

Report to: **Council**
Date: **17 December 2020**
Title: **Planning Delegation Scheme**
Portfolio Area: **Cllr Hilary Bastone**
Wards Affected: **All**
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting.

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RECOMMENDATION:

It is RECOMMENDED that the Council agrees the changes to the Scheme of Delegation set out in Appendix A.

1. Executive summary

- 1.1 At the meeting on 2 December 2020, the Development Management Committee agreed an action plan to implement the recommendations arising from a review of a decision by West Devon to grant outline planning permission at Plymouth Road, Tavistock. The action plan provided for a report to come before Council making initial proposals for changes to the Scheme of Delegation to clarify the scope of the Head of Development Management's delegated powers and to ensure that there was consistency across the two authorities.

2. Background

- 2.1 On 2 December 2020 the Development Management Committee considered an action plan that the outcome of a review of concerns raised with West Devon Borough Council in connection with its grant of outline planning permission at Plymouth Road, Tavistock ("the Review"). The Committee acknowledged that there were benefits to be gained to the Council from the Review and agreed with the Review's recommendations which were aimed at:

- 2.1.1 giving Members more information about planning applications;
 - 2.1.2 ensuring that decisions on planning applications are taken on a sound basis;
 - 2.1.3 making the Council's decision-making arrangements clearer and more accountable; and
 - 2.1.4 encouraging proactive and constructive working with town and parish councils on planning applications.
- 2.2 This report seeks to give effect to the recommendations relating to scope of the Head of Development Management Practice's delegated powers and the call-in of applications by members. Those amendments are set out in Appendix A.
- 2.3 It should be noted that the existing paragraph 2 (set out in Appendix B) appears to cover substantially the same ground as the existing paragraph 1. As amended Appendix A reflects the West Devon Borough Council scheme.
- 2.3 Further proposals to clarify the scheme of delegation as it relates to the roles of the Development Management Committee and the Director Place and Enterprise as well as enforcement delegated powers will be the subject of a wider review of the scheme of delegation.

3. Outcomes/outputs

- 3.1 The Council aims to deliver efficient and effective services, working together with its communities, while protecting the natural environment. In granting planning permission the Council has the ability to affect the lives of those in its community.
- 3.2 Providing clarity as to decision making helps ensure that decisions are taken lawfully and in a way that is understood by the public.

4. Options available and consideration of risk

- 4.1 A lack of clarity and transparency in decision making can result in a risk of reputational damage. Not making the changes would result in the sorts of concern that led to the Review being raised.

5. Proposed Way Forward

- 5.1 The proposals are the first of the actions that have been agreed as part of the Action Plan to implement the Review recommendations.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council's Scheme of Delegation under the Local Government Act 1972 sets out who is to make the decision and any internal procedures to be followed.
Financial implications to include reference to value for money	N	There are no financial implications arising from the report.
Risk	Y	If agreed the recommendations in the Review the Council will reduce the risks of reputational damage, legal non-compliance, poor performance and customer satisfaction.
Supporting Corporate Strategy	Y	Please see paragraph 3.1 of the main body of the report.
Climate Change - Carbon / Biodiversity Impact	N	There are no direct climate change, carbon or biodiversity impacts arising from this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no direct equality and diversity implications arising from this report.
Safeguarding	N	There are no direct safeguarding implications arising from this report.
Community Safety, Crime and Disorder	N	There are no direct community safety, crime and disorder implications arising from this report.
Health, Safety and Wellbeing	N	There are no health, safety and wellbeing implications arising from this noting report.
Other implications		

Supporting Information

Appendices:

Appendix A – Revisions to the Head of Development Management Practice's delegated powers.

Appendix B – Paragraph 2 of the existing Head of Development Management Practice's delegated powers.

Background Papers:

None