

REPORT TO	ON
<b>Planning Committee Governance Committee</b>	<b>5 July 2017 28 June 2017</b>

Jan 2017



TITLE	AUTHOR	Agenda item No.
<b>Review of Constitution - Planning Committee Terms of Reference &amp; Public Participation</b>	<b>Interim Governance Manager</b>	<b>6</b>

## 1. PURPOSE OF THE REPORT

At their meeting in February 2017 the Governance Committee resolved to review the Council's Constitution and as part of the review process to allow the relevant service committee to comment on the papers initially, prior to being considered by the Governance Committee. This report provides Members with the opportunity to comment on both the revised terms of reference for the Planning Committee and on new guidance on public participation before the Committee, prior to submission to Council for approval at the meeting in July 2017.

## 2. RECOMMENDATIONS

That Members consider and amend, as appropriate, the draft Terms of Reference for the Planning Committee at Appendix B together with the Guidance on Participation by the Public & Members of the Council at Planning Committee at Appendix C, prior to submission to the Council for approval of both documents in July 2017.

## 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

## 4. BACKGROUND TO THE REPORT

**4.1** At their meeting in February the Governance Committee agreed to review the Council's Constitution and to allow the relevant service committee to comment on the papers prior to being considered by the Governance Committee. Any changes to the Council's Constitution also require the approval of full Council.

## 5. PLANNING COMMITTEE TERMS OF REFERENCE

**5.1** The current Terms of Reference of the Planning Committee are set out at Appendix A. This comprises an extract from Section 3D of the current constitution. Members will note that the existing terms of reference are very brief.

**5.2** The revised Terms of Reference at Appendix B are based on the approved template for all Terms of Reference in the Constitution. However, for clarity, the document now sets out the

Planning Functions prescribed by the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 at paragraph 4. This is the full list of planning functions to be undertaken by the Council but paragraph 5 sets out which will be determined by the Planning Committee itself and paragraph 6 sets out those powers delegated by Officers under the scheme of delegation.

**5.3** The amended Terms of Reference for the Committee itself to determine remain largely unchanged in substance from the current constitution, but have been drafted in the house style approved by the Governance Committee as follows:

1. To determine applications for planning permission (save for minor variations to existing permissions) where:
  - (a) it relates to residential development and it will result in 10 or more dwellings being constructed or concerns a site greater than 0.5 hectares in size
  - (b) for any other form of development if it results in floor space greater than 1000 square metres
2. To determine any applications for Class A4 and A5 Food & Drink uses (Hot food takeaways/Pubs).
3. To determine any application where the applicant or a close relative of the applicant is a member or employee of South Ribble Borough Council. (Close relative is defined as a spouse, partner, parent, parent-in-law, son, or daughter).
4. To determine any application where the Officer who would normally make the decision knows that a member or employee of South Ribble Borough Council has a declarable interest in the application.
5. To consider any application which, within 3 weeks of its validation, a member has requested the Director of Development, Enterprise and Communities refer to the Committee. Any request must be accompanied by appropriate planning reasons for the referral.

**Where none of the above applies the decision will be made under the power of officer delegation set out in paragraph 6 below. This will include cases where the decision may be contrary to views which have been received from interested parties.**

**5.4** The main changes to note in the rest of the document are as follows:

Heading	Summary	Rationale
1. Planning Committee	Briefly describes role of Committee in dealing with applications for development & associated matters under the Town & Country Planning Act 1990	Short introduction in accordance with new template to standardise information with a brief overview of the purpose and

		function of the Committee
2. Membership	Sets out the rules for membership of the Committee including the requirement for political proportionality and highlights need for members to have regard to the Guidance on Member Involvement in Planning Procedures (hyperlinked)	Within current version
3. Training & Public Participation	Notes all members of the Committee must undertake training on planning processes & procedures & links to new Guidance on Public Participation	Ensures all relevant information & requirements are linked in one document
4. Planning Functions	Sets out full extract from the 2000 Regulations	Clarifies the legal criteria
5. Terms of Reference	Sets out amended Terms of Reference ( see para 5.3 above)	Within current version
6. Scheme of Delegation to Officers	Sets out those applications which would normally be considered by Officers, subject to members rights to refer to the Committee to determine	Within current scheme of delegation to Officers – NB may be hyperlinked once full scheme of delegation to officers reviewed.

### **5.5 Guidance on Participation by the Public and Members of the Council at Planning Committee**

The document at Appendix C sets out the specific process for Public Participation by members of the public appearing before the Planning Committee. Sections 1 and 2 set out the procedure currently followed by the Planning Committee for the majority of applications. Sections 3 and 4 set out the specific process adopted after agreement with the Chairman when dealing with the four major sites for Development within the South Ribble Local Plan (2015). This gives slightly enhanced rights of participation in view of the impact and public interest within these sites.

**5. 6** It is now proposed to formalise the current practice of enabling appropriate public participation at the Council's Planning Committee and formally incorporating the document within the Constitution. Accordingly members are requested to consider and approve the document at Appendix C.

## 6 WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

### 6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

### 6.2 Comments of the Monitoring Officer

All local authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the constitution require the approval of full Council.

<b>Other implications:</b>	
<b>Risk</b>	There are no specific risk implications arising from this report
<b>Equality</b>	There are no specific equality implications arising from this report
<b>HR</b>	There are no specific HR implications arising from this report

## 7. BACKGROUND DOCUMENTS

South Ribble Constitution

Appendix A - extract from Section 3 Functions for Planning Committee

Appendix B – proposed draft Terms of Reference for Planning Committee

Appendix C – Guidance on Participation by the Public and Members of the Council at Planning Committee