

Body:	Council
Date:	9 May 2013
Subject:	Updating amendments to the Scheme of Delegations to Officers, which forms part of the Council's Constitution
Report Of:	Head of Corporate Development
Ward(s)	All
Purpose	To seek Council's approval to update the Officers Scheme of Delegations in the specific terms outlined in this Report.
Recommendation:	That Council approve the amendments to the Scheme of Delegation flagged up in this Report and authorise the Lawyer to the Council to incorporate and publish them in the Council's Constitution.
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1.0 Introduction

- 1.1 Planning Committee on 5 February 2013 considered the scheme of delegations in the light of current process regarding the negotiation and revocation of planning agreements. The minute of that Committee's decision to recommend amendments to the officer's scheme of delegations is noted at minute 63, which forms appendix 1 to this report, is available here <http://www.eastbourne.gov.uk/EasysiteWeb/getresource.axd?AssetID=209536&type=full&servicetype=Inline>

Council is recommended to consider its adoption.

- 1.2 In addition, Council is asked to approve a further amendment to the scheme, namely that all references to the 'well-being' powers conferred on local authorities by the Local Government Act 2000 be substituted with references to the general power of competence conferred by the Localism Act 2011.

2.0 Proposed amendments relating to the planning function

- 2.1 Under the Council's current scheme of delegations to Officers, responsibility for negotiating and entering into planning or other agreements regulating or controlling the use or development of land is delegated to the Lawyer to the

Council, instead of to the Chief Officer with responsibility for the planning function.

2.2 In addition, there is no specific reference in the scheme to the modification, discharge and revocation of Section 106 agreements. As a result there is no option available other than that of referring all such applications to the Planning Committee.

2.3 It is therefore proposed that the Scheme be amended to require:-

- That the power to negotiate S.106 Agreements be delegated to the SHDE (or relevant Chief Officer) in consultation with the Lawyer to the Council.
- That the power to revoke, modify or discharge any agreement associated with an application determined under delegated powers be delegated to the SHDE in consultation with the Lawyer to the Council and the Chair of Planning Committee.

2.4 Should the amendments be agreed then the Chair of Planning Committee will nonetheless retain the power to require that any application for modification, revocation or discharge be reported to Committee: a power available in relation to any planning application. The power to revoke S.106 Agreements and to modify or discharge any part of an agreement moreover remains with the Committee in situations where the agreement in question has been authorised by Committee resolution.

2.5 One further updating amendment to the Scheme is sought, namely the deletion of all references in the Scheme to the well-being powers conferred on local authorities by the Local Government Act 2000. That Act now applies only in Wales and all references to it should be substituted with reference to the general power of competence conferred by the Localism Act 2011. Council's authority to amend the Scheme accordingly is sought.

3.0 Consultation

3.1 None

4.0 Resource Implications

4.1 None

5.0 Other Implications

5.1 None

6.0 Summary of Options

6.1 Council may choose to approve the recommendations or not.

7.0 Conclusion

- 7.1 Council is recommended to approve the proposed amendments outlined in this Report and to give the Lawyer to the Council delegated authority to amend the scheme of delegations to officers accordingly so that the updated version can be published as soon as possible.

Victoria Simpson, Lawyer to the Council and Monitoring Officer
Background Papers:
The Background Papers used in compiling this report were as follows:
Minutes of the Planning Committee
The Localism Act 2011
The Local Government Act 2000.
To inspect or obtain copies of background papers please refer to the contact officer listed above.