



Report to: Planning Committee, 23rd February 2023

Report of: Corporate Director- Planning and Governance

**Subject: AMENDMENTS TO THE CONSTITUTION:
PART 5 (COMMITTEE PROCEDURE RULES)
PART 12 (PLANNING GOOD PRACTICE PROTOCOL)
PART 18 APPENDIX A (SCHEME OF DELEGATION TO OFFICER –
PLANNING APPLICATIONS)**

1. Recommendation

1.1 That the Committee recommend to Council the adoption of the amendments to the Constitution affecting the discharge of Planning functions, in Parts 5, 12 and 18, as set out in the Appendices.

2. Background

- 2.1 The City Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people. Many of these processes are required by the law, while others are a matter for the Council to choose. It is important that the sections of the Constitution which deal with Planning functions are kept under review and updated to ensure best practice and good governance principles are maintained; Planning as a regulatory decision-making function can be subject to a high degree of legal scrutiny and local stakeholders have high expectations as to the Council's standards of probity, transparency and efficiency in the discharge of its Planning functions.
- 2.2 Part 5 of the Constitution provides the rules and procedures for the operation of all committees within the Council.
- 2.3 Part 12 of the Constitution provides a Planning Good Practice protocol for Members and Officers in respect of how they should interact and behave as part of Planning Applications and Pre-Application processes.
- 2.4 Part 18 of the Constitution sets out the scheme of delegation to officers in decision making. Appendix A of this section set out the specific circumstances when planning decisions can be delegated and when applications must be reported to Planning Committee.
- 2.5 The Committee will be aware that the Council made changes to the Constitution a year ago to remove the previous "minded to refuse" regime. The Corporate Director requested a further review of the other parts of Constitution to ensure that best practice was being applied, and with the benefit of the experience of the new management team now in place.

This review has identified further, relatively minor changes, that would be beneficial to: reflect good governance arrangements, to remove some ambiguity around terminology and to allow the Planning Committee to focus on important items for decision.

3. Proposed Changes

- 3.1 The amended documents are included in the Appendix to this report, showing the proposed amendments as track changes.
- 3.2 The amendments to Part 5 are to align the document with current practice in respect of Public Speaking and to refine the process in the interests of fairness to all parties.
- 3.3 In respect of Part 12 minor amendments have been made throughout the documents to bring it up to date in line with improvements over the last 18 months made to the way the Planning service is being delivered. Changes are also proposed in respect of pre-application advice and Committee site visits to reflect current practice. This Protocol draws on best practice from the national Planning Advisory Service.
- 3.4 Changes the Appendix A of Part 18 affect the scheme of delegation to Officers. The changes remove some ambiguity of wording that has become apparent through discussions with Applicants, Agents and Members of the Public, making it clear which applications are to be considered by Officers by delegation and which applications are to be considered by the Planning Committee. The following provides a summary of the key changes;
 - Clarification of the types of application that are to be referred to Planning Committee.
 - Refusal of most types of applications, including major applications, to be dealt with under officer delegation.
 - Clarification of Public Speaking rules to trigger an application to be reported to Planning Committee
 - Preservation of the 'call in procedure' but to seek brief reasons for the request.
 - Provision for the minor alteration of conditions and/or heads of terms following the committee, through agreement with the Chair.
 - Inclusion of the criteria for officers to agree amendments to signed S.106 agreements in agreement with the Chair. (This has been previously agreed by the Planning Committee but had not been included in the previous version of the scheme of delegation)
- 3.5 The changes allow for efficient processing of Planning Applications whilst providing Councillors and Members of the Public the ability to be involved in the planning process. The new scheme provides clarity for this involvement along with the fair and equitable application of the rules.

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Background Papers: None

