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Governance Committee

Tuesday, 19th March, 2019 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors: Michael Willett (Chairman)
David Coldwell (Vice-Chairman)
Andrew Baldwin Philip Circus
Toni Bradnum Leonard Crosbie
Karen Burgess Matthew French
Peter Burgess

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes To approve as correct the minutes of the meeting held on 23 rd January 2019 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	3 - 10
3. Declaration of Members' Interests To receive any declarations of interest from Members of the Committee	
4. Announcements To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. Review of the Functions, Responsibilities and Constitution of Planning Committees at Horsham District Council To consider the report of the Monitoring Officer	11 - 16

6. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Public Document Pack Agenda Item 2

Governance Committee 23 JANUARY 2019

Present: Councillors: Michael Willett (Chairman), Andrew Baldwin, Toni Bradnum, Karen Burgess, Peter Burgess, Philip Circus, Leonard Crosbie and Matthew French

Apologies: Councillor: David Coldwell

Also Present: Councillors: Roy Cornell, Ray Dawe, Godfrey Newman, Claire Vickers and Tricia Youtan

GO/28 ELECTION OF CHAIRMAN

In the absence of the Chairman and the Vice-Chairman of the Committee, it was

RESOLVED

That Councillor Andrew Baldwin be elected Chairman for the meeting.

GO/29 MINUTES

The minutes of the meeting of the Committee held on 20th November 2018 were approved as a correct record and signed by the Chairman.

GO/30 DECLARATION OF MEMBERS' INTERESTS

There were no declarations of interest.

GO/31 ANNOUNCEMENTS

There were no announcements.

GO/32 COMMUNITY GOVERNANCE REVIEW

The Committee received the report of the Chief Executive on the outcome of the consultation on the Council's draft proposal to amend the southern boundary of Southwater Parish to encompass the whole of the development at Mulberry Fields.

One response to the consultation had been received from Southwater Parish Council, who agreed with the proposal put forward by this Council.

One local Member, Councillor Claire Vickers, spoke in support of the proposal.

The Committee agreed to recommend the proposal to Council for approval.

RECOMMENDED

- (i) That the draft proposal to amend the southern boundary of Southwater Parish Council with Shipley Parish Council to encompass the whole of the development at Mulberry Fields, as published for consultation and set out in the attached map, be agreed for implementation with effect from the parish council elections in May 2019.
- (ii) That a Reorganisation of Community Governance Order be made to give effect to this decision and all relevant bodies be advised that the order has been made.
- (iii) That the Local Government Boundary Commission for England be requested to give effect to the consequential changes to the West Sussex County Council electoral divisions of Southwater & Nuthurst and Billingshurst, arising from the amended boundary between Southwater and Shipley parishes.

(Note: The Chairman of the Committee arrived at 17:48 and took the chair for the remainder of the meeting)

GO/33 **SUMMARY OF FINDINGS OF THE REVIEW OF THE FUNCTIONS, RESPONSIBILITIES AND CONSTITUTION OF PLANNING COMMITTEES AT HORSHAM DISTRICT COUNCIL**

The Monitoring Officer presented a summary of the findings of the Committee's review of the functions, responsibilities and constitution of the Council's planning committees.

At the outset the Governance Committee had agreed that it should undertake a genuine, fair and professional review, with no preconceptions.

Initially four possible Planning Committee options were put forward for consideration:

- Status quo (i.e. all Members sitting on one of two area-based committees);
- Two area-based committees with number-limited membership;
- Two committees – one for strategic/major applications and one for all other applications – with number-limited membership;
- One committee for all applications with number-limited membership.

In undertaking the review the Committee had:

- looked at whether the current structure, scheme of delegation and processes were efficient and effective and whether they met the needs (current and future) of the Council and its customers;

- looked at how decision making might be improved whilst allowing for democratic input, together with good relationships between officers and Members;
- visited and undertaken telephone interviews with five other local authorities in order to review and compare practices and procedures;
- engaged the Planning Advisory Service (PAS) to undertake an independent peer review which included observing both the North and South Committees;
- listened to the views and observations of the Director of Place and the Head of Development regarding the current operation of planning committees at the Council;
- considered a number of documents relevant to the review, including:
 - Best Practice Protocol for the Operation of Planning committees - Department of Environment
 - HDC Constitution Extract - Scheme of delegation of responsibilities to Committees of the Council – Functions of Planning Committee
 - HDC Constitution Extract – Planning Protocol
 - Extract from the Productivity Review of Strategic Planning & Development Management June 2018
 - Review of Planning Decision Making Processes and Procedures – Havering Borough Council
 - Training Session Extract –14th September 2016
- listened to the views of non-Committee Members at an all-Member seminar.

All the Councils visited or spoken to had undergone a change from running two or more geographical area planning committees to having a single planning committee with limited membership. Using observations and comments received from the visits and telephone interviews, the advantages and disadvantages of a single committee were considered.

Whilst the final report of PAS was awaited, its initial observations and recommendations were reported. The final report would be circulated to all Members when available.

Members discussed the summary of findings in detail. Issues raised for further clarification included a request for a definition of undertaking of site visits by other authorities (e.g. organised whole committee visits/informal visits etc.) and whether any of the authorities operating a single planning committee with limited membership paid a Special Responsibility Allowance to members of the committee.

Members strongly agreed that mandatory training must be provided for members of planning committees and that, once provided, section 11 of the existing Planning Protocol should be enforced (i.e. Members who did not undertake the mandatory training would not be permitted to participate in decision making at meetings dealing with planning matters).

The Committee then agreed that detailed recommendations should be drawn up for consideration at the next meeting, based on the following drafts:

1. All Members need to be adequately trained and must attend mandatory training which includes the entire planned programme – failure to do so needs to be effectively enforced. For example a minimum of four half day sessions (subject to advice from Planning Officers), first session to be included within the induction programme for Members.
2. Single Planning Committee limited by numbers adopted by the majority of Local Planning Authorities throughout the UK.
3. Two area committee served by all members with improvements made by the following further recommendations.
4. Review/changes to delegations - an application costs significantly more to process when the decision is taken at committee rather than under delegated powers. It is therefore important to ensure that Planning Committee only deals with those matters that it really needs to. Review and possible revision of call-ins, including the number of representations from the public, and their location, required to trigger a call-in. Major applications given indicative thresholds subject to advice from Planning Officers.
5. Site visits to be undertaken differently and a revised site visit protocol to be adopted. An up-front process that would require agreement from the Chairman of the Committee and the Planning Development Manager as to which sites are visited.
6. Look for a suitable code of practice which sets out general rules for Member and Officer involvement at the pre-application stage subject to advice from Planning Officers.
7. Ability for Members to opt out of Planning Committee if they choose to. Opting out can also be done by declining training, in any case.
8. Independent Remuneration Panel to be asked to look at the payment of a Special Responsibility Allowance for members of planning committee (this can only be considered where the committee(s) are number-limited).
9. Any changes agreed to be reviewed after 12 months of operation.

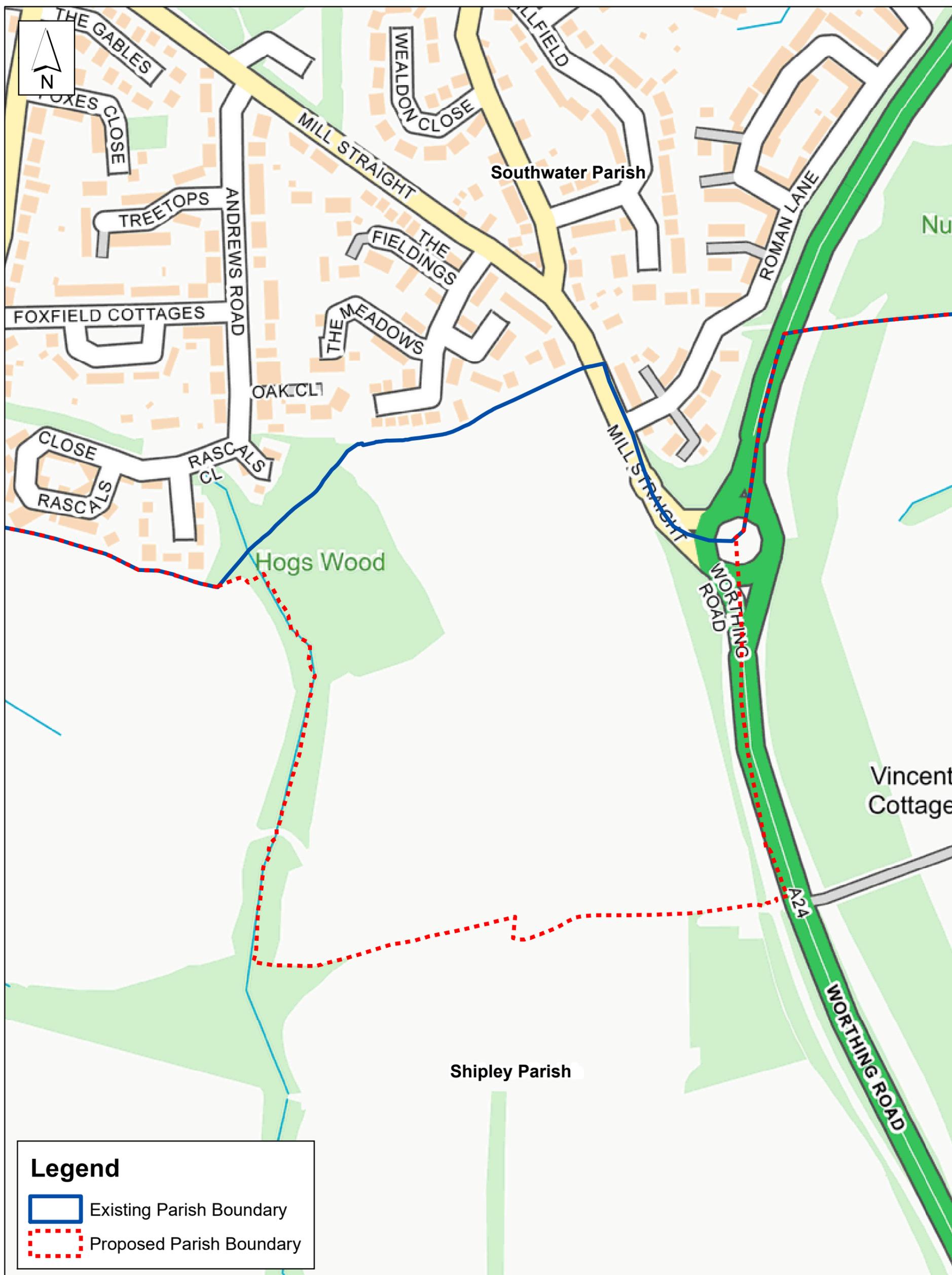
GO/34 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.35 pm having commenced at 5.30 pm

CHAIRMAN

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Horsham District Council
 Parkside, Chart Way, Horsham
 West Sussex RH12 1RL.

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Proposed changes to the Southwater Parish boundary			
Reference No :	Date : 30/11/2018	Scale : 1:3000 (At A3)	
Drawing No :	Page 9	Drawn :	Checked :
		Revisions :	

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Report to Governance Committee

19 March 2019

By the Monitoring Officer



DECISION REQUIRED

Not Exempt

Review of the Functions, Responsibilities and Constitution of Planning Committees at Horsham District Council.

Executive Summary

At the last meeting of the Committee considered and discussed draft recommendations to be put to Council. Detailed recommendations after input from planning officers have been drawn up for consideration at this meeting and are set out in this report.

Recommendation

The Committee is recommended to agree and approve the recommendations as set out.

Reasons for Recommendations

To comply with Article 13.2 Review and Revision of the Constitution.

Background Papers

The Constitution of Horsham District Council 7 December 2016 (Amended April 2017).

Wards affected: All

Contact: Sharon Evans, Monitoring Officer

Background Information

1 Introduction and Background

- 1.1 At its meeting on 12th June 2018 the Committee agreed to undertake a review of the current Planning Committee system.

The scope of the review looked at the ways other planning authorities work and examined various models for the number, size, responsibilities and structure of committees along with any other associated issues.

2 Relevant Council policy

- 2.1 The Corporate Plan 2016/19 has a Council priority of 'Efficiency - Great value services'. This priority should be enabled and supported by clear, well understood and efficient governance arrangements.

3 Details

- 3.1 Under Article 13 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution. In undertaking this task the Monitoring Officer may:

- a) observe meetings of different parts of the Member and officer structure;
- b) undertake an audit trail of a sample of decisions;
- c) record and analyse issues raised with him by Members, officers, the public and other relevant stakeholders; and
- d) compare practices in this Council with those in comparable authorities, or national examples of best practice.

- 3.2 When the Constitution was reviewed in 2016, one major area that was omitted was that of the function and responsibilities of the Planning Committees. At the last meeting this Committee therefore agreed to undertake a review in accordance with the above duty.

- 3.3 The Planning Advisory Service was engaged and commenced their review on 6th November 2018.

- 3.4 Arrangements were made to visit / consult with Sevenoaks District Council, Lewes District Council and Tunbridge Wells during the months of September and October.

- 3.5 The review looked at the current arrangement against best practice. It considered how other authorities worked and examined various models for the number, size, responsibilities and structure of committees along with any other associated issues (such as compulsory training).

4 Next Steps

- 4.1 Councillors will be aware that under the Council's Constitution, only full Council can alter the size of a Committee or make changes to delegations. Therefore the Governance Committee will put these comments and make recommendations to full Council to consider.
- 4.2 At the previous meeting the Committee considered and discussed draft recommendations to be put to Council. Detailed recommendations after input from planning officers have been drawn up for consideration at this meeting and are as follows:
1. All Members need to be adequately trained and must attend mandatory training which includes the entire planned programme – only trained members may sit on Planning Committee.
 2. Members can opt out of sitting on Planning Committee if they choose to. If Members do opt out they are still encouraged to attend training.
 3. Review/changes to delegations with input from planning officers as per below
Change of call-in -
Where fifteen or more persons in different households living within the district or on the neighbouring district boundary or where bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period.
Add to part 3.2.2 Functions of the Planning Committee para 5 of Constitution - functions of Planning Committees:
Where a Local Ward Member of the relevant Planning Committee requests it and where an objection is received. Such request to be in writing (to include e-mail) and received by the Head of Development within 35 days of the date of validation for all applications with the exception of....
 4. Site visits to be undertaken as per the Constitution Part 5 para 7 to include – Planning Officers will facilitate a site visit to sites where access is restricted.
 5. Look for a suitable code of practice which sets out general rules for Member and Officer communication at the pre-application stage subject to advice from Planning Officers.
 6. Single Planning Committee limited by numbers, adopted by the majority of Local Planning Authorities throughout the UK.

7. Two area committees with improvements made by the above recommendations.
8. Independent Remuneration Panel to be asked to look at the payment of a Special Responsibility Allowance for members of planning committee.
9. Amend 4a.19 Public speaking on agenda items in the Constitution to allow Parish Council or Neighbourhood Councils (as a Statutory Consultee) to speak for up to 5 minutes instead of 2 minutes on Planning or Licensing applications.
10. Any changes agreed to be reviewed after 12 months of operation.

5 Outcome of Consultations

- 5.1 N/A

6 Other Courses of Action Considered but Rejected

- 6.1 N/A

7 Resource Consequences

- 7.1 The Committee previously agreed to meet the costs of engaging the Planning Advisory Service.

8 Legal Consequences

- 8.1 Under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011), it is a legal requirement for the Council to have a Constitution. It is the responsibility of the Monitoring Officer to monitor and review the operation of the Council's Constitution to ensure that the aims and principles of it are given full effect and to make recommendations for ways in which the Constitution could be amended in order to enable decisions to be taken efficiently and effectively.

9 Risk Assessment

- 9.1 The recommendations within this report are part of mitigating corporate risk by ensuring that the Planning Committees work effectively and exercise good practice.

10 Other Considerations

- 10.1 The Constitution and its Procedures, Rules and Codes act as an enabling tool in helping the Council meet its obligations under the Human Rights Act 1998 and the Equality Act 2010.
- 10.2 Consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making and the Constitution will facilitate such considerations.

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