


**RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO
REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS)
(MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 & THE
OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

<u>SUBJECT OF DECISION</u> To obtain Counsel when necessary for the Examination in Public and adoption phase of the Borough Plan Review.	
<u>DECISION REFERENCE</u> DO/124/2024 (MB)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/Constitution/Minute No. etc.) <i>Council 15th May 2019 Minutes from 18th Feb 2019</i> CL66 Borough Plan Petition <i>Cabinet 22nd July 2020 Minutes</i> CB12 Local Plan Review <i>Council 16th September 2020 Minutes</i> CL9 Recommendations from Cabinet and other Committees
<u>DATE OF DECISION</u> 17/04/2024	<u>DECISION MAKER</u> (Name and Job Title)  Maria Bailey Assistant Director of Planning
<u>RECORD OF THE DECISION</u> a) The issue Counsel advice has been sought throughout the process of the Borough Plan Review. This next phase is to seek Counsel on occasions where a legal view is required by Officers (approval for this will be sought on each occasion from the Assistant Director) for queries that arise during the submission stage and subsequent adoption stage of the proposed Borough Plan. For information, Legal advice from Counsel representation to the Council is deemed excluded from the procurement regulations. b) The Decision To approve and proceed for Officers to seek advice when absolutely necessary from Counsel for the Examination and adoption phase of the proposed Borough Plan.	
<u>REASON FOR THE DECISION</u> To ensure that any information provided by the Council during the Examination process is legally sound.	

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION

The Council could choose that no Counsel advice is sought for the Borough Plan Examination process. If this option was chosen, the Examination could fail, and considered unsound by the Planning Inspectorate – Secretary of State and to which end the Council would not be able to adopt the new Borough Plan. As the Plan would then be more than five years old, it could be considered out of date and open the Council up to speculative planning applications.

WARD RELEVANCE

All

FINANCIAL AND BUDGET IMPLICATIONS

The fees have already been approved and included within the Borough Plan project. Approximately 17% of the budget was allowed for within the financial year 2023/2024. With the main part of the expenditure approved for the financial year 2024/2025. The reasoning for this is that the Plan is to undergo examination by the Secretary of State in this financial year.

CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS

Council 15th May 2019 Minutes from 18th Feb 2019

CL66 Borough Plan Petition

RESOLVED that

- a) Council notes the petition; and
- b) in view of the advanced status of the current Borough Plan, invites Cabinet to consider the petitions proposals upon an immediate review of the Borough Plan

Council 15th July 2020

2. Recommendations

The Committee recommend to Cabinet:

2.1 Subject to the publication of the revised Government guidance, a revised Local Development Scheme with a clear timetable for the review be reported to Cabinet by the end of September 2020, together with a first draft of the list of polices that will be suggested for review;

Cabinet 22nd July 2020 Minutes

CB12 Local Plan Review

A report was submitted to the Local Plan Committee held on the 1st July 2020 by the Director – Democracy, Planning and Public Protection on the Local Plan Review. The report updated the committee on the progress made since the previous report in January 2020 and outlined the process to be taken forward in respect of the Borough Plan review. From this, recommendations were agreed to be put forward to Cabinet for consideration.

Council 16th September 2020 Minutes

CL9 Recommendations from Cabinet and other Committees

b) Recommendation from Internal OSP

“It be recommended to Council that the following motion be adopted: “This Council resolves that the Portfolio Holder for Planning and Development requests the Head of the Planning Department to commence a review of the Borough Plan on Thursday 16th July 2020, in accordance with regulation 10A of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).””

RESOLVED that the motion put forward to Council from the Internal OSP as stated above be adopted.

Recommended by Local Plan Committee 30th September 2020:

4.4 The Council has committed to commencing the Borough Plan Review to consider the 2019 National Planning Policy Framework, particularly in respect of the standard method for assessing housing need and the associated Housing Delivery Test. This was formalised through a successful motion at Full Council on 15th July 2020.

Recommended by Borough Plan Committee 28th November 2023

Recommendations:

- To endorse the Borough Plan Review submission documents and recommend to Cabinet and Full Council that the Council can continue to the Regulation 22 stage – the submission of the Borough Plan Review and associated documents to the Secretary of State for Examination, with the caveat that any amendments deemed necessary can be carried out by Delegated Powers of the Assistant Director in consultation with the Portfolio Holder. Also to recommend to Cabinet and Full Council that the timetables can be changed to the Local Development Scheme

Cabinet 6th December 2023 and Council 13th December 2023

11. RECOMMENDATIONS FROM CABINET OR OTHER COMMITTEE

Cabinet – 6th December 2023

a) BOROUGH PLAN REVIEW UPDATE

A meeting of Cabinet is due to be held on the 6th December 2023 (Copy of Cabinet report attached page 17) where the above item will be considered and recommendations be proposed for Council approval.

ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE MEMBER CONSULTED

N/A

IN RESPECT OF ANY DECLARED CONFLICT, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE

N/A

EQUALITIES IMPLICATIONS

Not directly applicable from the provision of the contract, but advice sought would need to consider that any documents or actions would comply with the Equalities Act.

HUMAN RESOURCES IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

As referred to above in financial and budget implications above.

HEALTH EQUALITIES IMPLICATIONS

N/A

SECTION 17 CRIME & DISORDER IMPLICATIONS

N/A

RISK MANAGEMENT IMPLICATIONS

The Council has committed itself through the Local Development Scheme to produce the Borough Plan Review. Counsel advice is required during the Examination process to ensure that the Council act within the law and to ensure that the Borough Plan can be deemed legally sound by the Secretary of State – Planning Inspectors to enable its ultimate adoption.

ENVIRONMENTAL IMPLICATIONS

Counsel will ensure that environmental legislation is followed.

LEGAL IMPLICATIONS

To ensure legal compliance.

ANY OTHER COMMENTS

None

RETURN TO MONITORING OFFICER AS SOON AS A DECISION IS MADE OR AS REASONABLY PRACTICABLE THEREAFTER