

FOVANT PARISH COUNCIL

POLICY : Delegation of
Planning authority

Ratification Date: 29/11/2024

Review By: 31/11/2025

Terms of Reference for Delegation of Power

Section 101 of the Local Government Act 1972 provides:

- That a Council may delegate its powers (except those incapable of delegation) to a committee or an officer.
- A Committee may delegate its powers to an officer.
- The delegating body may exercise Powers that have been delegated.
- S101 requires formally agreed Terms of Reference by the Council agreed at a full Parish council meeting.

The Parish Councils Scheme of Delegation for planning authorises the proper officer/Clerk to act with delegated authority in the specific circumstances detailed in the delegation policy for planning.

Any delegation to the Proper Officer/clerk shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.

Delegated powers re planning

1. The council delegates decisions arising under planning applications/ consultations to the clerk in consultation with all councillors and within the constraints of this policy.
2. Planning applications shall be received by the Clerk who will provide details to Councillors. This may take place by Email, in person or at a meeting.
3. Councillors will be given a time limit of seven working days to respond to the clerk, discussing within the council as seen fit by individual councillors. If no response has been received from a councillor within the requested time limit this absence of response will not be considered for assessing a joint decision.
4. If any one councillor responds with a request to delay the decision until after a site visit, the clerk will contact the owner of the site and arrange a visit for as soon as convenient. Immediately following the visit the clerk will take a new poll of councillors and then continue as per para 7.
5. If any one councillor responds with a request to defer the decision to a council meeting, the Clerk will no longer proceed with submitting a consultation response under the scheme of delegation and move to an extraordinary planning meeting if no full council meeting is scheduled before the time limit allocated from the planning department.
6. Where queries arise or the application is for a controversial/major development, the clerk or Chairman may call an extraordinary meeting to decide upon the application, adhering strictly to legal procedures and giving councillors a clear five day notice period of the meeting. If a consultation request is subsequently resolved at a legally convened meeting, the Clerk will no longer proceed with a delegated response.
7. If multiple responses are received from any one councillor, only the most recent response will be considered.
8. When the Clerk considers that there is a consensus of responses received from council members following the seven day councillor consultation period, and that at least three members of the have responded, the Clerk shall inform the full council and shall be delegated to inform the Planning Department within the time allocated of the response of the Council.

9. In the event that a planning consultation request is received but cannot be legally resolved at a meeting due to not being published as an item of business on an agenda, the council may direct the Clerk to submit a delegated response to the consultation request with a member poll during a full council meeting. The Clerk is authorised to use this poll from council members at a council meeting, to submit a delegated response.

10. Delegated decisions will be reported to and recorded in the minutes of the next council meeting.

11. In the event of a clerk leaving and a new clerk being appointed this delegation will need to be revisited and reagreed.

X

Dr A Phillips
Chair of Fovant Parish Council

X

Julie Wallis
Parish Clerk/RFO