

Subject: Recommendation from Prosperous Communities Committee - Amendment to Constitution - Delegations regarding Neighbourhood Planning

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

To accept the recommendation from Prosperous Communities that the decision, currently made by them, to accept the examiner's report and hold a referendum on a neighbourhood plan should in future be made through delegated powers given to the Chief Operating Officer, and as such the Constitution be amended to reflect this.

RECOMMENDATION(S):

That Members accept the recommendation from Prosperous Communities Committee and agree that the Constitution be amended as follows, in order to permit Neighbourhood Plans to proceed to referendum without the need for approval by Prosperous Communities Committee

:-

“Part IV Page 40/ 41- Chief Operating Officer – Delegated Powers - The following delegated power be included:-

To accept the Examiner's report and approve a neighbourhood plan may advance to Public Referendum following a successful independent examination in accordance with the Localism Act 2011 and the

Neighbourhood Plan Regulations 2012”

IMPLICATIONS

Legal:

Amendments to the Constitution require Full Council Approval

Financial : FIN/103/18

None from this Report

Staffing :

None

Equality and Diversity including Human Rights :

Risk Assessment :

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:

Report to PC Committee 24 October 2017

Minutes from PC Committee 24 October 2017

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

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No

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Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

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No

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1 Introduction

- 1.1 Prosperous Communities Committee at its meeting on 24 October 2017 considered a report relating to Neighbourhood Plans: Priorities and Work Programme
- 1.2 The report reviewed the Council's support to neighbourhood planning groups in helping them to prepare their plans and sought Members' agreement to the revised arrangements and approval of a number of recommendations, prioritising Council assistance including the provision of top-up funding.
- 1.3 One section of the report detailed proposed amendments to delegated powers of the Chief Operating Officer in relation to Neighbourhood Plans, in order to further streamline the process.
- 1.4 Members will be aware that constitutionally only Full Council can agree such amendments hence Prosperous Communities Committee have made a recommendation as set out below: -
 - e) it be **RECOMMENDED** to Full Council that the decision, currently made by Prosperous Communities, to accept the examiner's report and hold a referendum on a neighbourhood plan, in future be made through delegated powers given to the Chief Operating Officer. This stage raises few issues and using delegated powers will save time at a critical stage in the neighbourhood plan process when statutory deadlines must be met.

2 Rationale for the Amendment

- 2.1 Over the course of a NP's preparation the Council has to make key decisions at differing stages throughout the process. The majority are currently made under delegated powers given to the Chief Operating Officer. This procedure works well helping NPs to be completed quicker. NPs in West Lindsey raise few issues largely because they must conform to the recently adopted Central Lincolnshire Local Plan. Under current arrangements the last two stages of NP production require committee approval. Approval is needed from Prosperous Communities for the Council to accept the examiner's report and to agree the holding of a referendum. A decision from Full Council is required to make the NP.

- 2.2 It is considered that the decision to accept the examiner's report and hold a referendum could also be done through delegated powers. A report therefore would no longer need to be submitted to Prosperous Communities for a decision. It has been found that this stage mostly involves fact checking the examiner's report and again raises few issues. This proposal will save time at a critical stage in the NP process when statutory deadlines need to be met.
- 2.3 The final decision to make (adopt) the NP must remain with Full Council. This is an occasion for both Members and the invited NPG to celebrate the completion of the plan and for the Council to thank the NPG for all its hard work. No changes are being proposed to this stage of the process.

3. Recommendation

- 3.1 That Members accept the recommendation from Prosperous Communities Committee and agree that the Constitution be amended as follows, in order to permit Neighbourhood Plans to proceed to referendum without the need for approval by Prosperous Communities Committee :-

"Part IV Page 40/41- Chief Operating Officer – Delegated Powers –
The following delegated power be included:-

To accept the Examiner's report and approve a neighbourhood plan may advance to Public Referendum following a successful independent examination in accordance with the Localism Act 2011 and the Neighbourhood Plan Regulations 2012"