

## Full Council 31<sup>st</sup> March 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 Full Council to consider revisions to the administration and operation of the Planning Authority’s committees, namely –
- Planning Committee Public Participation Policy
  - Officer Delegation Scheme

### 2. Executive Summary

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- 2.1. The Constitutional Working Group (20<sup>th</sup> December 2021), and the Democracy and Standards Committee (8<sup>th</sup> February 2022), met 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 previously 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, there has been further discussion 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 – Consideration has been given to the current delegation scheme and the “trigger points” when an application for planning consent be 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. The Democracy and Governance Committee 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 greater consistency and clarity. Details of the current Scheme and the proposed Scheme are detailed in Appendix B.

### **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 approved; and
- (b) That the revised Officer Delegation Scheme (Appendix B) be approved.

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 and the Democracy and Standards Committee did consider whether the default number of public speakers be increased, however it was not felt it appropriate to increase at this time. CWG and the Committee 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 and the Democracy and Standards Committee on the 8<sup>th</sup> February 2022, members felt that the fundamental principles applied were reasonable and no significant changes were being proposed at this time. It was recognised by members 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. Members were keen for the discretionary element to be retained; however, it was recognised that clearer guidance on its application would be useful.
- 4.4. The Committee considered a draft Guidance Note that if agreed could be circulated to the Chairs of planning committees. The Note included 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 Committee 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 Committee 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 Committee 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.

## **5. Issues and Choices**

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- 5.1. The Committee are 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.

## **6. Next Steps**

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- 6.1. If the Committee agree, 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) and the Democracy and Standards Committee, 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 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.