

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP
DATE: 25 AUGUST 2009

TITLE	Development Management Committee: Amendments to the Terms of Reference and the Scheme of Delegation to Officers.	ITEM NO.
REPORT OF	Head of Development Management	4

PURPOSE	To request that the Advisory Group endorse the amendments to the Terms of Reference of the Development Management Committee (Part E2 Page 1) and the Scheme of Delegation with regards the handling of Regulation 3 & 4 planning applications and applications for planning permission on Council owned land.
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ORIGIN OF PROPOSAL	The proposal originally was put forward by the Chairman and Vice-Chairman of the Development Management Committee with officers' support. It was then considered by this Advisory Group at its meeting on 21 July and has subsequently been subject to consultation with the Development Management Committee and all Members.
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RECOMMENDATION:
(1) That the revised wording to paragraph 4.3.93.5 and the new paragraph 4.3.93.6 be endorsed by the Advisory Group

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| <p>(2) That the Advisory Group endorse the proposed amendment in respect of the frequency and venue for meetings of the Development Management Committee, as set out in paragraph 3 of this report and recommend the Council to vary the Terms of Reference of the Development Management Committee (Part E2 page 1) accordingly.</p> |
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SUPPORTING INFORMATION

1. These issues were originally considered by the Advisory Group on 21 July 2009 (report attached as Appendix A) where the variation to the Scheme of Delegation was agreed. Since that endorsement a form of words has been created to cover the proposed variation and it is requested that the Group support the revised wording. It suggested that paragraph 4.3.93.5 of the Scheme of Delegation (Part H3) be varied to the following -

“The application is made under Regulation 3 of the Town and Country Planning (General) Regulations 1992 or is for development on the Council’s own land and in either case a material planning representation(s) has been received in writing that is contrary to the Officer delegated decision otherwise to be made and in the case of objections these cannot be resolved through the imposition of conditions”

It is then recommended that a new paragraph - 4.3.93.6 - would be inserted to specifically deal with Regulation 4 applications and it is suggested that this would be worded as the following-

“The application is made under Regulation 4 of the Town and Country Planning (General) Regulations 1992”

2. The second issue that was considered by the Group revolved around proposals to change the Development Management Committee cycle from its current two weekly cycle at alternating venues to a three weekly cycle at a single venue. These suggestions were debated and it was agreed that there should be further consultation with all Members, that the views of the Development Management Committee should be made known to the Advisory Group and that the views of the relevant Portfolio Holders should be made known to the Group as well.
3. These issues were formally debated by the Development Management Committee at its meeting on 5 August 2009 and it resolved the following –
 1. ***that the Constitution Advisory Group be advised that the Committee endorses the proposed amendment to its Terms of Reference in order that future meetings of the Committee were held at one location, namely Priory House, Chicksands, on a three weekly cycle, subject to resolution 2 below.***

- 2. that the use of Priory House, Chicksands as the single venue for the Committee's meetings take place in conjunction with the introduction of a video link at the Council Offices, Dunstable in order to enable interested parties in the south of Central Bedfordshire to make representations to the Committee without the need to travel to Chicksands.**
 - 3. that the Constitution Advisory Group be advised that the Committee endorses the proposed amendment of the Scheme of Delegation to Directors and other Officers in order that Regulation 3 applications, or other applications where the Council has an interest, would be delegated unless an objection (or contrary representation) was received to the proposed development.**
 - 4. that the Constitution Advisory Group be advised that the Committee endorses the proposed amendment of the Scheme of Delegation to Directors and other Officers in order that Regulation 4 applications would be specifically excluded from the delegations and were determined by the Committee.**
4. The consultation undertaken with Members about the suggestion to hold the Meetings at a single venue and on a three weekly cycle resulted in a number of Members expressing a view on this issue and the comments received are set out in Appendix B attached to this report. Appendix C shows the number of speakers at meetings and the average length of meetings.
 5. After consultation with the Portfolio Holders for Sustainable Communities I am able to inform the Advisory Group that all three are supportive of the suggested changes.
 6. The proposed changes to the Committee venue and cycle continues to evoke strong opinions. The original recommendation to the Advisory Group made on 21 July 2009 set out the reasons why it was suggested that the cycle and frequency of the meetings were changed. These suggestions have been supported by the Development Management Committee and the Portfolio Holders for Sustainable Communities. The removal of Regulation 3 and planning applications for development on Council owned land will assist in reducing the lengths of the agendas and therefore it is anticipated that a less frequent cycle of meetings will not implicitly result in far bigger agendas for the Committee to consider. The legacy District Authorities held meetings on three and four weekly cycles and both maintained a high level of performance against the nationally set performance targets. It is not anticipated at this stage that the changes being suggested would impact on performance or create a situation where the agendas became unmanageable.

The committee agendas of the new Authority have in the main not been geographically based but have contained items from both north and south areas. What has also been evident is that this has not resulted in a lack of participation by supporters and objectors of applications where they have not been debated at the historical legacy venue and some evidence of this was submitted with the original report attached as Appendix A to this report. On the issue of the Authorities ability to provide an electronic link between the two existing Authorities to allow remote participation in the meeting, information is still being gathered on this and will follow.

Contact Officer Details:

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Key Background Papers:

None