

Report of	Meeting	Date
Director of Governance	Governance Committee	Tuesday, 29 November 2022

## Constitution - Planning Committee

Is this report confidential?	No
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Is this decision key?	No
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### Purpose of the Report

- The purpose of the report is to allow Governance Committee to consider some proposed changes to the Constitution

### Recommendations

- That Governance Committee consider the proposed changes to the Constitution relating to Planning Committee with a view to making a recommendation to Full Council

### Reasons for recommendations

- This report arises from a Notice of Motion that was debated at Full Council. On that occasion Full Council voted that the proposed changes to the Constitution set out in the Notice of Motion should be referred to Governance Committee for their consideration – hence the reason for this report

### Other options considered and rejected

- The purpose of this report is to give effect to a decision of Full Council – there were no other options to consider.

### Corporate priorities

- The report relates to the following corporate priorities: (Please bold one)

<b>An exemplary council</b>	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

## **Background to the report**

6. This report arises from a Notice of Motion at Full Council which considered that some changes to the Constitution relating to Planning Committee should be considered.

## **Detailed Considerations**

7. On the 21<sup>st</sup> of September at Full Council a Notice of Motion was proposed. The motion was moved by Councillor Angela Turner and seconded by Councillor David Shaw.
8. Members will see at Appendix 1 a copy of the proposed amendments to Part 2E and the Terms of Reference for the Planning Committee contained within the Constitution. The proposed changes are highlighted in red.
9. For the sake of completeness Members will see at Appendix 2 a copy of the existing wording of Part 2E in the Constitution and at Appendix 3 a copy of the Terms of Reference.
10. The proposed changes relate to two discrete issues. Firstly it is proposed that the Constitution should in effect prohibit any members of the Cabinet from sitting on Planning Committee. Secondly it is recommending changes to when a member may request that a planning application can be considered by Planning Committee.
11. With regard to the question of whether a Cabinet member should be allowed to sit on Planning Committee that is a matter for members to discuss. The following points can be made though.
12. Firstly it is permitted at law for an Executive member to sit on a Planning Committee. A number of councils have adopted that practice.
13. Secondly nevertheless it was the practice in South Ribble for many years that Cabinet members should not sit on Planning Committee.
14. Thirdly if members wish it then the Constitution can indeed be changed to prevent Cabinet members from sitting on Cabinet.
15. Fourthly having a Cabinet member on Planning Committee may be beneficial at times in that an experienced member with knowledge of a particular topic may be able to contribute to the debate. The downside of this is that there may be occasions when there could be a conflict of interest – whether real or perceived.
16. With regard to the second element of the proposed changes – the right of a member to request a call in of a planning application to Planning Committee – it is understood that there was a desire on the part of the movers of the Motion to restrict the right of any such call in to Ward Councillors or a Councillor from an adjacent ward which the application directly affects. This is a matter for Members to discuss.
17. One option for is that Members could decide to set up a Working Group to look into these questions in greater detail. However, the scale of the proposed changes is not great.
18. Ultimately it is Full Council who have the power to change the Constitution. It is for the members of Governance Committee to consider making recommendations to Full Council.

### **Climate change and air quality**

19. The work noted in this report does not impact the climate change and sustainability targets of the council's Green Agenda and all environmental considerations are in place.

### **Equality and diversity**

20. There are no adverse implications on equality and diversity

### **Risk**

21. There is nothing specific that needs to be raised here. The current practice is permitted by legislation but the Council may change the Constitution in this regard if they wish.

### **Comments of the Statutory Finance Officer**

22. There are no financial implications arising from this report.

### **Comments of the Monitoring Officer**

23. The legal considerations are incorporated in the body of the report.

### **There are no background papers to this report**

### **Appendices**

Appendix 1 – Notice of Motion setting out the proposed changes to the Constitution

Appendix 2 – the existing Part 2E of the Constitution

Appendix 3 – the existing terms of reference of Planning Committee

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