



Belfast District Council (Shadow)

Report to:	Shadow Planning Committee
Subject:	Planning Scheme of Delegation & Operating Protocol
Date:	19 th February 2015
Reporting Officer:	John Walsh, Town Solicitor, Ext 6042
Contact Officer:	Nora Largey, Solicitor, Ext 6049

1	Relevant Background Information
1.1	Members will recall that under Sections 7 and 19 of the Local Government (NI) Act 2014 the Council is required to put in place governance arrangements for the new Council as of 1st April 2015.
1.2	In addition, Section 31(1) of the Planning Act (NI) 2011 requires the Council to produce a scheme of delegation in relation to planning functions. The overall objective of such a scheme is to ensure that arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can be dealt with by elected members.
1.3	Delegating determination of some planning applications to officers is also seen as a critical factor affecting the overall performance of the development management process as it helps ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on complex applications.
1.4	At its meeting of 23 rd October 2014, the Committee granted authority to officers to review the existing streamlining process and draft a Scheme of Delegation to include provision for safeguarding Members' ability to have a decision brought before the Committee.
1.5	Party Group Briefings were undertaken in December 2014 in relation to the proposed scheme of delegation and operating protocol of the Committee. Since then extensive work has been undertaken by council officers and colleagues in the Planning Service to draft a Scheme of Delegation and Operating Protocol.

2	Key Issues
2.1	<p>The main issues that emerged from the Party Group Briefings were:</p> <ul style="list-style-type: none"> • Members should be able to determine those applications which they feel are important, including for example applications for dwellings of 5 or more; • Members should have the opportunity to fully consider those applications that are regarded to have the most significance and impact upon the city; • Sufficient safeguards should be built into the Scheme of Delegation for the Committee to consider applications that would otherwise normally be delegated.
2.2	<p>A draft Scheme of Delegation is attached for member's consideration at Appendix One.</p>
2.3	<p>Members will see that the Scheme does not apply to, amongst other things, the following:</p> <ul style="list-style-type: none"> • All major applications; • Applications on Council land; • Applications for developments of 5 or more dwellings; • Demolition of listed buildings; • Change of use to purpose built student accommodation, houses of multiple occupation, amusement arcades and hot food bars.
2.4	<p>Further safeguards have been included; namely:</p> <ul style="list-style-type: none"> • Where a function is normally delegated but raises issues which the Director believes should be considered by the Committee, that application will be referred to the Committee; and • The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.
2.5	<p>Members are also referred to the draft Operating Protocol of the Committee which is attached at Appendix Two.</p>
2.6	<p>The key aims of the Protocol are to ensure that those who apply for, or make representation to, applications before the Committee are able to make informed representations and that the Committee makes decisions in a sound, lawful, and transparent way and in a timely and efficient manner.</p>
2.7	<p>In drafting the Protocol officers have had regard to the relevant legal requirements, guidance issued by the Department and the existing Protocol used by the Council's Licensing Committee.</p>

2.8	As set out in the Protocol, all members of the Council will receive a weekly list of all received applications; including details of those delegated to officers in accordance with the Council's Scheme of Delegation. Members can request that any application is brought before the Committee for consideration and the request will be determined by the Director, in conjunction with the Town Solicitor, and who will assess whether the reasons given for the request are material considerations and of significant weight.
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3	Resource Implications
3.1	It is not possible to determine resource implications at present; though it should be noted that the proportion of decisions brought before committee would have an impact upon the required committee support provided by Democratic Services, Legal Services and the Planning Service.

4	Equality and Good Relations Implications
4.1	None.

5	Call In
5.1	Members are advised that any decision relating to the governance of the committee would be subject to Call In.

5	Recommendations
5.1	<p>Under the Planning Act (NI) 2011, the Council's Scheme of Delegation has to be approved by the Department for the Environment before it can be adopted by the Council. Given the timescales involved, the Scheme has been forwarded to the Department, subject to Committee and Council approval.</p> <p>The Committee is therefore asked to;</p> <ul style="list-style-type: none"> • Note the contents of the Scheme of Delegation, which has been forwarded to the Department for approval; and • Consider the draft Operating Protocol for the Planning Committee.

6	Documents attached
6.1	<p>Appendix One – Scheme of Delegation in relation to Planning</p> <p>Appendix 2 – Operating Protocol</p>

7	Decision Tracking
7.1	The person responsible for any actions arising from your meeting is John Walsh.