

TITLE: CONSTITUTIONAL AMENDMENTS IN RESPECT OF PLANNING APPLICATIONS ON COUNCIL OWNED LAND REPORT OF THE REVIEW TEAM OUTLINING THE RECOMMENDATIONS OF THE REVIEW TEAM ON EDGESIDE PARK OCTOBER 2005

**TO/ON: CABINET ON 30TH MARCH 2006
FULL COUNCIL 12TH APRIL 2006**

BY: REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

PORTFOLIO HOLDER: CABINET MEMBER FOR MEMBER DEVELOPMENT

STATUS: FOR PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1 This report was requested by the review team following its consideration of the planning application relating to Edgeside Park, Waterfoot.

2. RECOMMENDATIONS

- 2.2 That the Standards Committee be recommended to consider the interpretation of the Constitution/Scheme of Delegation, and that they be recommend to agree to a minor amendment to the effect that all planning applications on Council-owned land, by, or on behalf of the Council, its partner organisations or other agents, should be excluded from the Scheme of Delegation and determined by the Development Control Committee.
- 2.3 To amend the scheme of delegation provides that applications for planning permission on behalf of the Council may be submitted by the Head of Service in the case of applications on land owned by the Council by the Head of Legal and Democratic Services.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 Report of the Review Team appointed to look into the operation of the application process in respect of the provision of a wheeled sports and ball games facility at Edgeside Park, Waterfoot.

3.2 The Review Team was formed following a report by the Head of Economic Regeneration and Spatial Development to Overview and Scrutiny Committee on 8th August 2005. At that meeting of the Overview and Scrutiny Committee that meeting the following resolution was passed:

“Resolved:

1. *That the report in respect of the wheeled sports facility and ball games facility at Edgeside Park be noted; and*
2. *That a short-life Working Group be established, in consultation with the Chair, comprising three Elected Members and a representative of both Groundwork Rossendale and Edgeside Residents’ Association, to look into the operation of the application process in this case”.*

3.3 The Review Team Meet on Tuesday 11th October 2005 at the Kingfisher Centre, Rawtenstall. At that meeting the recommendation referred to in paragraph 2.2 was proposed by the Review Team and the Standards Committee requested to consider the recommendation.

3.4 The Councils Constitution provides on page 41 that "All applications for the Councils own development" are to be determined by the Development Control Committee.

3.5 The Councils current Constitution provides on page 50 that officers may "seek deemed planning consent as required by Regulation 4 or 5 of the Town and Country Planning Regulations 1976. These Regulations have been revoked and the reference in the Constitution requires deletion.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1 The Council seeks to continually improve amendments to the Constitution to assist the Council in having transparent decision making processes.

5. WARDS AFFECTED

5.1 All

6. CONSULTATIONS

Not applicable

Background documents:

Report of the Review team 8th August 2005 /Report of the Head of Economic Regeneration and Spatial Development to Overview and Scrutiny Committee on 8th August 2005

For further information on the details of this report, please contact: Mrs Linda Fisher, Head of Legal and Democratic Services on 01706 252477.