

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Planning Committee  
**AUTHOR/S:** Development Control Quality Manager

1<sup>st</sup> August 2007

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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. Committee deferred consideration of this report on 4th July to enable all Members of Council to comment and for further thought to be given to comments made by Members at the meeting on 4th July.
4. In May 2006 Committee agreed changes to the delegation procedure. A copy of the Committee agenda report is attached as an electronic appendix, together with the agreed procedures.
  - 4.1 This was recognised in the Department for Communities and Local Government (DCLG) Report (26<sup>th</sup> June 2006) which assessed this Authority's planning performance, particularly in regard to the determination of major applications. The report highlighted the need to work with Members to develop an improved scheme of delegation to officers. It noted that "delegation has recently been reviewed and a wider scheme has been agreed which is likely to further increase the delegation rate."
  - 4.2 In addition Hephher Dixon, who was formally instructed by the Planning Advisory Service (PAS) in November 2006 to carry out a review of the Council's procedures as they relate to performance on major planning applications, recommended a review of the scheme of delegation.

**Considerations**

5. My report to Committee in May 2006 noted that the percentage of decisions delegated to officers in each quarter for 2005 was 90%, 90%, 89% and 88% respectively. In 2006 the figures were 87%, 90%, 90% and 90%. Since May 2006, therefore, the early results suggest that the level of delegated decisions remains at 90%.

- 5.1 “Delivering Delegation” (2004), a guide jointly produced by the former office of the Deputy Prime Minister (ODPM) and Local Government Association (LGA) recommended a level of delegation above 90%. Such appears to be consistently achieved by East Cambridgeshire, Huntingdonshire and Peterborough Councils.
- 5.2 At the 12 Committee Meetings (July 06-June 07) an average of 19 applications per meeting were considered. At the preceding 12 Committee meetings (July 05-June 06) the average per meeting was 28.

### **Options**

6. The Council's delegation scheme is based upon the “by-exception” model, one of two broad models noted in “Delivering Delegation”. It is considered that there is scope to adapt the scheme to enable Committee to further concentrate on major or controversial applications.
- 6.1 I have noted concerns expressed by Members at the 4<sup>th</sup> July meeting. As a consequence no change is recommended to the existing arrangements in regard to:
- (a) Councillors written requests for referrals of applications to Committee;
  - (b) Affordable housing applications on exception sites outside a village framework; and
  - (c) The powers of Principal Officers for Northstowe, Cambourne and the Cambridge City Edge, which can perhaps be considered as part of the delegation arrangements to be considered by the new Joint Committees.
- 6.2 Consequently the suggested amended changes are attached as an appendix. They propose:
- (a) Area Planning Officer and Chairman's Delegation Meeting (ChDM) powers be extended to considering and determining “Minor” and “Other” applications (see definitions at the end of the report.)
  - (b) ChDM would also consider an officer recommendation of approval on a “Major” application if only owners or occupiers of property object on material planning reasons but no other statutory consultee.
  - (c) Departure Applications, which do not attract objections on material planning grounds and which do not need to be referred to the Secretary of State, would not be considered by Committee.
  - (d) Senior Planning Officers be authorised to consider and determine “other” applications.
- (For the Government definition of ‘Major’, ‘Minor’ and ‘Other’ applications please see the note at the end of this report.)
- 6.3 I do not consider that these amended proposals dilute the value of refining the delegation scheme to make the Committee more efficient. Nor would the changes devalue in any way the role of the Councillors in liaising between Parish Councils and Case Officers and in having their comments heard at Planning Committee.

### **Financial Implications**

7. Streamlining the delegation system will maximise the potential to achieve and sustain 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**

8. 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**

9. 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.
- 9.1 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**

10. 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**

11. Planning Services Portfolio Holder (Councillor Wright) and the Chairman and Vice-Chairman of this Committee (Councillors Mrs Corney and Nightingale) have been briefed. They support the amended proposals as a mechanism for increasing efficiency, reducing the workload of Committee and increasing the role of ChDM, whilst at the same time emphasising the important role of each Member keeping in touch with their Parish Councils and Planning Case Officers. Committee will have more time to debate Major and controversial applications, particularly taking into account public speaking.
- 11.1 The Council's Principal Solicitor cannot see any reason not to delegate decisions to Senior Officer level.

## **Summary and Conclusions**

12. "Delivering Delegation" recommends that schemes be 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.
- 12.1 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%), and has maintained that performance through to the year ending December 2006, 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**

13. That the revised scheme of delegation for determining applications, which are incorporated at Paragraph 5.2 above and included in Appendix 1 attached, be adopted and be implemented immediately and that the operation of the scheme be reviewed in 6 months time.

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

- (a) "Delivering Delegation": ODPM and LGA, March 2004
- (b) Department for Communities and Local Government Report, "Evaluation of South Cambridgeshire District Council" dated 26<sup>th</sup> June 2006.
- (c) South Cambridgeshire District Council: Process Mapping for Determining Planning Applications – BV109A – A Review by Hephher Dixon (March 2007)

Notes:

**Major Developments**

**For dwellings:** where 10 or more are to be constructed (or if number not given, area is more than 0.5 hectares).

**For all other uses:** where the floorspace will be 1000 sq.metres or more (or site is 1 hectare or more).

**Minor Developments**

is development, which does not meet the criteria for Major Development or the definitions of Change of use, or Householder Development.

**Other Developments** comprise:

Change of Use (*if it does not concern a major development and no building or engineering work is involved*):

Householder development

Advertisements

Listed Building Consents

Conservation Area Consents

Certificates of Lawfulness

Other decisions including certificates of appropriate alternative development and notifications under Circular 14/90.

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