

## **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 12<sup>th</sup> 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 6<sup>th</sup> 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.