

ANGUS COUNCIL

ANGUS COUNCIL – 10 FEBRUARY 2022

**CHANGES TO ORDER OF REFERENCE OF COMMITTEES
(DEVELOPMENT STANDARDS COMMITTEE)**

**REPORT BY ALISON SMITH, DIRECTOR OF VIBRANT COMMUNITIES AND SUSTAINABLE
GROWTH**

ABSTRACT

This report seeks approval of amendments to the Order of Reference of Committees, specifically Development Standards Committee, to align with the Planning (Scotland) Act 2019.

1. RECOMMENDATION(S)

It is recommended that Council:

- (i) Agree the deletion of Sections 5(5) and 5(6) of the Order of Reference of Committees in respect of the Development Standards Committee;
- (ii) Agree the amendment to Section 5(4) of the Order of Reference of Committees in respect of the Development Standards Committee to provide:-

“All applications requiring determination at member level (i.e. those not delegated to the Service Leader – Planning and Sustainable Growth or those where the Service Leader – Planning and Sustainable Growth has determined not to exercise their delegation) shall be considered only by this Committee.”
- (iii) Agree to amend Section 7c. of the Scheme of Delegation to Officers to refer to the Service Leader – Planning and Sustainable Growth; and
- (iv) Note that a review of the Order of Reference of Committees is underway through the Governance Member Officer Working Group and that a report will be brought to Full Council in due course.

2. ALIGNMENT TO THE COUNCIL PLAN

2.1 The proposals in this report are relevant to all aspects of the Council Plan.

3. CONTEXT

3.1 The Planning (Scotland) Act 2019 was passed by Scottish Parliament in June 2019 and sets the structure of the modernised planning system. The new Act includes a broad range of changes to be made across the planning system including:

- Arrangements for the preparation of development plans
- Proactive masterplanning
- Development management procedures and considerations
- Strengthening enforcement
- A focus on improved performance and positive outcomes

Implementation of the Act is being taken forward in stages.

3.2 Section 5 of the of the Council’s Order of Reference of Committees relates to the Development Standards Committee. Section 5(5) thereof details that any planning application that requires a pre-determination hearing (i.e. a national development or a major development which is

significantly contrary to the development plan) is to be determined by Full Council. This provision was consistent with Section 56(6A) of the Local Government (Scotland) Act 1973. However, Section 27(1) of the Planning (Scotland) Act 2019 repealed this provision. Therefore, and with effect from 1 March 2020, there is no longer a legal requirement that any planning application that requires a pre-determination hearing must be determined by Full Council.

3.3 The resultant impact is that Section 5(5) of the Order of Reference of Committees in respect of the Development Standards Committee is no longer consistent with the legislative position.

3.4 A review of the Order of Reference of Committees is underway by the Governance Member Officer Working Group (MOWG) and it was hoped that these amendments could be included within that wider report. Staffing constraints have however delayed that report coming forward. The changes proposed in this report will aid operational efficiency and allow planning applications to be determined without delay associated with arranging special meetings of Full Council.

4. PROPOSALS

4.1 It is therefore proposed to delete Sections 5(5) and (6) of the Orders of Reference of Committees in respect of the Development Standards Committee and that all decisions on planning applications that are not delegated to officers are determined by Development Standards Committee. This is already provided for in section 5(4) which details that:-

“All applications requiring determination at member level (i.e. those not delegated to the Service Leader – Planning and Communities shall be considered only by this Committee.”

4.2 Following the directorate changes in 2021 it is proposed to amend the job title in Section 5(4) to the Service Leader – Planning and Sustainable Growth.

4.3 It is also proposed that the words “*or those where the Service Leader – Planning and Sustainable Growth has determined not to exercise their delegation*” are added to section 5(4), as detailed in recommendation (ii) of this report, in order to make it clear where such matters are to be considered in this event.

4.4 Lastly, and for completeness, it is proposed to amend Section 7c. of the Scheme of Delegation to Officers to refer to the Service Leader – Planning and Sustainable Growth.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

6. EQUALITY IMPACT ASSESSMENT / FAIRER SCOTLAND DUTY ASSESSMENTS

An Equality Impact Assessment is not required as an assessment into the potential impacts of the provisions of the Act on each of the protected characteristics were formally assessed during its development.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: Jill Paterson, Service Leader Planning and Sustainable Growth
EMAIL DETAILS: patersonjf@angus.gov.uk