

Report on	Council's Governance arrangements re COVID 19 including the Scheme of Delegation for Planning
Date of Meeting	26 th March 2020
Reporting Officer	Chief Executive, Planning Manager
Contact Officer	Chief Executive, Planning Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To seek members' approval to suspend Committees until further notice as part of the Council's response to COVID19;
1.2	To seek members' approval to amend the Scheme of Delegation for Planning.
2.0	Background
2.1	<i>General Governance Arrangements</i> As part of the Council's response to COVID 19 including consideration of the measures needed to address issues of social distancing, it is proposed that Committees are suspended until further notice.
2.2	<i>Planning</i> At present a large proportion of applications and enforcement decisions are determined by the Planning Committee. Unfortunately, it is unavoidable in the current circumstances that the normal operation of the planning committee and planning decisions will be disrupted. It is therefore recommended that measures are put in place to allow for planning decisions to be made, subject to key safeguards.
3.0	Main Report
3.1	In order to allow decision making to continue and reduce the burden on the planning committee at this current time, it is recommended that the scheme of delegation that authorises the Planning Manager to carry out planning functions on behalf of the Council is amended. In simple terms, the suggestion is to increase the delegated authority of the Planning Manager in relation to Development Management and Enforcement decisions and functions, with exceptions including that which cannot be delegated under the legislation.
3.2	Appendix A contains the proposed amended Scheme of Delegation for Planning ("the Scheme"). The Scheme is divided in to two parts:-

	<ul style="list-style-type: none"> - Page 1 – the delegation of those planning functions that require the approval of the Department for Infrastructure under Section 31 of the Planning Act. It is suggested that all local development planning applications and applications regarding conditions that can be delegated to the Planning Manager are delegated. In effect this, amounts to a very small number of applications that would need to progress to the Committee. An important safeguard remains in the Scheme, giving any council member the ability to ask for an application to be considered by the planning committee. This is to ensure that members have an ability to subject an application to further scrutiny; - Pages 2 & 3 - the delegation of those planning functions that require the approval of the Council under Section 7 of the Local Government Act. It is suggested that other planning functions are widened also. In summary, the Planning Manager would be able to determine most consents, certificates, including TPOs and BPNs. The Planning Manager would be delegated authority to take enforcement actions and in cases of urgency, issue Enforcement Notices, Stop Notices and Urgent Works Notices
3.3	<p>In relation to decisions to be taken on planning applications under the Planning Manager's delegated authority, in order to allow members the opportunity to refer an application to the Planning committee, in addition to the standard lists of applications sent out by democratic services, a list containing the officer's recommendation will also be sent out to all members. If members wish to view the application, any objections or consultation, responses, and indeed the officer's report, this will be made available on the planning portal. Members will be provided one week to notify the Democratic Services that they wish the application to be considered by the Planning committee and the material planning reason for doing so.</p>
3.4	<p>Where members use this mechanism to refer the application to the Planning Committee, they should be aware that a decision on the application is likely to be delayed for a period of time. It will require a Planning Committee to be properly convened and appropriate measures to be put in place for the application to be properly considered.</p>
3.5	<p>The Scheme also includes an ability for the Planning Manager to delegate the decision making to their nominee (i.e., Head of Development Management or Head of Development Plan), should the Planning Manager be absent from work and unable to carry out these functions.</p>
3.6	<p>It is proposed that these measures will only be temporary and for the duration of the difficulties associated with COVID 19 that impact on planning decision taking. It is not possible to say how long this will be for, however, the situation will reviewed regularly. The Scheme does require a general review in any event and it is hoped that when it is "business as usual" that a revised Scheme could be brought back to the members.</p>
3.7	<p>Members are advised that in relation to the parts of the Scheme that require DfI approval (mainly page 1 of Appendix A), this will need to be obtained before those parts of the Scheme can be adopted and take effect. The approved Scheme can</p>

	then be publicised. The same applies in relation to any future amendments to these parts of the Scheme.
3.8	The remaining parts of the Scheme (mainly pages 2 and 3 of Appendix A), require Council approval only and can take effect thereafter.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: Consideration to be given to governance arrangements if we enter in to a “lockdown” situation.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	To suspend Committees until further notice.
5.2	To approve the amended Scheme of Delegation for Planning.
6.0	Documents Attached & References
6.1	Appendix A - Scheme of Delegation for Planning (Amended)