

**APPENDIX B** - Proposed amendments to the Constitution arising from the proposed amended protocol/delegation to officers

***Additional words are shown in bold italics*** and deletions in strikethrough

A. Part 3 Section F3 Paragraph 3.1 of the Constitution (Power for the Executive Director in charge of Planning & Development Control to determine planning applications) be amended as follows:

~~3.1.1 To determine all Planning Applications (as defined below) (except Significant Applications as defined below) where the Executive Director considers that, on balance, and after taking into account all material considerations including Human Rights Act issues, the decision would be in compliance overall with national planning policies and guidance, and the policies contained in the Local Plan and any Neighbourhood Plans.~~

**3.1.1 For the 6 month period commencing 14 May 2020 and concluding on the date of the AGM of Full Council in May 2021 unless extended for a further period by Full Council decision and subject to paragraphs 1 and 2 below, the Executive Director of Place (or during Covid19 response the Executive Director of Commercialisation) and each of those officers listed immediately below be individually authorised to determine all Planning Applications during such time as any social distancing measures remain in place as a result of the coronavirus pandemic:**

- a) ***the Place Manager (South Holland)***
- b) ***the Planning and Building Control Manager***
- c) ***the Development Manager, and***
- d) ***the Principal Planning Officer***

**1. Reference to Chairman's Panel prior to officer exercising delegated authority**

**a) The Chairman's Panel must be consulted, prior to an officer exercising his/her delegated authority, in the following cases:**

- (i) where the officer intends to approve an application which is contrary to policy or which raises novel or contentious planning issues**
- (ii) where the application is submitted by the Council or relates to land in which the Council has an interest**
- (iii) where the application is submitted by a Member or Senior Officer (at the level of Service Manager or above) of the Council or involves a Member or Senior Officer interest**
- (iv) where the ward member has requested that the application be subject to consultation with the Chairman's Panel prior to determination and the request clearly relates to material planning considerations**
- (v) where the Officer concerned is not prepared to determine a planning application without first consulting the Panel**

**b) For each application referred to above, the Officer concerned shall prepare an officer report and shall send that report at least three days in advance to each member of the Panel and any other member who may attend the Panel meeting in their capacity as Ward Member**

- c) *The Chairman's Panel shall give its view as to whether it considers the matter to be suitable for determination by the officer or whether it should instead be referred to the Planning Committee. The Officer shall give significant weight to the view of the Panel.*
- d) *Where the advice of the Chairman's Panel under (c) above would ordinarily be to refer the matter to the Planning Committee, the Panel may in the alternative provide comments on the application to the Officer and to recommend that the officer determines the matter taking account of those comments. The Officer shall retain full authority to determine the matter (or not) but shall give significant weight to the view of the Panel.*
- e) *The Panel may meet in any way that it considers appropriate including by exchange of email, telephone or video conference and any member of the Panel may be substituted by any other member of the Planning Committee as necessary at any time.*
- f) *A member of the Democratic Services Team will take notes at each meeting of the Chairman's Panel.*

## **2. Further Conditions Applying to this Protocol**

***No officer or member with any interest in an application shall take any part in the administration or determination of that application.***

***Where any application referred to in paragraph 1(a) above is determined under this protocol by an Officer under delegated powers, that officer shall not also be the Case Officer for the application.***

***The Officers at all times retain the right not to determine an application.***

3.1.2 ~~The above power is subject to the following:~~

3.1.2 (a) ***The above power is subject to*** a weekly list being sent to all Members containing details of Planning Applications received.

(b) "Planning Applications" for the purposes of these delegations include applications, notifications or consultations in connection with the following:

- (i) applications for or in connection with planning permissions (including those for amendments),
- (ii) advertisement consents,
- (iii) listed buildings,
- (iv) conservation area consents,
- (v) demolitions,
- (vi) overhead power lines,
- (vii) telecommunications,
- (viii) applications or notifications from public authorities,
- (ix) agricultural notifications, (x) minor amendments,

- (xi) variation or removal of conditions.
- (xii) applications for Certificates of Lawfulness of existing or proposed use or development
- (xiii) applications for permission in principle and associated technical details consent (Town and Country Planning (Permission in Principle) Order 2017).

~~(c) "Significant Applications" will include those which:~~

- ~~(i) officers may wish to approve which are contrary to policy or which raise novel or contentious planning issues~~
- ~~(ii) are of particular sensitivity or have a significant impact locally~~
- ~~(iii) have major economic, employment, leisure or environmental content~~
- ~~(iv) are submitted by the Council or which relate to land in which the Council has an interest~~
- ~~(v) are submitted by Members or Officers of the Council or which involve a member or officer interest~~

~~in which case the matter must be referred to the Planning Committee for determination~~

- ~~(i) the ward member or parish council has requested be determined by the Planning Committee and the request clearly relates to material planning considerations~~
- ~~(ii) have been subject to irresolvable objections which clearly relate to material planning considerations~~

~~in which case the Chairman's Panel will be consulted before deciding whether to determine the application under delegated powers or refer the matter to the Planning Committee for determination~~

B. Part 3 Section D Delegations to Committee paragraph 6 be amended as follows:

~~Where a planning application would normally be delegated to the Planning Manager, such application must first be submitted by the Planning Manager to the Chairman's Panel for consultation on whether the application should be determined under delegated powers or referred to the Planning Committee for determination (this Panel is not a decision making body) where:~~

- ~~(a) The Ward member or parish council has requested determination by the Planning Committee and the request clearly relates to material planning considerations; or~~
- ~~(b) There are irresolvable objections which clearly relate to material planning considerations.~~