; and cases where a valid petition has been submitted.
10. If the Planning Committee is unable to meet to make decisions on the reserved matters referred to above (and set out in full in **Appendix A**, paragraphs (i) to (vii)), this may lead to significant delays for businesses and critical schemes, and may result in some proposals being suspended or potentially abandoned, and possibly difficulties in facilitating temporary uses to deal with the current emergency. The Council's failure to deal with planning applications may also be legally challenged by 'non determination appeals'.
11. In order to mitigate these risks and ensure that the Council is able to continue to discharge important planning functions over the coming months, it is recommended that the exceptions to the delegations exercisable by the Head of Planning (set out in paragraphs (i) to (vii) of **Appendix A**) should be temporarily suspended. This would grant the Head of Planning (or in his absence, the Planning Operational Managers) an emergency delegation to deal with any of the excepted matters, if necessary, until such time as the Planning Committee is able to resume meetings to discharge its functions.
12. It is proposed that the emergency delegation should only be exercisable in consultation with the Chair of Planning Committee (or Vice-Chair, in the

absence of the Chair); and that any decisions made under the emergency delegation should be reported to the next Planning Committee meeting for information.

13. Members should note that the proposed emergency delegation would not automatically mean that it would be considered appropriate to determine all applications previously reserved to Committee under the emergency delegation. Each application would be assessed on its merits, having regard to the current exception categories and all relevant details of the application, in order to determine whether it is appropriate to decide the matter under officer delegation.
14. It should also be noted the proposed emergency delegation would ensure the Council is able to determine, without delay, any important applications which may arise in response to the emerging challenges ahead.
15. Any decisions taken under the emergency delegation would be supported by an Officer Decision Report, setting out all relevant issues, professional advice and consultation; and signed off by the Head of Planning (or in his absence, the Planning Operational Managers) and the Chair of Planning (or in his absence, the Vice Chair).
16. As the recommendations in this report are a temporary expedient in response to exceptional circumstances, it is not proposed to amend the Constitution.

Legal Implications

17. Relevant legal implications are referred to in the body of the report.

Financial Implications

18. There are no direct financial implications arising from this report.

RECOMMENDATION

Council is recommended:

Until such time as the Planning Committee is able to meet to resume the discharge of its functions, to authorise the Head of Planning (or in his absence, the Planning Operational Managers), in consultation with the Chair of Planning (or in his absence, the Vice-Chair), to exercise any functions of the Planning Committee, when considered appropriate and necessary, including the excepted matters listed in points (i) to (vii) of **Appendix A**, provided that any decisions taken under this delegated authority shall be reported to the next meeting of the Planning Committee.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND
MONITORING OFFICER

18 March 2020

APPENDICES

Appendix A Planning delegations set out in the Scheme of Delegations, Section 4F

Background papers

Council report, Constitution Amendments, 28th March 2019

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