

## CHANGES TO THE CONSTITUTION (LDS/102)

<u>Function</u>	<u>Proposed amendment</u>  Where appropriate: <ul style="list-style-type: none"><li>Deleted wording is shown as crossed through</li><li><b>Additional wording is shown in bold</b></li></ul>	<u>Reason for amendment</u>
<p>Functions of the Development Control Committee – Page 62</p> <p>(Jean McPherson)</p>	<p>Amend delegation (1)(c)(v)(e)(ii) to read as detailed in Appendix 1 to this report (LDS/102).</p>	<p>It is considered that there is no longer a special case for telecom applications to be triggered to go to Committee if an objection is received. This measure was introduced in the 1990s during the rapid expansion of the mobile phone network when there was heightened public concern about this new technology in terms of the visual impact of the masts and perceived public health risks. These are now more accepted part of the streetscene and modern life and therefore it is proposed that these planning applications and prior approval applications should now be brought in line with the requirements of all other planning applications.</p>
<p>Functions of the Development Control</p>	<p>Amend function (31) as follows:</p>	<p>The powers for dealing</p>



<u>Function</u>	<u>Proposed amendment</u>	<u>Reason for amendment</u>
Committee (page 71)  (Jean McPherson)	<p>Where appropriate:</p> <ul style="list-style-type: none"> <li>Deleted wording is shown as crossed through</li> <li><b>Additional wording is shown in bold</b></li> </ul> <p>“(31) Power to deal with complaints about high hedges</p> <p><u>The following functions are delegated to the Head of Economic and Environmental Services in consultation with the Chair of the Development Control Committee</u></p> <p>(a) Approval of any charging scheme to be imposed in respect of the Council's functions under Part 8 of the Anti-Social Behaviour Act, 2003 (dealing with complaints about high hedges).</p> <p><b>(b) Power to deal with complaints about high hedges including the service of remedial notices, handling of any appeals or other decisions from relevant authorities and powers of entry in relation to carrying out of such duties as set out under Part 8 of the Anti-Social Behaviour Act 2003 or any subsequent re-enactment of that provision”</b></p>	with complaints about high hedges appears to rest exclusively with the Committee. The additional wording delegates this to the Head of Services, these cases are very rare and can be effectively handled by officers, very few result in service of notices.
Council's Complaints Procedure – Page 429  (Sarah Barnes)	Remove the Council's Complaints Procedure from the Constitution.	Only 2 Local Authorities in West Sussex include their Complaints Procedure in their Constitution. The Procedure is available on the Council's website and it is felt that the Constitution is not an appropriate place

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		for the procedure. A link to the Complaints Procedure could be provided on the Constitution page of the website instead.

**EXCERPT FROM FUNCTIONS OF THE DEVELOPMENT CONTROL COMMITTEE**

**Functions of the Development Control Committee**

**Planning and conservation**

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) and as set out below:-

- (1) Power to determine applications for planning permission

**Delegation of Functions (concurrently with the Development Control Committee)**

The following functions are delegated to the Head of Economic and Environmental Services

- (a) The service of notices requiring further information on outline planning applications or in the case of a validation dispute in accordance with Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision
- (b) The determination of the appropriate statutory notices for giving publicity to applications made under the Town and Country Planning Act 1990
- (c) The determination of applications for developments submitted to the Council (including the power to grant permission for development already carried out) for:
  - (i) planning permission under Part III of the Town and Country

## Functions of the Development Control Committee

## Delegation of Functions (concurrently with the Development Control Committee)

Planning Act, 1990;

- (ii) consent to carry out works to trees (including felling) under Part VIII of the Town and Country Planning Act 1990;
- (iii) consent to display advertisements under Part VIII of the Town and Country Planning Act 1990;
- (iv) consent to carry out works on or other development in connection with listed buildings under the Planning (Listed Building and Conservation Areas) Act 1990 and;
- (v) consent to carry out work in a conservation area under the Planning (Listed Building and Conservation Areas) Act 1990

### EXCEPT WHERE:

- (a) a request has been received from a Member of the Council for an application to come before the Committee, or;
- (b) the application has been submitted by or on behalf of an employee or Member of the Council or;
- (c) the Head of Economic and Environmental Services considers an application, that would otherwise be delegated, should come before the Committee or;
- (d) the application is for a major development (as defined under the Development Management Procedure Order) of any kind or;
- (e) the Head of Economic and Environmental Services is minded to approve the development and any of the following applies:-
  - (i) an approval would constitute a departure from the Local Plan or;
  - (ii) 4 or more objections have been received in writing

## Functions of the Development Control Committee

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- during the Council's normal consultation period from different individuals living in different households ~~(or one or more in the case of telecommunications development)~~ or;-
- (iii) one or more objection has been received in writing during the Council's normal consultation period from a recognised residents' association, amenity or conservation group or;
  - (iv) one or more objection has been received in writing during the Council's normal consultation period from a statutory consultee or;
  - (v) the proposal involves the Borough Council as the applicant either alone or jointly with another person.