

## REVIEW OF THE CONSTITUTION

### APPENDIX 18 – PLANNING COMMITTEE SCHEME OF DELEGATION

#### AREA PLANNING SUB-COMMITTEES – REFERRAL PROCEDURE

1. Where an Area Planning Sub-Committee is minded to make a decision which is contrary to recommendation and :
  - Where there is a crucial policy issue at stake; or
  - where the sub-committee's view might not be defensible if challenged; or
  - which in the opinion of the Head of Planning Services should be considered at a strategic county-wide level;

consideration will be given as to whether there should be a referral to Main Planning Committee.

2. That decision will be taken at the conclusion of the debate, i.e. after the initial vote has been taken.
3. In order to ensure consistency of approach, the decision to make a referral will be taken by the Head of Planning Services.
4. The role of the senior planning officer present at the Area Planning Sub-Committee will be confined to indicating whether or not he/she would be minded to refer the matter to the Head of Planning Services for consideration to be given to referral.
5. In order to establish a consistent pattern to the approach of the definition of "a crucial policy at stake" or "where the Sub-Committee's view might not be defensible if challenged" the Head of Planning Services will be required to consult the County Secretary and Solicitor before taking the final decision to refer the matter to Planning Committee.
6. If Members are minded to make a decision contrary to the officer recommendation, the resolution to be moved before the vote is taken will have to reflect the restriction on the Area Planning Sub-Committee's delegated power as follows:

*[Subject to no further objections raising additional material planning considerations being received by the [insert date – end of the consultation period]]:*

*The [Northern] [Southern] [Central] Area Planning Sub-Committee is minded to [approve] [refuse] the application subject to the [conditions] [reasons for refusal] set out below (and any further [conditions] [reasons for refusal] felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.*

*If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to [approve] [refuse] the application subject to such [conditions] [reasons for refusal] referred to above.*

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7. In most cases, the decision whether or not to reference up the Area Planning Sub-Committee decision will be taken by informal consultation between the officers concerned, the object being to ensure that the decision is taken and the applicant and Local Member(s) are notified within 5 working days.
8. In particularly complex cases, it may be necessary for brief written reports to be prepared by the legal advisor who attended the Area Planning Sub-Committee and the senior planning officer who indicated that the matter would be referred to the Head of Planning Services for consideration to be given to reference up. Even in more complex cases, the emphasis should be on resolving the issue within 5 working days.
9. Once the senior planning officer has indicated the intention to refer the matter to the Head of Planning Services then the decision should be based on professional planning guidance with such legal guidance as may be appropriate. It would be contrary to the concept of Planning Committees as quasi judicial committees for there to be further consultation with Members of the Planning or Area Planning Sub-Committee.
10. If the decision is not to refer the issue to Planning Committee then the Area Sub-Committee decision will become a substantive decision and will be issued.
11. If a decision is taken to refer the matter then it will be placed on the Planning Committee agenda with appropriate supporting reports.
12. The Head of Planning Services will notify the decision to the applicant (if to refer), Local Member(s) and the Chairman of the Area Planning Sub-Committee.

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