

## COUNCIL

8<sup>th</sup> October 2018

### PLANNING REFERRAL PROCESS

#### Report of the Director for Resources

Strategic Aim:	All		
Exempt Information		No	
Cabinet Member(s) Responsible:		Mr O Hemsley, Leader	
Contact Officer(s):	Saverio Della Rocca, Director for Resources	01572 758159 sdrocca@rutland.gov.uk	
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Ward Councillors	N/A		

#### DECISION RECOMMENDATIONS

That Council:

1. Increases the number of members on the Planning and Licensing Committee to 12;
2. Amends the Constitution to require that the quorum for the meeting be 50% of the membership;
3. Amends the Constitution to remove the option to substitute Members should a member of the Committee not be able to attend;
4. Appoints the membership in line with the overall balance of the Council treating any non-aligned members as a group for the purpose of the calculation;
5. Procedure Rule 110 be amended to remove the referral process for Committee or Sub-Committee exercising a regulatory function;
6. Authorises the Monitoring Officer to incorporate the revisions and changes above into the Council's Constitution.

#### 1 PURPOSE OF THE REPORT

- 1.1 The Constitution Review Working Group proposes that Procedure Rule 110 be amended immediately to remove the referral process for Committee or Sub-Committee exercising a regulatory function, thus removing the ability for members to refer planning decisions made at Planning and Licensing Committee to Council.
- 1.2 The Constitution Review Working Group propose changes to the procedure and composition of the Planning and Licensing Committee as detailed, in order to mitigate the concerns raised by members regarding the removal of the referral process,

- 1.3 To approve other amendments to the Constitution in relation to referral of planning decisions.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 At a meeting on 13th October 2017, Members considered the planning referral process and some changes were implemented to reflect lessons learnt as a result of a referral to Council some weeks before the meeting.
- 2.2 The following changes were presented to Council for approval on 13 November 2017:
  - 2.2.1 Revised Public Speaking Scheme; and
  - 2.2.2 Amendment of PR28 so that anyone who spoke at the original Planning Committee should also have a right to speak at the Council meeting when a decision is referred under PR110
- 2.3 In April 2018, following a referral of a planning decision under PR110, Members requested that further consider the general approach adopted by the Council.
- 2.4 The Constitution Review Working Group met and considered these matters. An initial report making proposals for the removal of the referral mechanism was considered by Council at the meeting of May 14<sup>th</sup> 2018. These matters were again considered by CRWG and Council in September 2018.
- 2.5 Councillors at that meeting explained some of their concerns and made suggestions. While some of these suggestions could not be implemented owing to restrictions within the legislation, Council considered that examination of these ideas could not be done at the meeting where they were proposed and consequently the matter came back before the CRWG for consideration.
- 2.6 The Group met and considered these issues again on 11<sup>th</sup> July 2018. The Group also considered the ideas discussed in Council. While it was not possible to introduce the changes proposed at Council the Group considered that the size of the Committee and the increase in the quorum required would provide additional safeguards.
- 2.7 The recommendations above have been produced by the CRWG as striking the right balance between ensuring the proper involvement of the democratic process in the planning decision making process, ensuring that the Council is able to meet its duties in relation to the timescales for determination and ensuring those applying have a decision as promptly as possible.

## **3 CONSULTATION**

- 3.1 This is detailed in the report.

## **4 ALTERNATIVE OPTIONS**

- 4.1 The alternative to the proposed removal of the planning referral process would be to make amendments to the process in order to implement tighter controls. It is not considered appropriate to retain the status quo, as following a recent referral of a planning decision to Council, Members requested a review of the Councils

approach.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications.

## **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 There is no legal requirement to have a referral process for planning decisions. It is for the Council to determine the Planning Procedure Rules. It is unusual for Councils to adopt such a procedure as call-in is usually reserved only for Scrutiny to examine key decisions made by the Executive.
- 6.2 The political proportionality rules that apply in allocating seats on Committees etc. are set out in Section 15 and 16 of the Local Government and Housing Act 1989 and apply only to political groups and not non-aligned Members. Alternative arrangements not complying with section 15 and 16 of the 1989 Act may be made by virtue of Section 17 of the 1989 Act but only if **no Member of the relevant authority votes against the recommendation.**

## **7 EQUALITY IMPACT ASSESSMENT**

- 7.1 An Equality Impact Assessment Screening Form (EqIA) has been completed. No adverse or other significant issues were found.

## **8 COMMUNITY SAFETY IMPLICATIONS**

- 8.1 There are no community safety implications.

## **9 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 There are no health and wellbeing implications.

## **10 BACKGROUND PAPERS**

- 10.1 There are no additional background papers to the report.

## **11 APPENDICES**

- 11.1 None

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