

<b>Title of Report</b>	<b>TYPES OF APPLICATIONS THAT CAN BE DETERMINED BY THE PLANNING COMMITTEE</b>	
<b>Presented by</b>	Elizabeth Warhurst Head of Legal and Commercial Services	
<b>Background Papers</b>	Functions of Planning Committee - Appendix A	<b>Public Report: Yes</b>
	Planning Cross Party Working Group briefing paper – Appendix B	
<b>Purpose of Report</b>	To seek comments and recommendations to Council on the proposed amendments to the Council's Constitution as set out in this report	
<b>Recommendations</b>	<p><b>1. THAT THE AMENDMENTS TO THE COUNCIL'S CONSTITUTION SET OUT IN THIS REPORT AND APPENDIX A ARE ADOPTED BY COUNCIL.</b></p> <p><b>2. THAT COUNCIL AUTHORISES THE HEAD OF LEGAL AND COMMERCIAL SERVICES TO MAKE THE AGREED AMENDMENTS AND ANY CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION AND RE-ISSUE THE DOCUMENT.</b></p>	

## 1. BACKGROUND

- 1.1 The Local Government Act 2000 requires each Local Authority to prepare, keep up to date and publicise the document known as the Constitution.
- 1.2 The Constitution should be logical, integrated and accessible to Members, officers, local people and anyone else interested in the way a local authority makes its decisions. There is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process. The Monitoring Officer has delegated powers to make any necessary changes to the Constitution to reflect changes of fact and law, and decisions of the Council and of the Cabinet.
- 1.3 Full Council regularly considers items relating to updates to the Constitution and met on 8 September 2020 to approve a number of changes pursuant to recommendation from this committee on 22 July. It was not possible at that time to consider the changes proposed in this report because the views of the Council's Planning Cross Party Working Group, which met on 11 August following the Business and Planning Act 2020 coming into force on 22 July 2020, were first required as set out at Appendix B.
- 1.4 The changes set out in this report are required in order to improve processes within the Authority to reflect best practice and to ensure planning applications are determined within the timescales prescribed by legislation and only those applications which require a decision by the Planning Committee are called in.

## 2. CONSTITUTION

- 2.1 The Council's Constitution at Part 3, Section 5, Paragraph 4) sets out the functions of the Planning Committee.
- 2.2 Under this part of the Council's Constitution the ability to determine "*all non-executive decisions under the Planning Acts including all planning applications and applications for advertisement consent, listed building consent and conservation area consent*" is delegated to the Strategic Director of Place. Exceptions to this general delegation exist, including those planning applications that have been called in for determination by the Planning Committee.
- 2.3 The Constitution allows for any planning application to be called in by the ward member to which the application relates or an adjoining ward member if that adjoining ward is materially impacted by the application if:
- i. they have "*notified the Strategic Director of Place (in writing or by email within 4 weeks of being notified of the application) that the application should be determined by the Planning Committee; and*
  - ii. *in the opinion of the Chair having consulted the Strategic Director of Place (or his nominated officer):*
    - A. *the notification is supported by one or more material planning grounds, and B the item relates to a matter of local concern, and*
    - B. *the item relates to a matter of local concern*".
- 2.4 The Council's Constitution currently allows for ALL applications 'under the Planning Acts' to be called in. Reference to "Planning Acts" is wide ranging and in practice allows the ability to call in any planning application under any piece of planning legislation provided the above call in criteria is satisfied. This is problematic as (a) some applications are not capable of being determined by the Planning Committee and (b) the timescales for determining planning applications differs depending on the type of application submitted. Some types of applications have much reduced timescales for determination and only allow for very specific information to be considered by the Planning Committee
- 2.5 An example of an application type with a reduced timescale and where only specific matters can be considered is an AGP application. This is an application for agricultural development and Local Planning Authority has only 28 days in which to respond. If a response is not received in 28 days then the application is automatically permitted. is the risk to the Council in calling in such an application is that the determination date will pass and the application will be automatically permitted without the Local Planning Authority being able to include additional measures to control the development.

### **3. PROPOSED CHANGES**

- 3.1 Officers consider that the Council's Constitution should be updated to set out which types of applications can and cannot be called into Planning Committee. Appendix A sets out the proposed amendments to the Constitution by way of tracked changes.
- 3.2 The proposed changes would have no impact on the majority of applications currently called into Planning Committee as the application normally determined by the Planning Committee are applications for full planning permission or applications for outline planning permission or reserved matters consent.
- 3.3 By adopting the proposed changes to the Constitution those applications which should not be called in for the reasons set out above or must be determined by the Planning Authority within a short timeframe will not be capable of being called in. This will ensure the correct

applications are being determined by the Planning Committee and the risk of applications being automatically permitted by default are avoided.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Insert relevant Council Priorities: <ul style="list-style-type: none"> <li>- Supporting Coalville to be a more vibrant, family-friendly town</li> <li>- Support for businesses and helping people into local jobs</li> <li>- Developing a clean and green district</li> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	None
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	Clarity for customers on the Councils Constitution and whether certain types of planning applications can be determined by the Planning Committee or not.
Economic and Social Impact:	None
Environment and Climate Change:	None
Consultation/Community Engagement:	The contents of this report have been discussed at the Council's Planning Cross Party Working Group.
Risks:	As part of its Corporate Governance arrangements, the Council must ensure that Risk management is considered and satisfactorily covered in any report put before elected Members for a decision or action.  None identified.
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