

Governance Committee
19 MARCH 2019

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

Apologies: Councillors: Matthew French

Also Present: Councillors: Brian Donnelly, Nigel Jupp, Lynn Lambert, Godfrey Newman and Claire Vickers

GO/35 **MINUTES**

The minutes of the meeting of the Committee held on 23rd January 2019 were approved as a correct record and signed by the Chairman.

GO/36 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/37 **ANNOUNCEMENTS**

There were no announcements.

GO/38 **REVIEW OF THE FUNCTIONS, RESPONSIBILITIES AND CONSTITUTION OF PLANNING COMMITTEES AT HORSHAM DISTRICT COUNCIL**

Two members of the public addressed the Committee in respect of both the recommendations in the report, suggesting changes in respect of the composition of Planning Committees and the rules in respect of speaking, and the Planning Advisory Service's analysis in respect of the public 'call-in' to committee of planning applications.

The Monitoring Officer advised that, as she had been advised in advance of concerns regarding the public 'call-in' analysis, she had obtained a re-analysis of the figures by the Council's officers which indicated that the data in the Planning Advisory Service's report were accurate in that they were indicative and gave the general picture.

The Monitoring Officer then reminded the Committee of the process that it had followed over the last nine months in reviewing the functions, responsibilities and constitution of the Council's Planning Committees including visiting/speaking to a number of other local authorities in order to review and compare practices and procedures and engaging the Planning Advisory Service to undertake an independent peer review. The final report from this review had been circulated to all Members of the Council.

At its last meeting, the Committee had agreed that detailed recommendations to Council should be drawn up for consideration at this meeting, based on the draft recommendations presented at that time.

The Committee then considered each of the recommendations in turn, 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.*

It was agreed to insert the words “the full programme of” after “must attend” and to delete “which includes the entire planned programme”

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.*

It was agreed to add the word “so” after they and to delete the word “to” and add the words “on an annual basis” after “choose”.

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....

It was agreed to delete the word “on” after “within the district or” and to replace it with “close to”; to delete the word “district” and replace it with “authority”; and to delete the words “of the relevant Planning Committee” after “Where a Local Ward Member”.

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.*

It was agreed to delete the words “Look for” at the beginning of the sentence and to replace it with “Officers to devise”.

6. *Single Planning Committee limited by numbers, adopted by the majority of Local Planning Authorities throughout the UK.*

It was agreed to delete the words “adopted by the majority of Local Planning Authorities throughout the UK” and that the committee should comprise 18 Members.

7. *Two area committees with improvements made by the above recommendations.*

This recommendation was not agreed following the approval of recommendation 6 above (see the Recommendations to Council below).

8. *Independent Remuneration Panel to be asked to look at the payment of a Special Responsibility Allowance for members of planning committee.*

It was not considered necessary to include this recommendation as the Independent Remuneration Panel would carry out a full review of all allowances in due course.

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.*

It was then agreed to RECOMMEND TO COUNCIL:

- (i) That all Members need to be adequately trained and must attend the full programme of mandatory training – only trained members may sit on Planning Committee.
- (ii) Members can opt out of sitting on Planning Committee if they so choose on an annual basis. If Members do opt out they are still encouraged to attend training.
- (iii) That the scheme of delegation of responsibilities to Committees of the Council be amended as follows:

Amend part 3.2.2 Functions of the Planning Committee para c) 5 of Constitution:

“Where a Local Ward Member 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 clauses i to iv and viii below.”

Amend part 3.2.2 Functions of the Planning Committee para c) 6 of Constitution:

“Where fifteen or more persons in different households living within the district or close to the neighbouring authority boundary or where bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Development’s recommendation with the exception of clauses i to viii below.”

- (iv) Site visits are to be undertaken as per the Constitution Part 5c (Planning protocol) para 7 to include – Planning Officers will facilitate a site visit to sites where access is restricted.
- (v) Officers to devise 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.
- (vi) That there should be single Planning Committee comprising 18 Members.
(Note: This recommendation was approved on the casting vote of the Chairman. Councillors Toni Bradnum, Karen Burgess, Peter Burgess and Leonard Crosbie requested that their vote against the recommendation be recorded.)
- (vii) That part 4a of the Constitution (Council procedure rules) para19 (Public speaking on agenda items) be amended 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.
- (viii) That any changes agreed will be reviewed after 12 months of operation.

REASON

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

GO/39 **URGENT BUSINESS**

There was no urgent business.

Members of the Committee thanked the Chairman for his good-humoured chairmanship of the Committee, including some difficult issues, over the last twelve months.

The meeting closed at 7.35 pm having commenced at 5.30 pm

CHAIRMAN