

# Y CYNGOR SIR

## 8 RHAGFYR 2021

### CYNLLUN DIRPRWYO I SWYDDOGION A PHROTocol AR GYFER CYFLWYNO SYLWADAU I'R CYNGOR SIR YNGHYLCH CEISIADAU CYNLLUNIO

#### Y Pwrpas:

Ystyried argymhellion Gweithgor Trawsbleidiol Adolygu'r Cyfansoddiad ynghylch:

- (i) y diwygiadau arfaethedig i'r Cynllun Dirprwyo i Swyddogion i adlewyrchu'r broses o symud swyddogaethau i wahanol Gyfarwyddiaethau, newidiadau o ran teitlau swyddi, swyddogaethau newydd sy'n codi o ddeddfwriaeth newydd a rhai dirprwyaethau ychwanegol; a'r
- (ii) diwygiadau arfaethedig i'r Protocol ar gyfer cyflwyno Sylwadau i'r Cyngor Sir ynghylch Ceisiadau Cynllunio er mwyn egluro'n well y gweithdrefnau a'r terfynau amser ar gyfer cyflwyno sylwadau a gofyn am gael siarad yn y Pwyllgor Cynllunio, a gwneud defnydd mwy effeithlon o amser y Pwyllgor.

#### Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Bod y diwygiadau arfaethedig i'r Cynllun Dirprwyo i Swyddogion ac i'r Protocol ar gyfer cyflwyno Sylwadau i'r Cyngor Sir ynghylch Ceisiadau Cynllunio yn cael eu cymeradwyo.

#### Y Rhesymau:

(i) cael Cynllun Dirprwyo i Swyddogion sy'n addas i'r diben ac sy'n adlewyrchu'r dirprwyaethau sydd eu hangen.

(ii) egluro'n well y gweithdrefnau a'r terfynau amser ar gyfer cyflwyno sylwadau a gofyn am gael siarad yn y Pwyllgor Cynllunio, a gwneud defnydd mwy effeithlon o amser y Pwyllgor.

**Angen ymgynghori â'r Pwyllgor Craffu perthnasol NAC OES.** Mae Gweithgor Adolygu'r Cyfansoddiad yn weithgor trawsbleidiol a sefydlwyd gan y Cyngor Llawn i ystyried pa mor addas i'r diben yw Cyfansoddiad y Cyngor ac i argymhell unrhyw newidiadau sy'n angenrheidiol.

Angen i'r Cabinet wneud penderfyniad OES mewn perthynas â swyddogaethau gweithredol

Angen i'r Cyngor wneud penderfyniad OES mewn perthynas â swyddogaethau'r Cyngor a newidiadau i Gyfansoddiad y Cyngor

#### YR AELOD O'R CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:-

Y Cyngorydd Emlyn Dole, Cadeirydd Gweithgor Adolygu'r Cyfansoddiad

Y Gyfarwyddiaeth:

Enw Pennaeth y Gwasanaeth:  
Linda Rees Jones

Awdur yr Adroddiad:  
Linda Rees Jones

Swyddi:

Pennaeth Gweinyddiaeth  
a'r Gyfraith a Swyddog  
Monitro

Rhif ffôn:

Cyfeiriadau e-bost:  
LRJones@sirgar.gov.uk

# EXECUTIVE SUMMARY

**COUNTY COUNCIL  
8<sup>TH</sup> DECEMBER 2021**

## **SCHEME OF DELEGATION TO OFFICERS AND PROTOCOL ON REPRESENTATIONS TO THE COUNTY COUNCIL ON PLANNING APPLICATIONS**

1. Under the Constitution the Monitoring Officer has a duty to keep the Council's Constitution under periodic review. Amongst the documents forming part of the Council's Constitution is the "Scheme of Delegation to Officers" which sets out which decisions Council (in the case of Council functions) has agreed may be taken by officers instead of by the Council and the decisions which the Cabinet (in relation to executive functions) has agreed may be taken by officers instead of by the Cabinet.
2. Over the years various services have been restructured and moved to other Directorates, some job titles have changed and such like, and whilst the delegations are still valid as there is a catch-all provision in the Scheme to cover restructurings and movements across Directorates work has now been undertaken to bring services within their current Directorates and to update the job titles.
3. At the same time some Services have asked for additional delegations to be granted, notably Planning Services, because of new functions arising from new legislation or in order to make the determination of planning applications and planning matters a quicker process. Planning is a Council function and the delegations as asked for will need to be approved by Council.
4. All revisions are highlighted in the revised Scheme of Delegation appended to this report.
5. Planning Services have also asked for amendments to be made to the "Protocol on Representations to the County Council on Planning Applications" in order to better clarify the procedures and deadlines for making representations and requesting to speak at Planning Committee and to make more efficient use of the Committee's time. Again these are highlighted in the appendices.
6. The Constitutional Review Working Group, being the body established by the Council to make recommendations to the Council on Constitutional matters, recommend the revisions be approved.

**DETAILED REPORT ATTACHED?**

**NO, but the revisions to the Scheme are attached.**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

**Signed:** Linda Rees-Jones, Head of Administration and Law and Monitoring Officer

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NON</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

The Scheme of Delegation to Officers and the Protocol on Making Representations to County Council on Planning Applications form part of the Council's Constitution and set out the decisions which the Council and the Cabinet have delegated to officers, and the procedure for third parties to address the Planning Committee respectively.

## 2. Legal

The Scheme of Delegation to Officers and the Protocol on Making Representations to County Council on Planning Applications form part of the Council's Constitution and needs to be kept under review in order assist with timely and proper decision making.

## 5. Risk Management Issues

In exercising delegated decision making authorities officers are required to comply with:

- Any statutory provisions;
- The Council's Constitution;
- The Councils Policy Framework and Budget;
- The Officers Code of Conduct
- The Code of recommended Practice on Local Authority Publicity;
- Agreed arrangements for recording decisions;
- Taking legal or other appropriate professional advice when required;
- The principles of Best Value by using the most efficient and effective means available;
- The need to consult persons or representatives of persons who may be affected by the decision, including where appropriate the local ward member.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below.

**Signed:** Linda Rees-Jones, Head of Administration and Law and Monitoring Officer

**CABINET MEMBER PORTFOLIO  
HOLDER AWARE/CONSULTED**

YES

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Scheme of Delegation to Officers	CCCN-000	Within the Councils Constitution, which is available online
Protocol on Making Representations to County Council on Planning Applications	CCCN-0000	Within the Councils Constitution, which is available online
Correspondence from various Departments or Services regarding required delegations.	CCCN-0000	Monitoring Officer, County Hall, Carmarthen