
ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

CUSTOMER SERVICES

21 NOVEMBER 2018

**REVIEW OF SECTION 43[A] OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND ACT) 1997 SCHEME OF DELEGATIONS**

1.0 EXECUTIVE SUMMARY

This report invites Members to endorse the current scheme of delegations for planning matters and to invite the Council to seek the agreement of Scottish Ministers to confirm the Scheme for a further 5 year period.

1.2 Recommendations

To note the views expressed by the Head of Planning, Housing and Regulatory Services and the Head of Governance and Law in terms of the current suitability of the scheme of delegations and to recommend to Council that it seeks consent from Scottish Ministers to renew the current scheme with no changes to that which currently operates .

**REVIEW OF SECTION 43[A] OF THE TOWN AND COUNTRY PLANNING
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2.0 INTRODUCTION

- 2.1 This report invites Members to endorse the current scheme of delegations for planning matters and to invite the Council to seek the agreement of Scottish Ministers to confirm the Scheme for a further 5 year period.

3.0 RECOMMENDATIONS

- 3.1 To note the views expressed by the Head of Planning, Housing and Regulatory Services and the Head of Governance and Law in terms of the current suitability of the scheme of delegations and to recommend to Council that it seeks consent from Scottish Ministers to renew the current scheme with no changes to that which currently operates .

4.0 DETAIL

- 4.1 The relevant regulations in respect of schemes of delegation require consent of Scottish Ministers to those elements of the Scheme specified in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 prior to formal adoption by the Council. The regulations also require that the planning authority review its scheme at intervals of no more than 5 years and the first scheme was adopted in August 2009. The scheme was updated in April 2014 and so the scheme requires to be renewed prior to that date
- 4.2 The view of the Head of Planning, Housing and Regulatory Services is that the operation of the current scheme has been efficient and has not raised any significant concerns during the last 4.5 years. The Head of Governance and Law has a similar view in respect to the current scheme and has indicated that there have been few, if any, occasions where the operation of the specific delegations to an officer has given rise to concerns from any elected members. It is proposed that the Council be asked to seek consent from Scottish Ministers and then adopt the new scheme with effect from 23 April 2019. This will maintain the 5 year

anniversary with the next renewal required before 23 April 2024.

5.0 CONCLUSION

- 5.1 Adopting the current scheme for a further period of 5 years if so agreed by Scottish Ministers will provide an efficient structure to determine planning applications.

6.0 IMPLICATIONS

- 6.1 Policy - Requirement to regularly review and update delegations.
- 6.2 Financial – None
- 6.3 Legal - To review section 43[a] delegations at intervals of no more than 5 years.
- 6.4 HR - None
- 6.5 Equalities - These proposals have no adverse impact on equal opportunities
- 6.6 Risk - Regular review and update minimises the risk of challenges to council decisions
- 6.7 Customer Service - The current scheme has proved to be an efficient way of dealing with different types of applications

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