

**EAST LINDSEY DISTRICT COUNCIL  
COUNCIL**

Report of: Councillor Tom Ashton  
Executive Member for Planning

<b>Report to:</b>	<b>Council</b>
<b>Date:</b>	<b>4<sup>th</sup> March 2020</b>
<b>Subject:</b>	<b>DELEGATED AUTHORITY FOR HORNCastle TOWN COUNCIL TO MAKE PLANNING DECISIONS</b>
	<b>This is the second report regarding this matter</b>

<b>Decision Proposal:</b>	<i>Council Decision</i>
<b>Relevant Executive Member:</b>	<i>Cllr Tom Ashton – Executive Member for Planning</i>
<b>Report author:</b>	Paul Edwards, Assistant Director for Planning <a href="mailto:paul.edwards@e-lindsey.gov.uk">paul.edwards@e-lindsey.gov.uk</a> Tel: 01507 613158 Date: 3 January 2020
<b>Reviewed by:</b>	John Armstrong – Monitoring Officer Date: 14 January 2020
<b>Signed off by:</b>	Director name and full contact details if not the reviewer Date:
<b>Approved for publication</b>	Councillor Tom Ashton 20 February 2020
<b>Does the report identify information that is exempt from publication</b>	No

## **SUMMARY**

**This report considers the continuation of the arrangement to grant delegated power to Horncastle Town Council to make some planning decisions.**

**This arrangement was initially approved by Council on the 18<sup>th</sup> July 2018, with the recommendation that a report be brought back to Council within 18 months of that date to provide an appraisal and update on the matter.**

## **RECOMMENDATION**

**1. That the District Council grants delegated power to make planning decisions to Horncastle Town Council in accordance with the proposed Memorandum of Understanding and Schedules approved on the 18<sup>th</sup> July 2018.**

**REASON: To allow Horncastle Town Council to make planning decisions locally in relation to the specific type of planning application identified in Schedule 1 and in accordance with the Process set out at Schedule 2 of the Memorandum of Understanding (MOU) which was approved on the 18<sup>th</sup> July 2018.**

## **1. BACKGROUND TO REPORT**

- 1.1 On the 18<sup>th</sup> July 2018 the District Council made the decision to grant delegated powers to make planning decisions to Horncastle Town Council in accordance with a Memorandum of Understanding and Schedules thereto attached at appendices to this report.
- 1.2 Although not a common arrangement, local planning authorities have the ability to delegate planning decision making (with appropriate safeguards) to local parish/town councils.
- 1.3 This is provided for under S101 (1) of 1972 Local Government Act and Section 2 of the Local Government Act 2001 and has been confirmed as an option by taking independent legal advice.
- 1.4 The Council determined that the settlement to trial this approach should be Horncastle because at the time they were the only settlement with an adopted Neighbourhood Plan.
- 1.5 The main thrust of Neighbourhood Planning was national support to bring plan making in the planning system down to a local level. The proposal was for the District Council to take this a stage further and support decision making in planning matters at a local level that would:
  - Demonstrate innovation in the delivery of services at the most local level.
  - Be seen as a potential benefit of securing a Neighbourhood Plan.
  - Be seen as further building relationships between the two tiers of local governance.
  - Enable local communities to have a more hands on role.

- 1.6 Between 1/9/18 and 6/1/20, Horncastle Town Council determined 14 applications, a relatively low number. Relevant members of the Town Council have been given the same level of training as the Planning Committee Members.
- 1.7 The arrangement has been that an officer attends their monthly planning meetings to provide a level of support. Thus far the system has operated smoothly and decision-making has been positive, effective and robust, with no issues or concerns. There has only been one incident where the Town Council believed it could not deal with an application because of a conflict of interest. Horncastle Town Council has indicated that they wish to continue with the arrangement.

## 2. OTHER OPTIONS CONSIDERED

- 2.1 The other option to consider is to withdraw the delegated power to make planning decisions from Horncastle Town Council. This, it is believed, would be counter-productive because as set out in 1.6 above, thus far there have been no issues or concerns with the system set up. It is providing a more local level service connecting the Town Council more intimately with the District Council in terms of its planning function and fulfilling the aims of neighbourhood planning to allow communities to plan for themselves.

## 3. RESOURCE IMPLICATIONS

- 3.1 At the present time the cost to the Council is limited to the officer time of attending the Town Council meeting once a month since all other application processing and assessments take place as normal.

## 4. RISK AND MITIGATION

Risk has been considered as part of this report and any specific risks are included in the table below:

Category Risk – State if high medium or low	Action / Controls
<p><u>Low risk</u> with regard to resources (officer time) in that many more settlements will request delegated power to make planning decisions and this could impact on the ability of the Council to meet its statutory planning targets.</p>	<p>At the present time this matter has been only available to those settlements with an adopted neighbourhood plan. Alford now have an adopted plan and they could come forward and request this service. Holton Le Clay and Skegness will most likely have an adopted plan by the end of 2020. Therefore it is limited to only 3 more settlements at present, each one would require approval from Council for the relevant delegated powers and Council could therefore at that time make a judgement on the impact to resources.</p>

**5. ISSUES AND MATTERS TO TAKE INTO ACCOUNT ARISING FROM KEY CORPORATE CONSIDERATIONS (EQUALITY, SAFEGUARDING, CARBON REDUCTION, DEPRIVATION, HEALTH & SAFETY etc.)**

5.1 N/A

**6. COUNCILLOR COMMENTS**

6.1 Cllr Tom Ashton supports the proposal as set out in this report

**7. CRIME AND DISORDER IMPLICATIONS**

7.1 N/A

**8. FINANCIAL CONSIDERATIONS/IMPLICATIONS**

8.1 Given the low number of applications being determined as set out above at paragraph 1.6, the financial implications of introducing this system have been minimal, approximately £600.00. Application processing and assessment has taken place in the same way as all other applications, any additional cost being the time officers spend at the Horncastle Planning meetings once a month. To manage this time more effectively, applications to be determined are the first item on the agenda so the officers can leave the meeting straight afterwards.

**9. LEGAL CONSIDERATIONS/IMPLICATIONS**

9.1 Legal advice was sought regarding the relevant power to delegate planning decisions in July 2018. This is provided for under S101 (1) of 1972 Local Government Act and Section 2 of the Local Government Act 2001

**10. APPENDICES**

10.1 Appendix A – Terms of Reference  
Appendix B – Memorandum of Understanding

Both previously attached to the report to Council on the 18<sup>th</sup> July 2018.

**11. BACKGROUND PAPERS**

11.1 N/A