

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Development and Conservation Control Committee

10<sup>th</sup> May 2006

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### Delegation Procedures

#### Purpose

1. To review the officer delegation procedures to determine planning and other applications.

#### Effect on Corporate Objectives

2. Quality, Accessible Services	An efficient delegation scheme improves performance and customer service
Village Life	All decisions are made in accordance with the Development Plan aimed at improving village life
Sustainability	Planning Policies aim to achieve a high degree of sustainability for all new developments
Partnership	Planning decisions are reached, having regard to comments made by Parish Councils and other consultees

#### Background

3. The last significant review of the officer delegation procedure occurred in 1999/2000 when the Chairman's Delegation Meeting (ChDM) was established to consider householder applications where there existed a conflict between the officer's recommendation and the opinion of the Parish Council. It was later extended to cover advertisement applications and prior notification applications.
- 3.1 In March 2004 the Office of the Deputy Prime Minister (ODPM) and Local Government Association (LGA) jointly produced a guide to "Delivering Delegation". It summarised the advantages of a scheme of delegation as follows:

"Delegation has benefits for all stakeholders in terms of simplifying procedures, minimising costs and freeing up Committee members to concentrate on major or controversial cases. Where there is no need to await a committee decision, up to four weeks can be saved in dealing with a planning application. Delegation is a positive process that gives benefits not just in terms of streamlining internal procedures but also in terms of improved responsiveness for applicants.

#### Delegation

- (a) Simplifies procedures and speeds up process;
- (b) Minimises costs and improves service delivery within budgetary limits;
- (c) Releases officer resources to focus on other equally important areas of work to achieve service improvements;
- (d) Eases lengthy unmanageable committees and reforms committee practice;

- (e) Removes applications which illicit no member discussion and evaluation at committee;
- (f) Clarifies the current system and protects member involvement;
- (g) Increases officer performance and quality;
- (h) Is in line with a Plan-led system;
- (i) Is best practice.

**Delegation is not:**

- (a) A process designed to transfer power from elected members to offices;
- (b) A method to dilute the transparency of the Development Control process.”

**Considerations**

4. In 2005 the percentage of decisions delegated to officers in each quarter for the Districts in Cambridgeshire was as follows:

	<b>January to March</b>	<b>April to June</b>	<b>July to September</b>	<b>October to December</b>
Cambridge	83	85	89	86
East Cambridgeshire	96	97	95	95
Fenland	87	82	86	91
Huntingdonshire	90	95	96	86
Peterborough	95	95	97	96
South Cambridgeshire	90	90	89	88

- 4.1 Although the percentage of decisions delegated to officers in South Cambridgeshire is close to 90%, “Delivering Delegation” recommends a level of delegation above 90%. Moreover, the existing delegation scheme pays no regard to the categorisation of applications into Major, Minor and Other.

**5. Options**

“Delivering Delegation” notes that two broad models exist.

- 5.1 The first prescribes that all applications may be deemed as determined under delegated powers unless they fall into defined exceptional categories. This “by-exception” model has the benefits of simplicity, ease of understanding by users, applicants/agents and interested parties and has a logical approach. It can be adapted to suit local conditions.
- 5.2 The second broad approach lists all those areas where the delegated powers will apply. This is likely to be complex, difficult to understand and unlikely to maximise the efficiency benefits of a scheme of delegation.

- 5.3 The Council's existing scheme is based upon the "by-exception" model and could continue to be operated in its present form without change. However, it is considered that there is scope to adapt the scheme to enable Committee to concentrate on major or controversial applications.
- 5.4 The suggested changes to the existing "by-exception" model are attached as an appendix. The changes are either underlined (additions) or crossed out (deletions). The principal changes are:
- (a) An application recommended for refusal could be delegated to officers even though a Parish Council recommends approval; the applicant has the right of appeal or of submitting a new application;
  - (b) A Member request that an application be referred to Committee should be in writing and identify the material planning reason(s) warranting consideration by Committee; this will protect the position of Members, provide clarity to applicants/agents and safeguard the Council from potential claims of maladministration;
  - (c) Deletion at 2 of various types of application where a decision might conflict with a contrary opinion from owners or occupiers of property;
  - (d) Addition of exception criteria at (iv) to (x) inclusive, involving applications which would be reported to Committee.
- 5.5 Further comments are included in Paragraph 10 below.

### **Financial Implications**

6. Streamlining the delegation system will maximise the potential to achieve the Government's performance indicator targets for determining major (60% in 13 weeks), minor (65% in 8 weeks) and other applications (80% in 8 weeks). Sustaining those figures will be important in maximising the Planning Delivery Grant. Also, in the longer term, Government has said that it is committed towards revising the fees for planning applications and implied that those authorities that don't meet the targets will not be able to set realistic fees that cover the cost of determining applications.

### **Legal Implications**

7. The legal basis for delegation is Section 101 of the Local Government Act 1972, as amended. Section 100(G)(2) requires that a list of powers exercisable by offices should be maintained and open to public inspection. Elected Members determine the basis on which a delegated agreement operates, the level of Member involvement and the circumstances in which an officer's delegated power to make a decision may not be exercised.

### **Staffing Implications**

8. Although all decisions involve the preparation of a report to support the recommendation, there is likely to be some savings in staff time if the number of applications which are reported to Committee can be reduced.
- 8.1 In addition, sustaining performance indicator targets will ensure that the Council can maintain its staffing levels and IT improvements, which are partly funded by the Planning Delivery Grant.

### **Risk Management Implications**

9. If the Performance Indicator targets are not achieved, the Council will lose resource and make it difficult to meet all our targets. Increasing pressure on officers could lead to a leakage of

experienced staff when it is increasingly difficult to recruit suitable professionals with relevant skills and experience. Further, in the recent concentration on major applications, the Council runs the risk of performance slipping for the majority of other applications and turning around informal enquiries, and hence not meeting our population's reasonable needs and expectations.

### **Consultations**

10. The Chairman and Vice-Chairman of this Committee have been briefed. The proposed changes have been discussed with them and the following five points noted:
  - (a) The refusal of an application contrary to the wishes of a Parish Council does not preclude the Parish from continuing to express its support either at a subsequent appeal or if a new revised application is submitted;
  - (b) Reasons for refusal should explain what objective(s) of a Development Plan Policy is not achieved by the proposed development; it is not sufficient simply to quote the relevant policy(s);
  - (c) It is important to stress that a Member can still request that an application is reported to Committee, albeit in writing. This maintains the role and responsibility of the Members;
  - (d) A request in writing by a Member to refer an application to Committee need only identify the material planning reason(s)/issue(s) warranting consideration by Committee. Members should not prejudice their position at the Committee Meeting by expressing an opinion on the merits of the application; and
  - (e) For the avoidance of doubt, a recommendation to the ChDM by a Member that an application should be referred to Committee will not automatically be accepted. It will be considered at the Meeting and a decision made at the discretion of the ChDM.
- 10.1 The Council's Legal Director has been consulted upon the proposed revisions to the Delegation Scheme.

### **Summary and Conclusions**

11. "Delivering Delegation" recommends that schemes are regularly reviewed and that an effective scheme of delegation will ensure economical use of time and allow focus on the more complex or contentious applications.
- 11.1 Although the Council achieved the three application determination performance indicator targets for the first time in the year ending March 2006 (Majors 62%, Minors 69% and Others 84%), there is a need to sustain that level of achievement. If the targets are not met, staff and IT resources will be lost and this would lead to an overall decline in performance.

### **Recommendation**

12. That the revised scheme of delegation for determining applications be adopted.

**Background Papers:** the following background papers were used in the preparation of this report:

- "Delivering Delegation": ODPM and LGA, March 2004

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