

**Joint Report of the Presiding Member, Monitoring Officer and
Head of Democratic Services**

Council – 3 March 2015

AMENDMENTS TO THE COUNCIL CONSTITUTION

Purpose:	To make amendments in order to simplify, improve and/or add to the Council Constitution.
Policy Framework:	None.
Reason for Decision:	A decision of Council is required to change the Council Constitution.
Consultation:	Finance, Legal
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined below in relation to: a) Part 2, Article 8 'Regulatory and Other Committees'; b) Part 3, 'Scheme of Delegation and Terms of Reference'; be adopted. 2) All other references to 'Area Development Control Committee(s)' and 'Development Management and Control Committee' be amended to read 'Planning Committee'. 3) The Rights of Way and Commons Sub Committee be abolished and its work revert to the Planning Committee.
Report Author:	Huw Evans / Ryan Thomas
Finance Officer:	Carl Billingsley
Legal Officer:	Christopher Allingham

1. Introduction

- 1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. A number of issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

2. Delegated Minor Corrections to the Council Constitution

2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

3.1 This report outlines a number of suggested amendments to the Council Constitution. The amendments arise from the report considered by Council on the 6 January 2015 and relate to the changes to the Planning Committee structure and changes in the law. They are within the following area of the Council Constitution:

- a) Throughout the Council Constitution;
- b) Part 2, Article 8 'Regulatory and Other Committees';
- c) Part 3 - Scheme of Delegation;
- d) Part 3 - Terms of Reference.

4. Throughout the Council Constitution

4.1 **Delete** all references in the Council Constitution to 'Area Development Control Committee' and 'Development Management and Control Committee'. **Replace** with 'Planning Committee'.

5. Part 2 - Article 8 'Regulatory and Other Committees'

5.1 Paragraph 8.1.1. **Delete** reference to 'Area Development Control Committee'. **Replace** with 'Planning Committee'.

6. Part 3 - Scheme of Delegation

6.1 Paragraph 1.2.3 - **Delete** the bold note beneath Paragraph 1.2.3 which is shown below:

Note: Responsible Officers are not given any Authority to submit planning applications for development on, or a change of use of, Council owned land without the approval of Cabinet.

6.2 Paragraph 1.3.3 'Key:'

Delete 'ADCC - Area Development Control Committee' and 'DMCC - Development Management Control and Committee' from the table. **Add** 'PC - Planning Committee'.

6.3 Paragraph 1.3.4 'Functions Relating to Town & Country Planning & Development Control'.

- i) **Delete** all references to 'ADCC' and 'DMCC' in the 'Delegated To' column. **Replace** with PC.

- ii) A5 ‘Duties relating to the making of determinations of planning applications’. The wording in the ‘Provision of Act or Statutory Instrument’ column to **be amended** as follows:

‘Sections 69, 76, 91 and 92 of the Town and Country Planning Act 1990 and Articles 3 to 17, 19 to 24, 29 and 30 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S.I. 2012/808 (W.110)) and directions made there under.

- iii) A7 ‘Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights’. The wording in the ‘Provision of Act or Statutory Instrument’ column to **be amended** as follows:

‘Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (as amended).

- iv) A22 ‘Duties relating to applications for listed building consent and conservation area consent’. The wording in the ‘Provision of Act or Statutory Instrument’ column to **be amended** as follows:

‘Sections 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 17 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 and paragraph 127 Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas’.

- v) A42. **Delete** the note beneath Paragraph A42 which is shown below:

(Note: Responsible Officers are not given any Authority to submit planning applications for development on, or a change of use of, Council owned land without the approval of Cabinet).

- vi) **Add** A43 to A53 as follows:

No	Function	Provision of Act or Statutory Instrument	Delegated To
A43	Power to respond to consultation from other Local Planning Authorities on development proposals	Regulation 14 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoER&P

A44	Power to respond to Nationally Significant Infrastructure Projects within the City & County of Swansea at pre-application stage and agree a Statement of Community Consultation	Sections 42 and 47 of the Planning Act 2008	HoER&P
A45	Power to submit Local Impact Reports, Written Representation and agree a Statement of Common Ground on Nationally Significant Infrastructure Projects within the City & County of Swansea	Sections 60 and 90 of the Planning Act 2008	PC
A46	Power to represent the City and County of Swansea in any topic specific hearing and open floor hearing, provide further comments and respond to Examining Authority questions on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 94 of the Planning Act 2008	HoER&P
A47	Power to agree/ comment on draft Development Consent Orders and enter into a S106 Obligation on Nationally Significant Infrastructure Projects within the City & County of Swansea	Section 106 of the Town and Country Planning Act 1990 and Section 104 of the Planning Act 2008	HoER&P
A48	Power to discharge requirements and obligations of Nationally Significant Infrastructure Projects	Section 120 of the Planning Act 2008	HoER&P
A49	Power to respond to consultation to the applicant on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 42 of the Planning Act 2008	HoER&P

A50	Power to register as a relevant Local Authority / Interested Party and make relevant representations (similar to those outlined above in relation to applications within the County boundary) to the Planning Inspectorate on Nationally Significant Infrastructure Projects located wholly outside of the Authority boundary	Section 102 of the Planning Act 2008	HoER&P
A51	Power to make minor amendments to conditions post resolution	Sections 70 and 72 of Town and Country Planning Act 1990 and The Use of Planning Conditions for Development Management (Circular 16/2014)	HoER&P
A52	Power to modify or discharge planning obligations regulating development or use of land	Sections 106A and 106B of the Town and Country Planning Act 1990.	PC/HoER&P
A53	Power to determine discharge of condition applications	Section 72 of the Town and Country Planning Act 1990 and Part 23 of the Town and Country (General Development Management Procedure) Order (Wales) 2012 (S. I. 2012/808 (W.110))	HoER&P

6.4 Paragraph 1.3.13 'Local Choice Functions'.

J9 'Powers related to Public Rights of Way, Commons Registration and Village Greens'. **Delete** reference to 'Rights of Way and Commons Sub Committee' in the 'Delegated To' column. **Replace** with 'PC' (Planning Committee).

6.5 Paragraphs 1.6-1.9.3 of the Scheme of Delegation

It is proposed that Paragraphs 1.6-1.9.3 of the Scheme of Delegation be amended and re-ordered. All suggested changes to these paragraphs are outlined using Tracked Changes in **Appendix A**.

7. Part 3 - Terms of Reference

- 6.1 Council at its meeting on 6 January 2015 resolved that the Area 1 and Area 2 Development Control Committee's and Development Management and Control Committee be merged into a single Planning Committee. As a result of this, the combined terms of reference have been reviewed.
- 7.2 Additionally, the status of the Rights of Way and Commons Sub Committee has been reviewed and it is proposed that the Sub Committee be abolished and that the work of the Sub Committee be subsumed into the Planning Committee.
- 7.3 In light of the above, the terms of reference have been combined and amended. The proposals are outlined using Tracked Changes in **Appendix B**.

8. Equality and Engagement Implications

- 8.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

9. Financial Implications

- 9.1 There are no specific financial implications associated with this report.

10. Legal Implications

- 10.1 There are no specific legal implications associated with this report. The amended version of the Council Constitution will be available at www.swansea.gov.uk/constitution

Background Papers: None.

Appendices:

Appendix A	Paragraphs 1.6-1.9.3 of the Scheme of Delegation - Tracked Changes
Appendix B	Planning Committee Terms of Reference (created by merging the Area 1 and Area 2 Development Control Committees, Development Management and Control Committee and the Rights of Way and Commons Sub Committee) and carrying out a review - Tracked Changes