

## Democracy and Standards Committee 8<sup>th</sup> February 2022

<b>Report Title</b>	Constitutional Amendments – Planning Committees
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### List of Appendices

- Appendix A –** Planning Committees Public Participation Policy and Guidance  
Note to Chairs
- Appendix B –** Officer Scheme of Delegation

### 1. Purpose of Report

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- 1.1. For the Committee to consider revisions to the administration and operation of the Planning Authority’s committees, namely –
- Planning Committee Public Participation Policy
  - Officer Delegation Scheme
  - Area Committees Quorum

### 2. Executive Summary

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- 2.1. The Constitutional Working Group (CWG) met on 20<sup>th</sup> December 2021 to consider revisions to the administration and operation of both Area Planning Committees and the Strategic Planning Committee. This was in addition to “planning committee” matters approved by Full Council on 1<sup>st</sup> December 2021.
- 2.2. Planning Committee Public Participation Policy – following previous discussion at Full Council regarding the current Planning Committee Public Participation Policy, the CWG reviewed the current policy and discussed whether any amendments were to be recommended.

“1.3” – Speakers to be “*advised*” to be available from the advertised meeting start time. In addition, if an approved speaker is unable to attend the meeting they may specify a named substitute to address the committee on their behalf.

“2.6” - Amend “*two ward councillors*” to “*three ward councillors*”.

“2.9” – To Amend to read – “Once a speaker has completed their presentation to the committee the Chair will allow committee members the opportunity to question a speaker where a point of clarification is required to inform the committee’s debate. This should be strictly on points of clarification on which the Chair will determine its validity”.

Details of the proposed revised Policy are provided in Appendix A together with the suggested Guidance Note for Chairs.

- 2.3 Officer Delegation Scheme – The CWG considered the current delegation scheme and the “trigger points” when an application for planning consent was brought before a committee. It was noted there was disparity as to how a body or individual objection resulted in an application being determined by a committee. CWG considered the current procedure in relation to public objections, local council objections and ward member objections. In the interests of openness and transparency it was felt that there needed to be some consistency and clarity. Details of the current Scheme and the proposed Scheme are detailed in Appendix B.
- 2.4 Quorum – As the current quorum for Area Committees was five Members, out of a membership of nine Members, CWG felt this needed to be reviewed. CWG are recommending that the quorum for Area Committees be reduced from five to four Members.

### **3. Recommendations**

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- 3.1. It is recommended: -
- (a) That the revised Planning Committee Public Participation Policy and the Guidance for Chairs of Planning Committees in the use of Chair’s Discretion (Appendix A) be agreed for referral to Full Council for approval;
  - (b) That the revised Officer Delegation Scheme (Appendix B) be agreed for referral to Full Council for approval; and
  - (c) That the quorum for Area Planning Committees be reduced from 5 to 4 Members and this be referred to Full Council for approval.
- 3.2. *(Reason for Recommendations – the recommendations are being proposed to provide clarity to public participation at meetings of the Planning Authority, and to provide consistency on application of the Officer Delegation Scheme.)*
- 3.3. *(Alternative Options Considered – CWG did consider whether the default number of public speakers be increased, however it was not felt appropriate to increase at this time. CWG noted that the Chair had discretion to allow additional public contributions, and the issuing of the Guidance Note would assist Chairs in determining whether it was appropriate to exercise their discretion).*

## 4. Report Background

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- 4.1. The current Planning Authority decision-making structure has been in operation since May 2021. The Council had previously agreed for the formation of four Area Committees (based upon the area previously administered by the former district councils and a Strategic Planning Committee to determine larger applications, cross-boundary issues etc.
- 4.2. The current Planning Committee Public Participation Policy was devised during the Shadow Authority period, following discussions at a cross-party task and finish group. The basic principles applied were similar to those in operation among some of the former district councils. The policy has now been in operation since the beginning of the current Municipal Year.
- 4.3. Following discussion at the Constitutional Working Group (CWG) on 20<sup>th</sup> December 2021, group members felt that the fundamental principles applied were reasonable and no significant changes were being proposed at this time. It was recognised by the group that the application of “chair’s discretion” in relation to expanding the public participation element at meetings had resulted in some discussion outside of planning meetings. The group was keen for the discretionary element to be retained; however, it was recognised that some clearer guidance on its application would be useful.
- 4.4. The group considered a draft guidance note that if agreed could be circulated to the chairs of planning committees. The note included some points and questions that a chair could address when considering whether to use their discretion to allow additional public participation. The guidance was not binding, and the final decision on the application of any discretion rested with the respective chair.
- 4.5. In relation to the Officer Scheme of Delegation it was noted that overall, this was operating appropriately, however there were occasions when matters that did not require a committee determination were being included on an agenda. This was identified as being a result of inconsistency in the scheme in relation to the procedure followed in addressing public, statutory and non-statutory representations.
- 4.6. The group agreed that there needed to be a standard approach, particularly ensuring that there was a Member/Officer decision relating to what constituted a significant material planning consideration and the requirement for a committee determination on an application. Consequently (as detailed in Appendix B), it was being proposed to standardise the procedure to be followed in relation to public representations, local council representations and ward member representations.
- 4.7. In addition, the group felt that the threshold for submission of an application for committee determination needed to be revised. Currently in relation to public objections the threshold was three written material planning objections received; this applied to both Area Committees and the Strategic Planning Committee. The group proposed that the threshold for reference to committee be raised for Area

Committees to five valid public objections received and raised to ten valid public objections received for the Strategic Planning Committee.

- 4.8. Finally, the group considered the quorum figure for Area Committees. It is currently set at five Members, from a full membership of nine Members on each Area Committee. It was noted that each Area Committee had appointed named substitutes. It was suggested that the current figure be reduced to four Members. It was suggested that this would assist in mitigating the potential for Member absences due to sickness, work, holidays, or potential conflict of interests. The proposal for consideration is to reduce the quorum figure for Area Committees from five to four.

## **5. Issues and Choices**

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- 5.1. The group is not currently recommending any significant changes to the Public Participation Policy, which overall has operated adequately. Chairs will be encouraged to refer to the Guidance Note where it is felt appropriate to do so.
- 5.2. It is suggested that there are inconsistencies in the approach taken for applications to be placed on agendas for committee determination and a more standardised approach is adopted to ensure that those applications which require Member determination are prioritised.
- 5.3. Whilst there have been no inquorate meetings it is felt that the quorum for Area Committees is revised and more proportionate given the full membership of these committees.

## **6. Next Steps**

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- 6.1. If the committee agrees, the recommendations will be referred to the next available Full Council meeting for formal approval. Until Full Council approve these changes the current provision detailed in the Council's Constitution will apply.

## **7. Implications (including financial implications)**

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### **7.1. Resources and Financial**

- 7.1.1. None specific to this report.

### **7.2. Legal and Governance**

The Public Participation Policy, the Officer Scheme of Delegation and the quorum issue are matters for local determination. These are currently itemised in the Council Constitution. Full Council are required to approve any amendment to these matters.

### 7.3. **Relevant Policies and Plans**

None specific to this report.

### 7.4. **Risk**

- 7.4.1. It is important that there is a clear Public Participation Policy for the Authority. Variations in practise from committee to committee may result in potential challenge to the decision-making process. Whilst there is an element of discretion (chair's discretion), it is being recommended that adherence to the proposed guidance note will lessen the opportunity of a successful challenge being made.

Failure to have an effective Officer Delegation Scheme in place may result in confusion and delay in the Planning Authority's decision-making process. Applicants need assurance that that there is a clear decision-making path, whilst the public need certainty as to how any legitimate objections can be appropriately dealt with.

### 7.5. **Consultation**

- 7.5.1. The proposals have been discussed by the Constitutional Working Group (CWG), with input from the Authority's planning and democratic services teams.

### 7.6. **Equality Implications**

- 7.6.1. Whilst it is recognised that each of the former sovereign authorities dealt with these issues slightly differently, the aim is to standardise the approach across North Northamptonshire to ensure consistency across the four Area Committees and the Strategic Planning Committee.

The current Participation Policy and Officer Scheme of Delegation was put in place soon after Vesting Day. The Authority has now had several months of these being in operation and can make a more considered judgement as to whether these documents need to be revised/amended.

It is important that there is consistency of approach for the benefit of the members, officers, public and applicants.

### 7.7. **Climate Impact**

- 7.7.1. None specific to this report.

### 7.8. **Community Impact**

- 7.8.1. There are no significant changes proposed to the current Public Participation Policy. Issuing the Guidance Note to Chairs will assist in ensuring that due consideration is given to where an application before committee has received

significant objections and requests to speak incorporating material planning considerations.

## 7.9. **Crime and Disorder Impact**

7.9.1. None specific to this report.

## **8. Background Papers**

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8.1. Council Constitution.