

REVISIONS TO THE CONSTITUTION TO AMEND THE SCHEME OF DELEGATION (PLANNING POLICY)

REPORT OF THE MONITORING OFFICER



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Wards affected – All Wards

1. PURPOSE OF REPORT

- 1.1 To consider amendments to the scheme of delegation for planning policy matters as set out in Part 3 of the Hinckley and Bosworth Borough Council Constitution (version 11).

2. RECOMMENDATION

- 2.1 That Council be recommended that existing provisions as set out at Appendix 1 to the report and relating to the scheme of delegation for planning policy matters be deleted and replaced with the following:

1. **New Planning Policy Documents**

Present to Senior Members' Group and Executive before being considered by Council. [*This provision remains unchanged*]

2. **Responses to Planning Policy Consultations**

Delegate authority for responses to the Chief Development and Planning Officer, in consultation with the Executive Member for Planning. [*New provision*]

3. **Evidence Bases to Support Planning Policy Documents**

Delegate authority for decisions to the Chief Planning and Development Officer, in consultation with the Planning Policy Member Working Group and the Executive Member for Planning. [*New provision*]

4. **Neighbourhood Development Plans**

Delegate authority for the first three stages of the Neighbourhood Development Plan process (as set out in Table 1 at paragraph 4.8 of the report) to the Chief Planning and Development Officer, in consultation with the Planning Policy Member Working Group and the Executive Member for Planning. [*The provision for the Neighbourhood Development Plan to proceed to referendum (stage 4) and to be 'made' (stage 5) would remain Council decisions*]

- 2.2 That the proposal to set up a Planning Policy Member Working Group for dealing with Planning Policy matters be recommended to Council with appointments to be made by the Monitoring Officer in consultation with political Group Leaders.

- 2.3 That it be recommended that Council agree that the proposed Terms of Reference for the Planning Policy Member Working Group be delegated to the Working Group to agree, but such Terms of Reference to be based on the following:

- That the Working Group be chaired either by a Member elected by the Working Group, or the Chair of Planning Committee
- That the Working Group comprises Members of Planning Committee and the Executive Member for Planning

3. BACKGROUND TO THE REPORT

- 3.1 This report sets out the changes proposed to Scheme of Delegation in relation to planning policy matters as set out under Part 3 of the Constitution. The changes are brought to Members following discussions at two cross-party task and finish groups in 2014 (see section 10).
- 3.2 This report sets out proposals to amend the Scheme of Delegation to review the approval process for planning policy documents to enhance Member engagement and enable a more streamlined approval process.
- 3.3 The proposed changes will:
1. Stimulate greater officer and Member discussions early in the planning policy process;
 2. Allow for a regular structured cross-party discussion with officers to consider strategic planning policy matters;
 3. Provide a more streamlined 'signing off' process to speed up the local plan process.

4. PROPOSAL & REASONS

- 4.1 The delegation arrangements for planning policy documents are set out at Appendix 1. The documents can be divided into four different categories:
1. Planning policy documents;
 2. Responses to planning policy consultations;
 3. Evidence bases to support planning policy documents;
 4. Neighbourhood development plans.

Planning Policy Documents

- 4.2 This includes documents such as the Earl Shilton and Barwell Area Action Plan and the Site Allocations & Development Management Policies Development Plan Document. The constitution requires that these documents are taken through Senior Members' group and Executive before being agreed at Council. No changes are proposed for this type of document.

Responses to Planning Policy Consultations

- 4.3 This includes where other local authorities or the government consults the Borough Council on strategic planning policy matters. The current arrangement requires responses to be prepared in liaison with a cross-party working group before being presented to senior Members. The response is then referred to Planning Committee before being agreed by Council. This type of consultation has to be responded to quickly (usually six weeks) in order to meet deadlines. Often there is insufficient time to prepare the response and then get the agreement of Members at the various stages.

4.4 In order to simplify the process and make sure that responses are submitted on time, it is proposed to amend the Constitution to give delegated authority to the Chief Planning and Development Officer to respond, in consultation with the Executive Member. This new approach will continue to enable the Executive Member for Planning to input into consultation responses and will also ensure that responses meet deadlines. A subsequent briefing will be provided to the next available Planning Committee meeting to ensure that the Committee and the wider public can view the response.

Evidence Bases to Support Planning Policy Documents

4.5 This relates to work that is carried out to support emerging planning policy documents. Recent examples have been the review of the Strategic Housing Market Assessment for Leicestershire and the Strategic Flood Risk Assessment that has helped to inform the emerging Site Allocations and DM Policies DPD. These documents are first taken to Senior Members group before being agreed by Executive. A less formal mechanism would allow for greater Member engagement.

4.6 It is proposed to amend the delegation arrangements so that authority for approving evidence bases would be delegated to the Chief Planning and Development Officer, in consultation with a new Planning Policy Member Working Group and the Executive Member for Planning. This would be a cross-party group of Members that would be chaired by the Chair of Planning Committee. The Working Group would be presented with the evidence by the Officers or consultants who have prepared the document. This meeting will enable Members and officers to build up relationships, give an opportunity to Members to ask questions and have detailed discussions about the evidence and the implications so that they can thoroughly understand the topics. The Group will also be engaged in the Local Plan preparation process at an early stage. It will also give an opportunity for Members to received feedback from the Leicestershire Member Advisory Group who deals with Strategic Planning matters which are no longer dealt with by the Regional Plan which was abolished in April 2013. This working group will also have a role to play in Neighbourhood Development Plans which is outlined in detail below.

Neighbourhood Development Plans

4.7 The agreement of the various stages of Neighbourhood Development Plans (NDP) is currently delegated to officers in consultation with the Executive Member for Planning and the relevant Ward Councillors. The NDP is agreed by Council after the local referendum has been held.

4.8 In order to allow for improved early engagement with Members, it is proposed to revise this arrangement to delegate the agreement of the first three stages of the NDP process to the Chief Planning and Development Officer, following consultation with a new Planning Policy Member Working Group (see paragraph 4.6 above) and the Executive Member for Planning. Stages 4 and 5 would be matters to be approved by Council. The key stages in the NDP process are set out in Table 1 below:

Table 1 – Neighbourhood Development Plan Stages

Stage	NDP Work to be Delegated to Officers
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	Under the Proposed Scheme
1. Identification and Designation of a Neighbourhood Area	Publicity and consultation Decision on neighbourhood area designation (and forum if required)
2. Evidence gathering, consultation and publicity	Publicity and consultation for a minimum 6 week process
3. Submission of the plan	Publicity and consultation for a minimum 6 week process Preparation and submission of the Borough Council's response to the plan Arrangement of the independent examination of the plan
Stage	NDP Work Subject to Council Approval
4. Examination of the plan	Determination about whether the plan should proceed to referendum
5. Referendum and 'making' of plan	If majority voting support the plan, council to be bring into force (subject to Council approval)

4.9 The benefit of this revised arrangement is that it will allow officers to informally keep the Working Group updated of progress on the various emerging NDPs and can address any issues that Members raise before the plan has reached an advanced stage. The NDP would still need to be agreed by Council after the local referendum, so this element would remain as existing.

4.10 It is therefore proposed to amend the Scheme of Delegation for planning policy as set out below:

1. New Planning Policy Documents
Present to Senior Members' Group and Executive before being considered by Council. [*This provision remains unchanged*]
2. Responses to Planning Policy Consultations
Delegate authority for responses to the Chief Development and Planning Officer, in consultation with the Executive Member for Planning.
3. Evidence Bases to Support Planning Policy Documents
Delegate authority for decisions to the Chief Planning and Development Officer, in consultation with the Planning Policy Member Working Group and the Executive Member for Planning.
4. Neighbourhood Development Plans
Delegate authority for the first three stages of the Neighbourhood Development Plan process (as set out in Table 1 at paragraph 4.8 of the report) to the Chief Planning and Development Officer, in consultation with the

Planning Policy Member Working Group and the Executive Member for Planning. [*The provision for the Neighbourhood Development Plan to proceed to referendum (stage 4) and to be 'made' (stage 5) would remain Council decisions*]

5. ALTERNATIVE OPTIONS THAT HAVE BEEN CONSIDERED

5.1 Alternative options that have been considered are as follows:-

5.2 A) Introduce a Planning Policy Member Working Group to agree evidence bases, but leave the existing arrangement for the agreement of Neighbourhood Development Plans as existing, delegated to officers subject to consultation with the Executive Member for Planning.

This option was discounted because a Working Group arrangement would introduce a less formal discussion with Members about emerging NDPs and would allow officers who are working with the communities to present work to Members.

5.3 B) Delegate all planning policy consultation response to Planning Committee.

This option was discounted because this would not address the existing problem of there being insufficient time available to consider the consultation, prepare a draft response / report and get this agreed.

6. SUMMARY

6.1 It is proposed to revise the scheme of delegation for planning policy matters to introduce a system to allow prompt responses to consultation requests and to ensure that Members are more involved in the agreement of evidence bases and Neighbourhood Development Plans.

7. FINANCIAL IMPLICATIONS [SJE]

There are no financial implications arising as a result of this report.

8. LEGAL IMPLICATIONS [EH]

8.1 Changes to the Constitution require a two thirds majority approval by council.

8.2 Due to statutory constraints, the spatial develop strategy, neighbourhood development plans and any document which forms part of the development framework can only be approved by Council. Authority to approve, amend or adopt such documents cannot be delegated by Council to any Committee, Sub-Committee or Officer.

9. CORPORATE PLAN IMPLICATIONS

This document contributes to Strategic Aim 1 of the Corporate Plan

- Creating a vibrant place to work and live.

10. CONSULTATION

A Task and Finish Group was formed from Members of the Planning Committee to consider the proposed options.

The following Members were part of the Group that met on 15 October and 11 December 2014:-

Cllr Mayne, Cllr Moore, Cllr Witherford, Cllr Morell & Cllr Boothby.

Members supported the principle of improved dialogue on strategic planning policy matters. It was also recognised that a Planning Policy Member Working Group would allow officers to brief Members on an informal basis about evidence bases and progress on emerging Neighbourhood Development Plans. Members commented this would improve knowledge and allow Members to be more engaged in the process.

11. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Risk of delays in signing off evidence bases and Neighbourhood Development Plans and responding to consultation responses within the deadline.	Improved delegation arrangements and efficiency will ensure delays are avoided and responses can be made in a timely manner.	Sally Smith

12. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

It is not considered that there are any equality or rural implications arising as a direct result of this report.

13. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

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|---------------------------------|------------------------------|
| - Community Safety implications | None relating to this report |
| - Environmental implications | None relating to this report |
| - ICT implications | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications | None relating to this report |
| - Voluntary Sector | None relating to this report |
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Contact Officers: Nic Thomas / Sally Smith ext. 5792
Executive Member: Councillor Bron Witherford

Appendix 1

Existing Delegation Arrangements - Planning Policy (all to be replaced)

Responsibility for Council Functions – Further delegations:

Section 3:

1. New policy documents are presented to senior members group and Executive before being considered by Council.
2. Responses to consultation documents such as neighbouring authorities Local Plans or Government consultations on Policy documents produced in liaison with a cross-party working group before being presented to the Senior Members Group with referral to Planning Committee before final approval by Council.
3. For approval of evidence bases to inform the Local Plan, documents presented to the Senior Members' Group. The Executive has delegated powers to approve evidence bases. Provision within the constitution for the Executive and any one of the Group Leaders or Labour representative to request referral to Council.
4. Neighbourhood Development Plans do not feature within the existing Constitution but there is a Council Minute from 21 February 2013 which gives delegated authority to the Deputy Chief Executive (Community Direction) in consultation with the Executive Member for Planning and the relevant ward Councillor(s) for each stage of the neighbourhood plan making process. The Neighbourhood Development Plan is required to be brought back to Council once the local referendum had been held in order for the plan to be made.