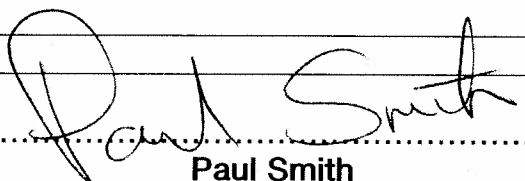


**Haringey** Council

|                                  |   |                     |  |
|----------------------------------|---|---------------------|--|
| <b>Report for:</b>               | <b>Regulatory Committee</b>   | <b>Item Number:</b> |  |
| <b>Title:</b>                    | <b>Delegated Powers for Planning Decisions</b>  |                     |  |
| <b>Report Authorised by:</b>     | <br>.....<br><b>Paul Smith</b><br><b>Head of Development Management</b> |                     |  |
| <b>Lead Officer:</b>             | <b>Gareth Prosser – Planning Officer</b><br><b>020 8489 5129</b><br><b>gareth.prosser@haringey.gov.uk</b>   |                     |  |
| <b>Ward(s) affected:</b> Various | <b>Report for Key/Non Key Decisions:</b>  |                     |  |

### 1. Describe the issue under consideration

This report provides information relating to the principles and process of delegated planning powers. The report also gives statistics relating to the volume of applications decided under delegated powers within the borough and how this compares to national guidelines. Haringey's delegation scheme is set out in Appendix 1.

### 2. Recommendations

That the Regulatory Committee note the information contained herein.

### 3. Background

The process of delegation as outlined at a national level and within the Council's Constitution, allows for Committee members to focus on projects of major interest, whilst Planning Officers process the majority of applications under 'delegated powers'. The scheme of delegation to officers operates under section 101(1), of the Local Government Act 1972 which enables the council to delegate its powers to a committee, a sub committee or an officer. Government advice states that Local authorities should delegate at least 90% of applications received.



#### **4. Comments of the Chief Finance Officer and financial implications**

There are no financial implications in relation to this report.

#### **5. Head of Legal Services and legal implications**

Delegation of powers to officers complies with the requirements of Section 101 of the Local Government Act 1972. Such delegation is encouraged on a national basis so that members need only be concerned with the larger and more complex applications and the efficient turnaround of smaller applications can be achieved within the Government target as a result of delegation to officers.

The delegation scheme is designed to support the timely decision making of applications balanced by the need for Committee to retain the decision-making capacity for those types of applications which it regards as being necessary for members to determine.

There are no immediate legal implications arising from this report.

#### **6. Equalities and Community Cohesion Comments**

There are no equalities and community cohesion issues raised by this report.

#### **7. Appendices**

APPENDIX 1 – The Constitution: Delegations To Planning Officers Of Matters Otherwise Within The Terms Of Reference Of The Planning Committee

### **REPORT FOR CONSIDERATION AT REGULATORY COMMITTEE**

#### **Planning Powers Delegated to Planning Officers**

##### **1. National Policy - Section 101(1) of the Local Government Act 1972.**

The scheme of delegation to officers operates under section 101(1) of the Local Government Act 1972. Section 101(1) does not deal with how decisions are to be taken by local authorities, but merely with who takes them, this being either the full council, a committee or sub-committee, or an officer of the council.

Local planning authorities should review and update their local schemes of delegation, so that the resources of planning committees are focused on applications of major importance or wider significance, and that a minimum delegation rate to officers of at least 90% is achieved at all councils before the end of 2009.



2. The Council's Constitution - The Scheme of Delegation

The Council's Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that the Council operates in an efficient, transparent and accountable manner.

The Constitution describes the overall areas of responsibility for executive decisions taken by the cabinet and for non-executive decisions taken by the council and its Committees and Sub-Committees. To ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers on behalf of the Committees.

The Scheme of Delegation to officers sets out which officers are empowered to undertake which decisions or actions on behalf of the Council for decisions such as the granting or refusal of planning permission.

3. Delegated Powers in Practice

There are typically around 2,000 applications received in a year (over 1700 applications have been received in the last 12 months) and around 300 planning enforcement cases are ongoing at any one time. It would be difficult and unnecessary for all cases to be considered by the Planning Committee, due to the length and complexity of the planning process, therefore the majority of planning applications are dealt with under 'delegated powers'. Only cases that have a significant impact are considered by the Planning Committee.

In relation to decisions concerning Planning Enforcement, decisions are delegated to the Director of Planning and Sustainability and other senior officers in the Planning, Regeneration and Economy department. The delegated powers relate to:

- Opening of enforcement cases
- Closing of enforcement cases
- Serving of Enforcement notices
- Prosecutions

Haringey's scheme of delegation is set out in Appendix 1.

4. Decisions taken under Delegated Powers

Approximately 97%-98% of decisions on planning applications within the Borough of Haringey are taken under delegated powers. In the last year, 97.9% of applications have been determined under delegated powers which is slightly higher than in previous years, although the overall percentage level is generally consistent.



5. Statistics – Applications Decided Under Delegated Powers

It is typical of many London boroughs to issue up to 97% or 98% of decisions under delegated powers. The Killian Pretty Review (2008) stated that a minimum delegation rate to officers of at least 90% should be achieved by all councils before the end of 2009.

Planning Decisions at Haringey Borough Council 2006-2012

| Year  | Delegated | Committee | Total | % Delegated |
|-------|-----------|-----------|-------|-------------|
| 06-07 | 2029      | 51        | 2080  | 97.5        |
| 07-08 | 2167      | 57        | 2224  | 97.4        |
| 08-09 | 1882      | 56        | 1938  | 97.1        |
| 09-10 | 1664      | 40        | 1704  | 97.7        |
| 11-12 | 1710      | 36        | 1746  | 97.9        |

Note: Table excludes application submitted but later withdrawn.

Haringey is currently meeting the governments target for delegating over 90% of planning applications. The level of delegation is also consistent with other London Borough's with between 97.5 and 97.9% of applications delegated between 2006 and 2012.

6. The Borough of Haringey's Constitution

The London Borough of Haringey's Constitution sets out how the Council operates, how decisions are made and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. The law prescribes some of these processes, while others are a matter for the Council to choose.

With regard to the use of delegated powers to determine planning applications, the Constitution states:

*'Authority to determine the following categories of application for planning permission or other consents is delegated to the officers.....and shall be exercised by any one or more of those officers acting in consultation with the Chair (or in the Chair's absence, the Deputy-Chair) of the Planning Committee'.*

7. Conclusion

The delegation system is an effective system designed to maximise efficiency and transparency for all those planning decisions for which there is significant public interest, balanced against the need to ensure a swift and smooth flow of decisions in the borough.



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The process of delegation as outlined at a national level and within the Council's Constitution, allows for Committee members to focus on projects of major interest, whilst Planning Officers process the majority of smaller applications.

Haringey currently delegates approximately 97% to 98% of planning applications which is consistent with other London Borough's and above the government's recommendation of at least 90% delegated.

The Planning services overall record of winning planning appeals and customer feedback survey results indicated that the service is balancing the need to ensure policy compliance and managing the planning process to support economic growth and environmental protection.



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**APPENDIX 1 – The Constitution: Delegations To Planning Officers Of Matters  
Otherwise Within The Terms Of Reference Of The Planning Committee**



## **APPENDIX 1 – DELEGATIONS TO PLANNING OFFICERS OF MATTERS OTHERWISE WITHIN THE TERMS OF REFERENCE OF THE PLANNING COMMITTEE**

Authority to determine the following categories of application for planning permission or other consents is delegated to the officers listed below and shall be exercised by any one or more of those officers acting in consultation with the Chair (or in the Chair's absence, the Deputy-Chair) of the Planning Committee:

### Officers

- (i) The Assistant Director, Planning & Regeneration\*
- (ii) The Heads of Development Management – North & South\*
- (iii) The Head of Development Management, Major Sites\*
- (iv) The General Manager, Planning Policy\*

### Categories of Application

- (a) Development within the curtilage of an existing residential property, including extensions, alteration and ancillary buildings and works, and including works that would be permitted development but for the use of the premises as flats or the effect of express planning conditions.
- (b) Conversion of dwelling houses or non-residential buildings into two or more self-contained dwellings.
- (c) Formation of vehicular access, or alteration to existing vehicular access, on to highways.
- (d) Minor amendments to the siting and design of buildings following approval or original developments.
- (e) The erection of not more than 5 dwellings.
- (f) Changes of use to up to 500 sq. metres of floor spaces (including application for H.M.O.'s and hostels).
- (g) Erection, or extension, of non-residential buildings where the new build does not exceed 500 sq. metres of total floor area (including installation of underground fuel and other storage tanks).
- (h) Installation of shop fronts.
- (i) Continuation of temporary planning permissions.
- (j) Display of advertisements.



**Haringey Council**

(k) Listed building consent applications, and applications for demolition of buildings or structures in Conservation Areas.

(l) Works to trees (including pruning, lopping or felling) covered by a Tree Preservation Order, and works to trees within a Conservation Area; works to trees covered by a planning condition.

(m) Certification of Lawfulness for Proposed or Existing Development.

(n) Sundry minor developments not including above and not involving the provision of more than 100 sq. metres of floor space (e.g. walls, fences, windows, replacement roofs or walls, electricity installations, external staircases, satellite dishes, cash dispensers, and the like).

(o) The determination of the need for further details on outline applications; the approval of reserved matters following the grant of outline permission, and the approval of matters subject of condition on a full planning permission.

(p) The determination of proposals for the erection or installation of telecommunications equipment, including masts, antennae, and equipment cabinets, including those submitted under the Prior Notification procedures of the General Permitted Development Order.

(q) Any other applications where the officer's recommendation is for refusal unless requested by the Chair to be considered at the Planning Committee.

(r) Any other applications where the officer's recommendation is for approval and the proposal is in accordance with agreed planning policy, following discussion of the case with the Chair (or in the Chair's absence, the Deputy- Chair) of the Planning Committee. Applications where there have been objections from a single Ward Councillor and/or a local community body and/or a local residents' association, are excluded from this delegation and will be referred to the Planning Committee for determination.