



Name of meeting: Council (Reference from Corporate Governance and Audit Committee)

Date: 13 September 2023

Title of report: Changes to Planning Scheme of Delegation (SoD) and Planning Committees

Purpose of report:

To seek the approval of the proposed changes to Planning Scheme of Delegation (SoD) and Planning Committees as described in paragraph 2 and the appendices in Appendix 1 (report to CGAC and Appendices) and as further described in paragraph 2 of this report.

The report is referred from Corporate Governance and Audit Committee, which made some proposed changes to the proposals in Appendix 1. These are set out in more detail in paragraph 2 of this report.

<p>Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Not Applicable</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</p>	<p>Key Decision –No Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>No The decision to change the SoD and change Planning Committees is a Full Council decision, not an Executive decision</p>
<p>Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd – 25th August 2023 Dean Langton – 25th August 2023 Julie Muscroft– 25th August 2023</p>

Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: Briefings have been provided to Labour, Conservative and Liberal Democrat Groups

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 The Corporate Governance and Audit Committee considered the report and appendices contained in Appendix 1 at its meeting on 14th July 2023
- 1.2 The report to CGAC proposed changes to the current scheme of delegation for Planning and Public Rights of Way, and changes to the current planning committee structures, as described in section 3 and in the appendices of that report.
- 1.3 CGAC accepted most of the proposed changes but made some suggested amendments to the changes described in the report and appendices to the scheme of delegation wording regarding Definitive Map Modification Orders (DMMOs).
- 1.4 Section 2 summarises the key changes in Appendix 1 for information and highlights where the CGAC made some proposed changes to the drafting of parts of the scheme of delegation.

2 Information required to take a decision

- 2.1 Proposed changes to scheme of delegation and planning committees (as set out in section 3 of the CGAC report, and CGAC Decision Notice)
 - 2.1.1 To update the Scheme of Delegation to revise the conditions under which applications are decided at Committee (as set out in section 3 and appendix A of the CGAC report)
 - 2.1.2 To move from the current 3 committee structure to 2 planning committees each meeting every 6 weeks (as set out in section 3 and appendices B, C, and D)
 - 2.1.3 To introduce an expectation that Ward Councillors who refer an application to committee attend in person at the meeting, or send a ward councillor colleague (as set out in section 3 and appendix E of the CGAC report)
 - 2.1.4 Within the Highway and Transportation scheme of delegation in relation to Definitive Map Modification Orders (DMMO) enable Planning Committee Chairs to consider if matters do not require determination by the planning committee and can remain delegated to the relevant Strategic Director (as set out in section 3 and Appendix F of the CGAC report).
 - 2.1.5 Regarding the proposed changes to the scheme of delegation for DMMOs, CGAC advised that the wording in the report be approved subject to the following amendments:
 - (i) 3.1 1 (v) in the main body of the report and Appendix F – Changes to the Scheme of Delegation (Strategic Director Environment and Climate Change) part A,(1) v to include the wording “*taking into account I to IV above*” in relation to applications for the modification of the Definitive Map

and Statement under the Wildlife & Countryside Act 1981 (or any legislation revoking or re-enacting that Act with or without modification)

- (ii) That Section 11 (57.) of the Protocol for Planning Committees, as set out at Appendix E, be updated by the removal of the wording “i.e. 3 weeks after receipt of the application”.

3 Implications for the Council

3.1 Working with People

The changes proposed will help save time and money for all parties involved in the planning process. Speeding up planning decision making helps improve outcomes. There are no changes to the roles of the community in the planning process. The 3 main groups of the Council’s political parties have helpfully provided input and ideas to shape these reforms.

3.2 Working with Partners

Speeding up the planning process, will help Partners deliver housing and employment developments and make Kirklees a more attractive place to invest and do business. Less throughput of applications in the committee system will help technical and statutory consultees who sometimes prepare for and attend committees.

3.3 Place Based Working

There are no changes to Place based working. The Council will have less requirements on its facilities as a result of having few committee meetings to service and attend.

3.4 Climate Change and Air Quality

Any improvements to the speed and effectiveness of the planning system can help contribute to our goal of Net Zero by 2038 and new developments can help tackle air quality through good quality decision making and designs being approved.

3.5 Improving outcomes for children

Helping speed up the planning process can help provide better quality accommodation for children in terms of housing and education facilities and enhance our existing good parks and recreation spaces.

3.6 Financial Implications for the people living or working in Kirklees

Speeding up the planning process will save a modest amount of money by not having to prepare for and service 3 planning committees. This will allow officers to be redeployed to other case work and projects.

3.7 Other (e.g. Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

An IIA has been undertaken on the planning reforms specified. There is no requirement to complete a stage 2 assessment. Benefits have been identified in speeding up the planning process to parties wanting to undertake new developments.

In addition to the above there is also a first draft of an IIA in the new & revised system which will be progressed as appropriate – to be published.

4 Consultation

In addition to discussion at the CGAC meeting on 14 July 23, the following consultation has taken place and was helpful in shaping the final recommendations in this report:

- The 3 main political groups have been briefed on the planning reforms proposals at their Group meetings.
- Informal briefings with the Chair of Overview and Scrutiny and the 3 existing Planning Chairs was undertaken.
- Cabinet Members, the Leader and the Councils Executive Team have all been engaged throughout the discussions on the options for reform and the recommendations contained within this report.

5 Engagement

Should the reforms be supported and approved by Council, communication with regular customers of the planning service and our communities will take place advising on the changes to decision making and when they will come into effect.

6 Next steps and timelines

- 6.1 Transitional arrangements will be implemented following a Council decision on the proposed new Scheme of Delegation and the 2 planning committee system. An overview of the next steps and timeline for these arrangements is shown in the table below (with more detail in section 7 of the CGAC report).

Date	Activity
13 September 23 (Anticipated date)	Report submitted to Council
10 November 2023	New Scheme of Delegation 2023 in place
	Revised name and terms of reference in place for Strategic Planning Committee
10 Nov 23 to 9 Feb 2024	Revision to Terms of Reference for existing Sub-Planning Committees (To include reference to new Scheme of Delegation 2023)
9 Feb 2024	Planning Sub-committees disestablished
	New District-wide planning committee established
	Revised Planning Protocol in place (Implementing changes to member referral process)

7 Officer recommendations and reasons

- 7.1 That Council considers the report in Appendix 1 as well as the recommendations by CGAC and:
- a) Approve the Scheme of Delegation to the Strategic Director Growth and Regeneration set out at Appendix A to take affect from Friday 10 November 2023.
 - b) Approve the Scheme of Delegation to Strategic Director Environment and Climate Change set out at Appendix F to take affect from Friday 10 November 2023
 - c) Approve the renaming of Strategic Planning committee as Strategic Planning Committee (Major Planning Applications), and revised Terms of Reference for the Strategic Planning committee set out in Appendix B from Friday 10 November 2023.
 - d) Notes that the membership and composition of the renamed Strategic Planning Committee remains the same (namely 7 including Chairperson).
 - d) Approve a revised Terms of Reference for the existing two planning sub-planning committees (Heavy Woollen and Huddersfield) from Friday 10 November 2023 to Friday 9 February 2024 as set out in Appendix C
 - e) Approve the disestablishment both Heavy Woollen Planning Sub-committee and Huddersfield Planning Sub-Committee from Friday 9 February 2024

- f) Approve the establishment a new planning committee and their Terms of Reference at Appendix D - namely the District Wide Planning Committee (Minor & other planning applications). To be implemented on Friday 9 February 2024
- g) Approve the composition of the District Wide Planning Committee (Minor and Other Planning Applications) set out at Appendix B of this report to come into effect from 9 February 2024. Namely:
 - o District Wide Planning Committee - 9 members of the Council including Chairperson (5:3:1)
- h) Approve delegation to Group Business Managers to nominate membership of the District Wide Planning Committee (Minor and Other Planning Applications) which comes into effect 9 February 2024.
- i) Approve delegation to the Service Director Legal, Governance and Commissioning to make consequential changes to the Constitution (including Scheme of Delegation at Appendix A and Appendix F(subject to amendment (1)(i) above), Strategic Planning Committee (Major planning applications) Terms of Reference at Appendix B, and revised Terms of Reference for Heavy Woollen and Huddersfield Planning Sub-Committees at Appendix C) as set out in this report to implement the recommendations to this committee and full Council in relation to this report. To come into effect 10 November 2023.
- j) Approve delegation to the Service Director Legal, Governance and Commissioning to make consequential changes to the Constitution (including Dis-establishment of the Heavy Woollen and Huddersfield Sub-Planning Committees, establishment of the District-Wide Planning Committee (Minor and Other planning applications) at Appendix A, D and F, and Protocols for Planning Committee at Appendix E (subject to amendment (1)(ii) above) as set out in this report to implement the recommendations to come into effect from 9 February 2024.

8. Cabinet Portfolio Holder's recommendations

Cllr Graham Turner supports the recommendations.

9. Contact officer

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10. Background Papers and History of Decisions

Report to CGAC on 14 July 2023 which is appended to this report

11. Service Director responsible

Edward Highfield- Service Director for Growth and Regeneration

Appendix 1 (Report to CGA).

Please see separately attached Document - Planning Scheme of Delegation SoD and Planning Committees Reference to Council.PDF