

## **PLANNING COMMITTEE – 28TH MARCH 2011**

### **RECOMMENDATIONS TO THE COUNCIL**

#### **1. CONSTITUTIONAL AMENDMENTS TO SCHEME OF DELEGATION FOR PLANNING ENFORCEMENT AND DEVELOPMENT CONTROL**

The Planning Committee has considered a report which sought the approval of the Council to several changes to the Scheme of Delegation insofar as it affects Development Control, Planning Enforcement and arrangements for the 'call-in' of applications to be considered with by the Planning Committee. It was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

The Committee was informed that the proposed amendments will align the Council's Scheme of Delegation with that of Redditch Borough Council and, thereby, assist in the process of shared services.

It is therefore RECOMMENDED:

that the amendments to the Scheme of Delegation, as set out in Appendices 1, 2 and 3 of the report, be approved.

#### **2. CONSTITUTIONAL AMENDMENT AND PROPOSED MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT**

The Planning Committee has considered a report which sought the approval of the Council to adopt a formal protocol relating to the engagement of Members in pre-application discussions, with a view to providing clarity and fairness to the process and, thereby, seek to make it accountable. Members were also informed that this would enable the Council to operate in accordance with current good practice.

It was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

It is therefore RECOMMENDED:

- (a) that the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development, as set out in Appendix 1 to the report, be approved and implemented with effect from 1st October 2011;
- (b) that any Member wishing to become involved in Pre-Application Discussions under the Member Protocol must complete appropriate training;

- (c) that the implementation of the protocol be reviewed jointly by Members and officers after twelve months of implementation; and
- (d) that authority be delegated to the Head of Legal, Equalities and Democratic Services to make the necessary amendments to the Council's Constitution in respect of the implementation of the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development.

### **3. ADOPTION OF THE PLANNING ENFORCEMENT POLICY**

The Planning Committee has considered a report which sought the approval of the Council to adopt a Planning Enforcement Policy in order to provide a consistent and uniform approach as a result of the move towards shared services between the Council and Redditch Borough Council. The Committee was informed that such a policy would effectively be a customer charter for the planning enforcement service.

It was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

In respect of the third item in section 7 of the proposed Planning Enforcement Policy (Council's Commitment to Complainants - "The confidentiality of those reporting incidents will be maintained"), Members expressed concern about how the policy would ensure the confidentiality of a complainant could be maintained, especially in the event of an appeal by anyone who had been served with an Enforcement Notice. However, the Head of Planning and Regeneration Services confirmed that the addition of an appropriate proviso could be added to ensure confidentiality would not be compromised.

It is therefore RECOMMENDED:

that the Council adopt the Planning Enforcement Policy, subject to the deletion of the third item in section 7 of the proposed Enforcement Policy, attached at Appendix 1 to the report, and replacement with the following text:-

- The confidentiality of those reporting incidents will be maintained and no information will be disclosed to any other party without the written consent of the complainant.