

Title of meeting:	Planning Policy and City Development Portfolio Decision Meeting
Date of meeting:	9 November 2022
Subject:	Scheme of Delegation for planning decision making
Report by:	Ian Maguire, Assistant Director Planning & Economic Growth, Regeneration
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1. The purpose of this report is seek approvals to amendments to the Scheme of Delegation to ensure the Planning Committee time is utilised efficiently to deal with important, strategic or especially contentious applications as quickly as possible.

2. Recommendations

- 2.1 That the scheme of delegation for planning decision making be amended by:
- 2.2 **The deletion of paragraph 53 of Part 2 Section 5B (Director of Regeneration) of the constitution; and**
- 2.3 **The amendment of paragraph 57 of Part 2 Section 5B (Director of Regeneration) of the constitution so that the threshold applied to a requirement for Committee determination is where six or more adverse representations based on material planning considerations have been received.**

3. Background

- 3.1 At the meeting of 26 July 2022 the Cabinet Member for Planning Policy and City Development considered a report on option for increasing planning committee capacity (Appendix 1). At that meeting he resolved to amend the scheme of delegation in line with the recommendations described above.
- 3.2 That decision was called in to Scrutiny Management Panel who reviewed the decision at a meeting of 27 September 2022 and concluded that the reason for the Call-in was upheld in that the decision may have been taken without

adequate information and that the Cabinet Member may have been unable to properly take into account the constitutional implications of the decision. In addition, the Scrutiny Management Panel believed that the matter should be referred to the Governance & Audit & Standards Committee for consideration, with its findings reported back to the Cabinet Member prior to the decision being made.

3.3 At a meeting of 14 October 2022 the Cabinet Member for Planning Policy and City Development considered the decision of the Scrutiny Management Panel and referred the matter to the Governance & Audit & Standards Committee. (Appendix 3)

3.4 The Governance & Audit & Standards Committee considered the matter (Appendix 4) at a meeting of 27 October 2022 noting that they agreed that the Cabinet Member should have availed himself of the opportunity to consult that Committee. One member of the Committee also expressed an opinion that, in respect of opportunities to amend paragraph 57 of Part 2 Section 5B (Director of Regeneration) of the constitution, the threshold applied to a requirement for Committee determination should be retained as being three or more adverse representations rather than raised to the previously considered six or more.

4. Reasons for recommendations

4.1 The reasons for recommendations are detailed in the report to the Planning Policy and City Development portfolio decision meeting of 26 July 2022 (Appendix 1)

5. Equality impact assessment

5.1 An equality impact assessment is not required as the recommendations do not have a disproportionate negative impact on any of the specific protected characteristics as described in the Equality Act 2010.

6. Legal implications

6.1 Members should note that an applicant may appeal for non-determination where the Council does not determine:

- (i) a minor planning application within 8 weeks
- (ii) a major planning application within 13 weeks
- (iii) a planning application subject to an environmental impact assessment within 16 weeks.

7. Director of Finance's comments

7.1 The report asks Councillors to consider two recommendations designed to decrease the number of matters that require a planning committee meeting. The extent to which this could be applied is not known in full or articulated in any detail in the report, and therefore the financial consequences of this are unclear. The consequence should mean that the number of applications that can be considered

without the need for a committee will increase and the planning process will become more efficient.

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Signed by:

Appendices:

Appendix 1 - Options for increasing Planning Committee Capacity report considered by the Cabinet Member for Planning Policy & City Development on 26 July 2022;

Appendix 2 - Scrutiny Management Panel Report 'Decision taken by the Cabinet Member for Planning Policy & City Development on 26 July 2022 in respect of item 4 on that agenda "Options for increasing Planning Committee Capacity."- Call-in' considered on 27 September 2022;

Appendix 3 - Recommendations from the Scrutiny Management Panel in respect of the Call in of the decision taken by the Cabinet Member for Planning Policy & City Development on 26 July 2022 in respect of item 4 on that agenda "Options for increasing Planning Committee Capacity." report considered by the Cabinet Member for Planning Policy & City Development on 14 October 2022; and

Appendix 4 - Referral by the Cabinet Member for Planning Policy & City Development "Options for increasing Planning Committee Capacity" considered by the Governance & Audit & Standards Committee held on 27 October 2022.

Background list of documents: Portsmouth City Council Constitution Part 2 Section 5B

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: