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Council
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CONSTITUTION ADVISORY GROUP

DATE: 21 July 2009

TITLE	Amendments to the Terms of Reference to the Development Management Committee and the Scheme of Delegation to Officers	ITEM NO.
REPORT OF	Head of Development Management	6

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 and Regulation 4 planning applications
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RECOMMENDATION:

- (1) That the Advisory Group endorses the amendment to the Terms of Reference of the Development Management Committee so that the meetings are convened in one location on a three weekly cycle.
- (2) That the Advisory Group endorses the proposed changes to the Scheme of Delegation with regards the handling of Regulation 3 and 4 Planning Applications.

SUPPORTING INFORMATION

1. Since 1 April 2009, the Council's Development Management Committee has been meeting twice a month at two alternating venues, namely Chicksands and Dunstable. This practice accords with the recommendations set out in the report of the Constitutional and Governance Working Group (12 February 2009) and reflected in the Committee Terms of Reference within the Constitution (Part E2/Page 1).

2. Table 1 below sets out the number of applications considered by the Committee in the period since 1 April 2009 and the relevant split of applications prepared by the North and South Teams of the new Authority.

Table 1

<u>Meeting Date and Venue</u>	<u>North Applications</u>	<u>South Applications</u>
8 April, Chicksands	7	1
29 April, Dunstable	3	6
13 May, Chicksands	3	2
27 May, Dunstable	5	1
24 June, Chicksands	8	2
8 July, Dunstable	0	5

3. Due to the need to meet nationally set performance targets, the Committee meetings have consistently contained applications from both the North and South Teams. This has had the effect of both teams effectively preparing for a Committee every two weeks. This has placed an additional burden upon the administrative team who compile the agendas for the meetings and prepare the presentations for the Committee. In addition, Officers attending the Committee have been required to attend meetings every two weeks at alternative venues.
4. Whilst the majority of the Members of the Sustainable Communities Transitional Task Force had supported a proposal for the Committee to meet at one venue on a three weekly basis, the work undertaken by the Constitution and Governance Working Group recommended the twice monthly, alternating venues option which was endorsed by Full Council. A determining factor in adopting this option was recognition of the commitment given in the Unitary Bid document to be closer to our communities. However, some analysis of public speaking at the Development Management Committee has shown a willingness of interested parties to attend the venues. The table below sets this evidence out.

<u>Meeting Date and Venue</u>	<u>Total Speakers</u>	<u>North items</u>	<u>South items</u>
8 April, Chicksands	16	15	1
29 April, Dunstable	4	0	4
13 May, Chicksands	8	6	1 (+ 1 no show)
27 May, Dunstable	11	9	2
24 June, Chicksands	7	5	2
8 July, Dunstable	5	0	5

By moving to single venue every three weeks the balance between ensuring performance targets are achieved and reducing the administrative burden of preparing for a Committee every 2 weeks will be relieved. This should free up time to ensure that other performance monitored administrative functions such as registration of applications is improved.

5. The second area to which amendment is sought relates to Regulation 3&4 applications.

Regulation 3 applications are applications for planning permission by the Authority to develop any land of that Authority either solely or jointly with another party.

Regulation 4 applications are applications for planning permission to develop land of the Authority where they do not intend to develop the land themselves or jointly with any person.

6. At present the Constitution is unclear on these two types of application. Para 4.3.93 indicates an ability for Regulation 3 applications to be determined by Officers. However, this is contradicted by para 4.3.93.5 which sets out an exception for the purpose of delegation by including cases where the application is made for the Council's own development to be carried out jointly with another party or for development on the Council's own land.
7. It is requested that the scheme of delegation be amended for Regulation 3 applications to be delegated unless an objection is received to the proposed development and that Regulation 4 applications are specifically excluded from the delegations and are determined by the Committee.
8. Therefore, it is recommended that paragraph 4.3.93 remains as drafted but with an additional exception being created to exclude Regulation 3 applications where an objection has been received.
9. Paragraph 4.3.93.5 would then be amended to concern itself solely with Regulation 4 applications which would all be reported to, and determined by, Committee.

A suggested wording would be:

4.3.93.5 The application is made on land owned by the Authority for development which the Authority does not intend to develop either themselves or jointly with any person in accordance with Regulation 4 of the Town and Country Planning (General) Regulations 1992.

As both suggestions related to regulatory functions of the Council it will be necessary to seek the approval of the Development Management Committee.

Contact Officer Details:	Key Background Papers:
Andrew Davie, Head of Development Management (North)	None