

Report of	Meeting	Date
Deputy Monitoring Officer (Introduced by Leader of the Council and Cabinet Member (Strategy and Reform)	Council	Wednesday, 22 November 2023

Constitution - Planning

Is this report confidential?	No
Is this decision key?	No

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 Constitution Task Group and the Governance Committee. As ever the final decision on whether any changes to the Constitution should be made rests with Full Council.

Recommendations to Council

2. That Council should consider this report and the conclusions reached by Governance Committee on the suggested changes to the Constitution relating to the work of Planning Committee
3. That the proposed changes to the Constitution (set out in para 15 below) be adopted.

Reasons for recommendations

4. It is important that work is ongoing with the Constitution to keep it up to date. It is important we maintain public interest and engagement in the council's functions – in this instant in the planning sphere.

Other options considered and rejected

5. The Constitution Task Group and Governance Committee discussed various options as to the way forward. What is outlined here is what was agreed by

Governance Committee at its meeting on the 26th of September 2023. It is fair to say that there were detailed discussions at the Task Group with regard to these issues.

Corporate priorities

6. The report relates to the following corporate priorities:

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

Background to the report

7. The Constitution Task Group met on the 22nd of March, the 25th of April and the 18th of July. The primary focus for those meetings related to the proposed changes to the workings of Planning Committee. On the 26th of September 2023 Governance Committee met, took into account their earlier deliberations at the Task Group and agreed to the proposed changes set out in this report. Governance Committee resolved to refer the proposed changes to Full Council for final decision.

Detailed Considerations

8. 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 Constitution Task Group (and subsequently at Governance Committee). The Constitution Task Group heard evidence from several people including the Chair of Planning Committee and the Cabinet Member (Planning Business Support and Regeneration).

9. 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. This is the conclusion reached by Governance Committee.

10. 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. Governance

Committee endorsed this view. Accordingly it is here recommended that we adopt this approach – please see paragraph 15 below.

11. Governance Committee considered other potential changes to the rules relating to Planning Committee. 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 earlier Task Group meetings members were not in favour of making any changes here. Governance Committee confirmed this view. Hence the recommendation is that the current rules remain in place but that the situation be monitored and reviewed in 12 months' time

12. 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 25th 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. This conclusion was supported by Governance Committee. Please see para 54 below

13. During discussions at the Task Group and at Governance Committee 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 54 below.

14. The Task Group and Governance Committee 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.

15. 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.

16. As indicated in the report (paras 10 and 11 above) officers will subsequently review how well some of our procedures are continuing to function in practice.

Climate change and air quality

17. 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

18. There are no equality and/or diversity concerns in this regard.

Risk

19. 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

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

Comments of the Monitoring Officer

21. 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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This decision will come into force and may be implemented five working days after its publication date, subject to being called in in accordance with the Council's Constitution.