

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	11 January 2023
Title:	Amendment to Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers
Report From:	Assistant Director – Legal Services and Monitoring Officer

Contact name: Barbara Beardwell

Tel: 03707 793751

Email: barbara.beardwell@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to seek Regulatory Committee's approval to amend references to Chief Officer posts in the Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers, in consequence of the County Council's new organisational structure.
2. For the same reason, this report also seeks Regulatory Committee's approval to a revised delegation in respect of Section 106 Agreements and other associated matters in relation to the Town and Country Planning Act 1990.

Recommendation(s)

3. That Regulatory Committee agree to amendment of the Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers (Local Protocol) be amended to replace all references to the 'Director of Culture, Communities and Business Services' and the 'Director of Economy, Transport and Environment' with the 'Director of Universal Services', and that all existing delegations in the Protocol be ratified in favour of the Director of Universal Services.
4. That authority be given to the Assistant Director - Legal Services and Monitoring Officer to settle the terms of and enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

(Planning Act), and other associated matters relating to the Planning Act, on behalf of the County Council.

Amendment to Local Protocol on Planning, Rights of Way, Commons and Village Green Registration for Members of Regulatory Committee, Substitute Members of Regulatory Committee and Officers

5. On 19 October 2022, following the recommendation of the Regulatory Committee, the County Council approved an updated Local Protocol. A link to the Local Protocol is included here for ease of reference: [Local Protocol](#)
6. Contained at Paragraphs 3.4, 4.8, 11.1, 11.5 and Annex C within the Local Protocol are a number of references to and delegations to the posts of Director of Community, Culture and Business Services (Director of CCBS), and Director of Economy, Transport and Environment (Director of ETE). As Members of the Regulatory Committee will be aware in consequence of the new organisational structure of the County Council these posts no longer exist. Responsibilities of these posts, so far as they relate to matters within the remit of Regulatory Committee, are now contained within the responsibilities of the Director of Universal Services. The Local Protocol therefore needs to be revised so that references to and delegations to the posts of Director of CCBS and Director of ETE, are now to the Director of Universal Services.

Delegated Authority Section 106 Agreements

7. Responsibility for functions relating to Town and Country Planning as specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 exercisable by the County Council is delegated in the Constitution to Regulatory Committee. This includes agreements under Section 106 of the Planning Act, and other associated matters relating to provisions of the Planning Act (for example the modification and discharge of planning obligations), entered into by the County Council with regard to its statutory functions. Typically, Section 106 Agreements will often include requirements relating to highway contributions and infrastructure, but also school provision, highways (including rights of way), education, social services, libraries and so on. Since District Councils will already have resolved to grant planning permission subject to a Section 106 Agreement, the decision for the County Council to enter into a Section 106 Agreement in respect of County planning obligations is an administrative step to secure the matters subject of the obligation.
8. Currently Section 106 Agreements are settled by Legal Services in consultation with the relevant service area(s) pursuant to a delegation from Regulatory Committee to the previous Monitoring Officer. The previous

Monitoring Officer has now stepped down from this position and will be retiring at the end of March 2023. For the avoidance of doubt, it is considered sensible that Regulatory Committee ratify the existing delegation in favour of the previous Monitoring Officer in favour of the Assistant Director - Legal Services and Monitoring Officer.

Consultation and Equalities

9. Equalities have been considered and no adverse impact identified.

Climate Change Impact Assessment

10. No impact or specific measures have been identified.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision to reflect the County Council's new organisational structure.

Other Significant Links

Links to previous Member decisions:

<u>Title</u>	<u>Date</u>
Update on Local Protocol for Regulatory Committee	19 October 2022

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

Insert in full your **Equality Statement** which will either state:

- (a) *why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- (b) *will give details of the identified impacts and potential mitigating actions*