

# WINCHESTER CITY COUNCIL DECISION RECORD

**Officer Completing the Form:** Simon Finch Corporate Head of Regulatory

**Lead Director:** Richard Botham Strategic Director – Services (Interim)

**Subject:** Development Management service for South Downs National Park

**Details of Decision:** Please provide a brief explanation as to what decision was made. This should be done in easy to understand, non-technical language - as this wording will appear on the website for the public to read. Also please remember all staff will be able to see this document.

Since 2011 the City Council has been delivering a development management service (including planning enforcement) for the South Downs National Park Authority under a series of agreements between the two parties. The current agreement between the Park Authority and City Council was agreed in 2017 for a period of three years with scope to extend this period by 2 years until September 2022 (arrangement authorised by Cabinet on 5 July 2017). This decision is to record the fact that the City Council has agreed to the offer made by the Park Authority to take up the option of the 2 year extension.

**Type of Decision:** (please tick, see reverse for definitions)

Key Decision (Executive) & Subject to Call-In (see section 2A on reverse of this form)

Significant Operational Decision (see section 2B (1) on reverse of this form)

Other Decisions to be Published (see section 2B (2) on reverse of this form)

Administrative Decision (see section 3 on reverse of this form)

**Reason for the Decision:** A brief overview of your reasons for taking this course of action.

The arrangements agreed between the City Council and National Park Authority for delivering a development management service (including planning enforcement) are considered to work well for both organisations. It is a good example of collaborative working and officers from both authorities liaise closely with one another to deliver decisions and outcomes which protect the intrinsic value and purposes of the National Park in accordance with locally adopted and national planning policies. When the agreement was put in place it included the option to extend the arrangements by up to 2 additional years (30 September 2020 to 30 September 2022). There is also provision for both parties to terminate the agreement by either party giving at least 12 months notice.

Under the current agreement, which was put in place in 2017, the City Council takes most of the planning application decisions on behalf of the Park Authority in the 40% of the district which lies within the National Park. Council officers dealing with development in the Park know the area so are well placed to deliver the service for the Park Authority and the agreed arrangement means that many planning decisions are made at the most local level which may be seen as helping to reinforce local democracy.

The Park Authority funds the delivery of the service provided by the City Council. The exact figure each year received by the City Council is determined by the exact volume and type of development undertaken for the National Park as set out in the terms of the agreement. It is considered that the remuneration element of the agreement, which remains as originally agreed, is still reasonable for the work delivered by the City Council and can be reviewed before future decisions are made on any new arrangements proposed by the National Park for the delivery of the development management service post September 2022.

**Alternative Options Considered & Rejected:** All alternative options considered need to be outlined here. Please include detail of any representations received. This will include your response to any alternatives suggested by those making representation and the reasons why these alternatives were rejected.

The City Council could have resolved not to agree to the offered two year extension of the current development management service arrangements. This option was rejected as it would mean that no longer would many planning decisions be made at the most local level by the City Council for the Park Authority. The National Park would take all planning decisions in the 40% of the district which lies within its boundary.

Furthermore, it was considered that there was no financial incentive to end the current arrangements in September 2020, which is when the agreement finishes, if not extended.

**Supporting Information:** If your decision relates to delegated authority derived from a specific Committee resolution, please confirm the name of the Committee, the date of the meeting and paste the resolution into this box.

The original decision to agree to a 3 year arrangement with the National Park Authority to deliver development management service on their behalf was agreed by cabinet July 2017 with the option of extending the agreement by 2 more years. See

<https://democracy.winchester.gov.uk/Data/Cabinet/201707051000/Agenda/CAB2948.pdf>

**Declared Officer and/or Member interests:** List any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision and, in respect of any declared conflict of interest, any note of dispensation granted by the Monitoring Officer.

Click here to enter text.

**Decision Taker (name):** This needs to be the specific Officer or Portfolio Holder who holds the delegation within the constitution/or referred to by a Committee

**Decision Taker (Signature):**

**Date:** 03/03/2020

RICHARD BOTHAM

Call In dates (if applicable) and Implementation date:		Exemption?
Commencement of call in: (date)	04/03/20	<input checked="" type="checkbox"/> Open
Last date for call in: (date)	11/03/20	<input type="checkbox"/> Part Exempt. Please expand
Planned Implementation Date:	30/09/20	<input type="checkbox"/> Exempt. Please expand

## Notes for report authors.

### 1. Why record officer decisions?

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require local authorities to produce a written statement of an executive decision made by an officer as soon as is reasonably practicable after the decision is taken (see Paragraph 13). This written statement must include the information requested in the questions of the pro forma on the previous page.

### 2. What sort of decisions are there?

- A. **Key decisions.** A key decision is defined by Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 as being an executive decision which is likely:
- i. To result in the local authority incurring expenditure, which is or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; (For Winchester City Council, the financial limit above which a decision is regarded as significant is £250,000 per year), or;
  - ii. To be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules, Access to Information Procedure Rules (Part 4) and the Officer Scheme of Delegation (Part 3) of this Constitution.

- B. **Non-Key Decisions.** Officers will usually take non-key executive decisions. A non-key decision is an executive decision that does not meet either criterion of a key decision as laid out above. These decisions are divided into significant operational decisions and administrative decisions.

1. **Significant Operational (Non-Key) Decisions.** This is a decision in relation to a Council or executive function which is not a key decision and results in one of the following:
  - i. Revenue expenditure or making savings (including the receipt or loss of income) between £100,000 and £250,000 per year;
  - ii. Capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or contract awards of between £100,000 and £250,000
  - iii. When, in the opinion of the Chief Executive, the Section 151 Officer or Monitoring Officer, a published record of the decision is required to provide openness and transparency.
  - iv. A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (No. 2089).
2. **"Other" Decision.** Regulation 7 of the Openness of Local Government Bodies Regulation 2014 requires a written record to be produced as soon as reasonably practicable after an officer has made a decision under delegation which a) grants a permission or licence or b) affects the rights of an individual.
3. **Administrative Decision:** *(these do not require recording on this form unless one or more of the following applies)*
  - i. There is a financial implication;
  - ii. It is in conflict with the Budget and Policy Framework or other approved policies approved by full Council; and
  - iii. It raises new issues of policy.

### C. Which officer decisions need to be recorded on this form?

Officers need to record:

- 1) any key decision, i.e., decisions that have a significant effect on 2 or more divisions, or have a cost/saving of £250,000 or more. (see 2A above)
- 2) any Significant Operational Decisions. (see 2B (1) above)
- 3) "Other" officer decisions regarding the granting of a permission or licence or that affect the rights of an individual (see 2B (2) above)
- 4) Administrative decisions for which there is a financial implication.

### 4) What are the relevant Deadlines?

The decision needs to be published by Democratic Services on the Councils website as soon as practicable of it being taken.

### 5) Who needs to sign off the Request Form?

If you are sure an officer decision needs to be recorded, please complete the attached officer decision form. Once completed, please ensure that it is approved by the relevant Director. Once approved, the form should be forwarded to Democratic Services for adding to the Council's website where it can be viewed by members of the public on the decisions page.

