

COUNTY COUNCIL

8TH DECEMBER 2021

SCHEME OF DELEGATION TO OFFICERS AND PROTOCOL ON REPRESENTATIONS TO THE COUNTY COUNCIL ON PLANNING APPLICATIONS

Purpose:

To consider the recommendations of the cross-party Constitutional Review Working Group on:

- (i) proposed revisions to the Scheme of Delegation to Officers to reflect movement of functions to different Directorates, changes in job titles, new functions arising from new legislation and some additional delegations; and
- (ii) proposed revisions to the Protocol on Representations to the County Council on Planning Applications In order to better clarify the procedures and deadlines for making representations and requesting to speak at Planning Committee and to make more efficient use of the Committee's time.

Recommendations / key decisions required:

That the revisions proposed to the Scheme of Delegation to Officers and the Protocol on Representations to the County Council on Planning Applications be approved.

Reasons:

(i) To have a Scheme of Delegation to Officers which is fit for purpose and reflects the delegations needed.

(ii) to better clarify the procedures and deadlines for making representations and requesting to speak at Planning Committee, and to make more efficient use of the Committee's time.

Relevant scrutiny committee to be consulted NO. The Constitutional Review Working Group is a cross party working group established by Full Council to consider the fitness for purpose of the Council's Constitution and to recommend any changes necessary.

Cabinet Decision Required YES in relation to executive functions

Council Decision Required YES in relation to Council functions and changes to the Council's Constitution

CABINET MEMBER PORTFOLIO HOLDER:-

Cllr. Emlyn Dole, Chair of the Constitutional Review Working Group

Directorate:

Designations:

Tel:

Name of Head of Service:
Linda Rees-Jones

Head of Administration and
Law and Monitoring Officer

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Linda Rees-Jones

EXECUTIVE SUMMARY

**COUNTY COUNCIL
8TH DECEMBER 2021**

SCHEME OF DELEGATION TO OFFICERS AND PROTOCOL ON REPRESENTATIONS TO THE COUNTY COUNCIL ON PLANNING APPLICATIONS

1. Under the Constitution the Monitoring Officer has a duty to keep the Council's Constitution under periodic review. Amongst the documents forming part of the Council's Constitution is the "Scheme of Delegation to Officers" which sets out which decisions Council (in the case of Council functions) has agreed may be taken by officers instead of by the Council and the decisions which the Cabinet (in relation to executive functions) has agreed may be taken by officers instead of by the Cabinet.
2. Over the years various services have been restructured and moved to other Directorates, some job titles have changed and such like, and whilst the delegations are still valid as there is a catch-all provision in the Scheme to cover restructurings and movements across Directorates work has now been undertaken to bring services within their current Directorates and to update the job titles.
3. At the same time some Services have asked for additional delegations to be granted, notably Planning Services, because of new functions arising from new legislation or in order to make the determination of planning applications and planning matters a quicker process. Planning is a Council function and the delegations as asked for will need to be approved by Council.
4. All revisions are highlighted in the revised Scheme of Delegation appended to this report.
5. Planning Services have also asked for amendments to be made to the "Protocol on Representations to the County Council on Planning Applications" in order to better clarify the procedures and deadlines for making representations and requesting to speak at Planning Committee and to make more efficient use of the Committee's time. Again these are highlighted in the appendices.
6. The Constitutional Review Working Group, being the body established by the Council to make recommendations to the Council on Constitutional matters, recommend the revisions be approved.

DETAILED REPORT ATTACHED?

NO, but the revisions to the Scheme are attached.

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Linda Rees-Jones, Head of Administration and Law and Monitoring Officer

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NON	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The Scheme of Delegation to Officers and the Protocol on Making Representations to County Council on Planning Applications form part of the Council's Constitution and set out the decisions which the Council and the Cabinet have delegated to officers, and the procedure for third parties to address the Planning Committee respectively.

2. Legal

The Scheme of Delegation to Officers and the Protocol on Making Representations to County Council on Planning Applications form part of the Council's Constitution and needs to be kept under review in order assist with timely and proper decision making.

5. Risk Management Issues

In exercising delegated decision making authorities officers are required to comply with:

- Any statutory provisions;
- The Council's Constitution;
- The Councils Policy Framework and Budget;
- The Officers Code of Conduct
- The Code of recommended Practice on Local Authority Publicity;
- Agreed arrangements for recording decisions;
- Taking legal or other appropriate professional advice when required;
- The principles of Best Value by using the most efficient and effective means available;
- The need to consult persons or representatives of persons who may be affected by the decision, including where appropriate the local ward member.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below.

Signed: Linda Rees-Jones, Head of Administration and Law and Monitoring Officer

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

YES

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Scheme of Delegation to Officers	CCCN-000	Within the Councils Constitution, which is available online
Protocol on Making Representations to County Council on Planning Applications	CCCN-0000	Within the Councils Constitution, which is available online
Correspondence from various Departments or Services regarding required delegations.	CCCN-0000	Monitoring Officer, County Hall, Carmarthen