

Arun District Council

REPORT TO:	Planning Committee 14 February 2024
AGENDA ITEM:	
SUBJECT:	Planning Application R/230/23/HH
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance and Monitoring Officer
LEAD MEMBER:	Cllr Hamilton
WARDS:	Rustington
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
Council scheme of delegation and Planning Protocol as set out in the constitution (Part 7 section 2 Para 2.1.3 and Part 8 section 3 (Planning Protocol) paragraph 6.2 of the constitution.	
DEPARTMENTAL POLICY CONTEXT:	
N/A	
FINANCIAL SUMMARY:	
N/A	

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to explain why a determination of a planning application made by an officer in error should be determined by committee.

2. RECOMMENDATIONS

- 2.1 To consider the report and recommendations of the Planning Officer.

3. EXECUTIVE SUMMARY

- 3.1 This application was considered and determine by an officer under delegated authority. It has come to light that the application was a "Member application" and as such could only have been determined by committee. The matter is now brought to committee for a determination.

4. DETAIL

- 4.1 The Application was submitted in November 2023 by an agent for the householder. The applicants are District Councillors and therefore, under council procedures, should have been treated as a Member application. Whilst the applicant had completed the application forms correctly, this was not picked up at validation when it should have been ad the applications was therefore not identified to the case officer as an application from an elected member. The Group Head of Planning and of Law & Governance were unaware of that an application had been submitted by a Councillor.

4.2 The application was determined by the Group Head of Planning (and Officers acting under their delegated authority) on 15 January 2024. That determination was outside the delegated powers of the officer, as the application should have come before the Planning Committee for determination as this is a ‘Councillor application’.

4.3 The Committee should treat the application as if the original decision had not been made.

5. OPTIONS / ALTERNATIVES CONSIDERED

5.1 It was considered that to do nothing was not an option as the decision goes to the heart of the Council’s planning protocol and standards of conduct.

6. CONSULTATION

6.1 The applicants have been consulted and the Councillors have confirmed that no implementation will take place until after the Committee meeting. They also acknowledge that the application should be dealt with in accordance with the considered by the Planning Committee.

7. FINANCIAL CONSIDERATIONS

7.1 There are no financial implications for the purposes of this report.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 There is a risk that the public may or anyone else might challenge the decision as not being in accordance with the highest standards of propriety as set out in the Council’s Constitution.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 This matter is covered by Part 7 section 2 Para 2.1.3 (Officer scheme of delegation) and Part 8 section 3 paragraph 6.2 (Planning Protocol) of the constitution. This states that applications submitted by Councillors will be determined at Planning Committee.

10. HUMAN RESOURCES IMPACT

10.1 None for the purposes of this report.

11. HEALTH & SAFETY IMPACT

11.1 None for the purposes of this report.

12. PROPERTY & ESTATES IMPACT

12.1 None for the purposes of this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA)

13.1 None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT

14.1 None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

16. HUMAN RIGHTS IMPACT

16.1 None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the Officer report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the Officer report.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS: Planning Officer Report January 2024