

Constitution – Chapter 10 (Planning) – Proposed Amendments

EXECUTIVE MEMBER: Councillor Andy Pratt, Portfolio Holder for Environment, Place and Inclusive Communities (to include development management).

LEAD OFFICER: Pat Graham, Chief Executive.

REPORT AUTHOR: Clinton Boyce, Solicitor.

WHY HAS THIS REPORT COME TO THE PLANNING PANEL

To seek Members' view on some minor changes proposed to chapter 10 of the constitution relating to planning matters.

RECOMMENDATION:

That the proposed changes to chapter 10 as set out in the attached document be recommended to Council for approval.

1. INTRODUCTION

1.1 Members will recall Council on the 19th November 2019 approving revisions to the Constitution. The agenda to that meeting is available via this link <https://copeland.moderngov.co.uk/ieListDocuments.aspx?CId=134&MIId=816&Ver=4> ; item C19/50 refers.

1.2 That report suggested, and Council approved, a new format of Constitution comprising of seven parts as follows:

Part 1 - Summary & Explanation

Part 2 – Articles of the Constitution

Part 3 – Responsibility for functions and Terms of Reference

Part 4 – Rules of Procedure

Part 5 – Standards of Conduct

Part 6 – Members Allowances Scheme

Part 7 – Structures

Number of Members: 11 Politically Balanced

Quorum: 3

Frequency of Meetings: Every 4 weeks

Lead Officer: Planning and Place Manager

Terms of Reference

- 1. Determination of applications for planning permission and consultation on planning applications or Crown proposals which shall include applications for the development or change of use of premises and matters relating to historic buildings. Enforcement of all legislation relating to planning control other than those delegated for determination to the Chief Executive and/or Planning and Place Manager. This shall include applications made by the Council itself which were previously reserved to Council.*
- 2. Receiving and making representations from and to adjacent local authorities.*
- 3. Authorising the making of Directions pursuant to Article 4 of The Town and Country Planning (General Permitted Development) Order 1995 and agreements under Section 106 of the Town and Country Planning Act 1990.*
- 4. Receiving the results of appeals under planning legislation and costs incurred.*
- 5. Implementing policy relating to development management, and recommending and implementing policies relating to the conservation of the built environment.*
- 6. Making orders for the revocation or modification of planning permission or for the discontinuance of use of land subject to the concurrence of the Policy Forum in any case where compensation shall thereby become payable.*

7. *Determining applications under the Land Compensation Act 1961 and granting certificates of alternative development and lawfulness.*
8. *Authorising Hazardous Substance consents and serving contravention Notices.*
9. *The naming of streets and numbering of houses.*
10. *Determination of all issues relating to the creation, diversion, stopping up or interference (other than of a temporary nature) of highways, particularly consultation matters from the highway authority.*
11. *The making of tree preservation orders.*
12. *The designation of conservation areas.*

NOTE: County matters, the Lake District National Park Authority and nationally significant infrastructure projects are not dealt with by the Council.

- 1.5 The procedures at Planning Panel, currently set out in chapter 10 of the constitution, now need to be considered and moved, as amended, to the new Part 4 of the Constitution.
- 1.6 The new constitution is of differing layout and appearance to the current constitution. This report in dealing with proposed amendments to chapter 10 seeks members' view on substance. Design, without affecting substance in any way, will follow and be dealt with by officers.
- 1.7 The appendix to this report sets out the constitution as approved by Council on the 19th November 2019 and, in so far as not dealt with by Council on that date, the existing constitution. It then shows, marked up in red, the proposed amendments for members' consideration.
- 1.8 Members are asked to consider and recommend to Council for approval the proposed amendments as set out in the Appendix.

List of Appendices: Proposed constitutional changes.