

Report of	Meeting	Date
Monitoring Officer	Governance Committee	Tuesday, 26 September 2023

## Constitution - Planning

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

1. The purpose of this report is to consider possible changes to the Constitution relating to the work of Planning Committee. This follows on from the work of the Governance Committee Constitution Task Group (Task Group). Ultimately the final decision for any changes to the Constitution will rest with Full Council.

### Recommendations

2. To consider and agree the proposed changes to the Constitution concerning Planning Committee that are set out in this report in paragraph 15.
3. To recommend to full Council that these changes be adopted.

### Reasons for recommendations

4. It is important that work is ongoing with the Constitution to keep it up to date

### Other options considered and rejected

4. The Task Group considered a number of possible changes to the Constitution. The changes referred to in this report are those that had the clear support of the majority of the Task Group. The report refers to other possible changes to the Constitution that were discussed but ultimately rejected.

### Corporate priorities

5. The report relates to the following corporate priorities:

<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. The Task Group met on the 22<sup>nd</sup> of March, the 25<sup>th</sup> of April and the 18<sup>th</sup> of July. The primary focus for those earlier meetings related to proposed changes to the workings of Planning Committee. This report has been written based on the broad agreement that was reached amongst members at the final meeting of the Task Group in July.

## **Detailed Considerations**

7. Members debated and considered various issues relating to the constitution and how it affects the workings of the Planning Committee at 3 meetings of the Task group. The Task Group heard evidence from several people including the Chair of Planning Committee and the Cabinet Member (Planning Business Support and Regeneration).
8. What prompted some of this work was a Notice of Motion that had been passed at full Council which had been moved by Cllr Turner and seconded by Cllr Shaw. This had proposed some changes to the Constitution on two issues. Firstly it sought to add wording that would require that no member of the Cabinet should be a member of Planning Committee. Legally it is permissible for a Cabinet member to be on Planning Committee but the practice in South Ribble for a number of years had been Cabinet members would not sit on Planning Committee. In more recent times – and at the time of the Notice of Motion – a Cabinet member had been on Planning Committee. Since the election however there is now no Cabinet member on Planning Committee. To that extent it is not a live issue. The recommendation – in this context – is that there is no change in the wording of the Constitution in this regard.
9. The second issue that was raised by the Notice of Motion related to the rules for call in of applications to Planning Committee. The proposed change in the rules would be that only a member from the ward in which the application has been made or member from an adjacent ward which the application directly affects could call in such an application. When the Task Group discussed this issue there was a clear preference that any member should still be able to request a call in of an application but in that context – as a matter of course – the ward members must be notified. Accordingly it is here recommended that we adopt this approach – please see paragraph 16 below.
10. At the meeting on the 25<sup>th</sup> of April other potential changes to the rules relating to Planning Committee were discussed. Under our existing rules on any planning application before Planning Committee up to 5 people may speak in favour of an application and 5 against. They each have up to 4 minutes to speak. These rules are extremely generous in comparison with other authorities. It was earlier suggested by the Monitoring Officer that the rules should be changed so that 3 people could speak against an application and 3 in favour – each having 4 minutes. At the Task Group members were not in favour of making any changes here. Hence the recommendation is that the current rules remain in place but that the situation be monitored and reviewed in 12 months' time.
11. During Covid a practice emerged whereby any member of the public wishing to speak needed to register in advance with Democratic Services – for a meeting on a Thursday evening they would need to register by 12.00 lunchtime on the Tuesday. A number of councils in Lancashire have had this practice in place for a number of years. It can assist with the planning for a meeting if you have a prior knowledge of the number of

proposed speakers. However, this practice was only introduced in South Ribble during Covid. The Chair of Planning Committee at the Task Group meeting on the 25<sup>th</sup> of April expressed the view that the need to register in advance of the meeting worked well. However, at the Task Group meeting the majority view was that we should revert to former practices and not require a prospective speaker from the public to give notice of their intention. There would be a review of these arrangements after 6 months. Please see para 16 below.

12. During discussions at the Task Group it was also considered desirable that the Lead Member for Climate Change should be included on the list of consultees/persons notified of forthcoming planning applications. Please see para 16 below.
13. The Task Group also expressed a desire that there should be a relaxation of the current rules to allow any councillor to speak on any planning application at Planning Committee. This would be subject to the member raising material planning considerations. It would also be subject to Chair's discretion.
14. By way of summary authority is being sought to make the necessary changes to the Constitution to effect the following changes:
  - That the ward councillors in which a planning application site is located must be notified before any decision is made to call in a planning application to be considered at Planning Committee
  - That the arrangements that were introduced during COVID that a member of the public had to register in advance their wish to speak should be abolished and we should revert to former practices which required no need to register in advance
  - To allow any member the right to speak on any planning application at Planning Committee. This is subject to the proviso that material planning considerations are being raised. This is also subject to the discretion of the Chair of Planning Committee.
  - That the Lead Member for Climate Change be included on the list of consultees/persons notified of forthcoming planning applications.
15. Ultimately any agreed changes will need to full Council for authority to change the Constitution.

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

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

### **Equality and diversity**

17. There are no equality and/or diversity implications with this report.

### **Risk**

18. It is important that we continuously review and update our Constitution. We need to ensure that it remains fit for purpose.

**Comments of the Statutory Finance Officer**

19. There are no direct financial implications arising from this report..

**Comments of the Monitoring Officer**

20. Any legal comments are contained in the body of the report.

**Background documents**

There are no background papers to this report.

**There are no Appendices**

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