



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**PLANNING AND LICENSING COMMITTEE**  
**5 JUNE 2018**

**COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATION  
UPDATE**

**1. PURPOSE OF THE REPORT**

- 1.1 To consider and recommend to the Council the approval of some minor changes in relation to the classification of ‘Development of Strategic Interest’ in the Terms of Reference of the Area Planning Committees, and the designation of Officers in the Scheme of Delegation for the Licensing function of this Committee.

**2. RECOMMENDATION**

To the Council:

That the Council is recommended to approved the changes to the classification of ‘Development of Strategic Interest’ in the Terms of Reference of the Area Planning Committees, and the designation of Officers in the Scheme of Delegation for the Licensing function of this Committee.

**3. SUMMARY OF KEY ISSUES**

**3.1 Planning Performance Agreements (PPAs)**

- 3.1.1 In the Provisos to the Terms of Reference of the Area Planning Committees there are criteria for the consideration and determination of applications for development of strategic interest (detailed in **APPENDIX 1**). Extraordinary meetings of the Council are convened for this purpose. The first criterion is “Any proposal which is subject to a completed Planning Performance Agreement”. Since the intention of a Planning Performance Agreement (PPA) is to simplify and ease the decision-making process, the existence of this criterion is seen as in conflict with that intention particularly as it refers to ‘any proposal’. It may be that some proposals linked to PPAs will be major development by definition or development of strategic interest, in which case the remaining criteria will apply. For any other development linked to a PPA the normal Scheme of Delegation provisions will apply. It is therefore proposed that this criterion is deleted.
- 3.1.2 The literal interpretation of this is that all applications on major strategic sites which are subject to a PPA have to go to an extraordinary meeting of the Council. Officers are working on PPA’s for the two garden suburbs. Where Members have approved the

principle of development, for example on site 2(a) to the south of Limebrook Way where 1,000 houses have permission in outline, this means that currently all applications to discharge conditions, be this for example materials to be used in constructing the development, the landscaping scheme, boundary treatments, levels, air quality, noise etc; and where non material amendments are submitted, have to be referred to Council due to the existence of a PPA for the overall site.

- 3.1.3 The Council is also in discussions about entering in to PPA's for some relatively minor schemes e.g. four dwellings. At the current time these applications would need to go to an extraordinary meeting of the Council rather than to the appropriate Area Committee or otherwise by Officers acting under delegated powers.
- 3.1.4 It is important to note that the proposed deletion will not remove or alter any other terms of reference provision and therefore, if an application is required to go to a planning committees e.g. it is a 'major' or a departure application, then it will still be presented to the appropriate committee. Where the existing Scheme of Delegation applies, the Member call-in provision will still be available.

## 3.2 **Public Licensing Function**

- 3.2.1 As part of the Scheme of Delegation under the Planning and Licensing Committee, there is a separate set to deal with the Public Licensing function. Some updating of the Officers to whom various functions are delegated is required to reflect current internal arrangements. Although the work is undertaken within the overall service area headed by the Director of Planning and Regulatory Services it is necessary for the delegation arrangements to also reflect the fact that although the majority of the work is for the Council as the Licensing Authority, certain aspects involve the Council as a Responsible Authority. In other words, there needs to be clear separation in the exercise of these functions. For this reason, it is proposed that delegation continues to be extended to below the level of Director for the Licensing functions generally, but clearly split between the teams within the Environmental Health service area to give effect to the separation referred to. The proposed revised version of the Licensing Scheme of Delegation is attached as **APPENDIX 2** to this report with the changes, including some other minor related and consequential revisions, shown in red.

## 4. **IMPACT ON CORPORATE GOALS**

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way. It is important that all elements of the Council's Constitution are kept up to date and able to be clearly understood by Members, Officers and also the public.

## 5. IMPLICATIONS

- (i) **Impact on Customers** – It is right and proper that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council’s procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

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