

TO: GOVERNANCE AND AUDIT COMMITTEE
31 JULY 2012

**AMENDMENT TO THE SCHEME OF DELEGATION
Director of Corporate Services – Legal**

1 PURPOSE OF REPORT

- 1.1 This report proposes an amendment to the Council's Scheme of Delegation to provide that confirmation of decisions to remove Permitted Development rights should **not** be delegated to the Chief Officer: Planning and Transport.

2 RECOMMENDATION

- 2.1 **That the Scheme of Delegation to Officers in Table 1 Part 2 of the Council's Constitution be amended by including in the "Exceptions and Limitations" to the delegated powers of the Chief Officer: Planning and Transport confirmation of decisions to remove or restrict Permitted Development rights.**

3 REASONS FOR RECOMMENDATION

- 3.1 To ensure a separation of decision making responsibility for the making and confirmation of decisions to remove or restrict Permitted Development rights.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To retain the status quo but that would entail the Chief Officer: Planning and Transport being responsible for both making and confirming decisions to restrict or remove Permitted Development rights.

5 SUPPORTING INFORMATION

- 5.1 The Town and Country Planning (General Permitted Development) Order 1995 grants Permitted Development rights (i.e. in effect advance planning permission without the need to make an application for planning permission) for specified categories of development. However, the Order permits the Council in certain circumstances to remove, by Direction, Permitted Development rights, such that an application for planning permission is required. The process for such a Direction is in two stages. The first is to make the Direction and the second is (following consideration of any objections or representations) a decision to confirm the making of the Direction.
- 5.2 Under the Scheme of Delegation as currently drafted the Chief Officer: Planning and Transport is responsible for both making and confirming a Direction. Though theoretically not unlawful the making and confirmation of a decision by the same person is undesirable. Accordingly, it is proposed that confirmation of a Direction should be removed from the delegated powers of the Chief Officer: Planning and Transport. As the power to confirm a Direction is not specified as a non-Executive

function by the legislation relating to Executive Arrangements the power to confirm a Direction will be an Executive responsibility.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The Borough Solicitor is the author of this report

Borough Treasurer

6.2 There are no financial implications directly arising.

Equalities Impact Assessment

6.3 Not required.

Strategic Risk Management Issues

6.4 None.

Other Officers

6.5 None.

7 CONSULTATION

Principal Groups Consulted

7.1 None.

Method of Consultation

7.2 None.

Representations Received

7.3 None.

Background Papers

None.

Contact for further information

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