CONSTITUTION REVIEW WORKING PARTY

Thursday, 18 June 2015

Present: Mr Lewis (Chairman)
Councillors March, Munn and Rankin

Officers in Attendance: Jane Lynch (Head of Planning), Wendy Newton-May (Democratic Services Team Leader), John Scarborough (Head of Legal Partnership) and Keith Trowell (Senior Lawyer and Deputy Monitoring Officer)

NOTES FROM THE LAST MEETING DATED 19 MARCH 2015 AND MATTERS ARISING

1 The Working Party went through the notes of the last meeting dated 19 March 2015. These were approved as a correct record and there were no matters arising.

AMENDMENTS TO PLANNING DELEGATIONS

2 Mr Trowell advised the Working Party that he and Mrs Lynch had made several amendments to Part 3 of the Constitution relating to the planning delegations.

The Working Party was informed that, following the review of the Constitution which took place 18 months ago, some wording had been omitted from the new document and therefore the proposed amendments reverted to wording in the previous scheme of delegation, which had been more accurate. The opportunity had also been taken by the officers to review the entire scheme of officer delegation relating to the Planning Service, to ensure clarity and correct errors in terminology, as well as making the amendments necessary due to changes in legislation.

In response to a question from Mr Lewis, Mrs Lynch confirmed that the proposed amendments had been discussed with the Planning and Transportation Portfolio Holder.

The Working Party went through the proposed changes and the reasons for them. Mrs Lynch clarified that the changes proposed to paragraphs 8.3 and 8.3 (b) were to ensure that the most significant decisions for approval were taken by members and to provide consistency for different forms of development. With regard to paragraph 8.3(b), Councillor March queried the floor space specified, which had been reduced to 2000m2. Mrs Lynch explained that 2000m2 was more appropriate for officer delegation as it was not a significant amount and setting it at this level would ensure that the Planning Committee had more decision making powers. She added that in practice this was the criteria being used currently and any applications that fell below the current 5000sqm threshold that were considered significant were being referred by her to the Committee. She also commented that even with a threshold set at 2000sqm this would continue to be the practice for smaller applications identified by officers as being significant.

Councillor Rankin referred to a section that she recalled being in a previous version of the Constitution which provided a wider range of grounds for members to call in a planning application, rather than just where there was a material planning consideration. This enabled applications that raised considerable local concern to be
discussed and determined in a public forum meeting the Council’s objective to be open in its decision making. Mrs Newton-May was asked to look at previous editions and find this wording.

In response to this, Mrs Lynch expressed concern that if other grounds were allowed to be used for call in (other than material planning issues) then this would raise public expectations that their non-planning concerns could lead to a refusal and invite debate on matters that should not be considered. In addition she felt that Members could be put in a difficult position with officers having to provide strong advice about making decisions on non material planning grounds. However it was agreed that this could be re-examined and considered at a future meeting of the Working Party.

**RESOLVED** – That the proposed amendments to the Planning Delegations as set out in the agenda papers be approved for recommendation to the Audit and Governance Committee.

**MINOR AMENDMENTS TO THE CONSTITUTION MADE UNDER THE MONITORING OFFICER’S DELEGATED POWERS - LICENSING DELEGATIONS**

3 The Working Party was advised of an administrative error to Part 3 of the Constitution relating to delegations to the Head of Environment and Street Scene, which had been approved by the Monitoring Officer under his delegated powers. Members noted that during the review of the Constitution 18 months ago, a section had been omitted from the list of delegations to the Head of Environment and Street Scene.

This had now been corrected and published on the Council’s website.

**RESOLVED** – That the above action taken by the Monitoring Officer under his delegated powers be noted.

**CABINET PORTFOLIOS**

4 The Working Party was advised of several changes that had been made to the Cabinet Portfolios in Part 3 of the Constitution, which had been approved by the Monitoring Officer under his delegated powers. These changes had been made by the Leader of the Council following Annual Council on 27 May 2015.

The revised Cabinet Portfolios had been published on the Council’s website.

**RESOLVED** – That the above action taken by the Monitoring Officer under his delegated powers be noted.

**AOB AND DATE OF NEXT MEETING**

5 There was no other business to consider and it was agreed that the date of the next meeting would be arranged for three months’ time and confirmed by Mrs Newton-May in due course. Future items for consideration would be as follows:

- Possible reduction in the number of Planning Committee members
- Overview and Scrutiny Procedure Rules
NOTE: The meeting concluded at 3.10 pm.