Council Report
Report of Executive Head of Governance
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Report of the Planning Committee Review Working Group

Executive Summary:

The Planning Committee Review Working Group was set up by the Audit and Corporate Governance Committee on 29 May 2013. The Working Group’s brief was to consider and make recommendations to the Council on the advice contained in the first part of the Report commissioned by the Council from independent consultants Trevor Roberts Associates (TRA), entitled “A review of Development Control and the Planning Committee in Guildford Borough Council”, dated 21 August 2012.

The Working Group was also asked to raise and discuss any other issues relevant to the Council’s Planning Committee and related matters.

A summary of the Working Group’s review of the 34 recommendations in the TRA report, together with the Working Group’s own recommendations have been submitted initially to the Planning Committee on 18 March 2014 and to the Audit and Corporate Governance Committee on 26 March 2014. The Planning Committee deferred the matter to its next meeting on 8 April 2014. The purpose of this report is to present the two recommendations which only the Council may determine, namely the size of the Planning Committee and a revised procedure for referring planning applications to full Council for determination.

The Working Group’s recommendations have been refined following consultation with the Lead Councillor, which are outlined in the Recommendation below in italicised and struck through text. The Planning Committee may further refine the recommendations at its meeting on 8 April, details of which will be reported to the Council on the Order Paper.

Recommendation to Council:

(1) To reduce the membership of the planning committee from twenty-three members to twenty-two members to be effective as of Council’s selection meeting on 13 May 2014 retain the current membership of the Planning Committee at twenty-three members.

(2) To amend Council Procedure Rule 21(c) so that it now reads:
A planning application shall be referred to the full Council for determination in its capacity as the Local Planning Authority where at least one-third (⅓) of the Members of the Council of the Planning Committee expressly requests such referral, provided that the request is submitted by email or in writing, detailing a rationale for the request, to the Executive Head of Governance and received by the deadline of midday the day before the associated Planning Committee meeting. The written request should detail the names of all the councillors who are in support of the referral. The Executive Head of Governance shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request.

Reason for Recommendation:
To enable the Planning Committee to operate more efficiently and effectively.

1. Purpose of Report

1.1 The Planning Committee Review Working Group was set up by the Audit and Corporate Governance Committee on 29 May 2013. The Working Group’s brief was: ‘to consider and to make recommendations to the Council on the advice contained in the first part of the Report “A review of Development Control and the Planning Committee in Guildford Borough Council”, commissioned by the Council from independent consultants Trevor Roberts Associates (TRA), dated 21 August 2012.’

1.2 The purpose of this report is to present a summary of the working group’s review of two of the 34 recommendations in the TRA report which only the Council may determine, namely the size of the Planning Committee and a revised procedure for referring planning applications to full Council for determination.

2. Strategic Framework

2.1 The review of Guildford Borough Council’s Planning Committee and its related procedures has enabled both councillors and officers to identify better ways of working. This ultimately supports the Council’s overarching strategic framework which aims to strive to offer best value for our residents, deliver efficiency improvements whilst working in partnership with others in an open and accountable environment.

3. Background

3.1 The Working Group’s task was to review the 34 recommendations in the TRA report, and also raise and discuss any other issues relevant to the Council’s Planning Committee and related matters.

3.2 The Working Group
Councillor Nick Sutcliffe (Chairman)
Councillor Richard Billington
Councillor Angela Gunning
Councillor Liz Hogger
Councillor Monika Juneja (ex officio member)
Councillor Caroline Reeves
Councillor Neil Ward
Councillor Jenny Wicks
3.3 The Working Group’s first meeting was held on 17 June 2013, and regular meetings followed. The work of the Group included dialogue with local planning agents and visits to four other local authorities (South Downs National Park, Havant Borough Council, Wycombe District Council and Royal Borough of Kensington and Chelsea) to witness planning committees in action and to talk to those authorities’ councillors and officers.

3.4 The Working Group also received comparative information and evidence from other councils, and a summary of a review of planning committees in Wales (July 2013), which was carried out on behalf of the Welsh Assembly.

3.5 At its meeting on 8 April, the Planning Committee will be asked to agree key recommendations in respect of:

- proposed Planning Committee debate procedure rules,
- planning committee training for councillors,
- a procedure for dealing with tree preservation orders where fewer than ten representations have been received, and
- the use of recorded film as part of an officer’s presentation on a planning application.

3.6 The Planning Committee will also be asked to consider the recommendations to Council on the size of the Planning Committee and arrangements for referral of a decision on a planning application to Council, details of which are set out in greater detail below.

4. Size of the Planning Committee

4.1 The Working Group has recommended that the total number of members on the Planning Committee should be reduced from 23 to 22. This would enable every ward to have a single representative on the Committee; however, each political group would ultimately decide how the positions were allocated. It was inevitable that under this system, some Executive members would continue to double up as Planning Committee members. The allocation of members on the Planning Committee will be approved by Council in accordance with the wishes of the political groups at the selection meeting on 13 May 2014 and is bound by the principles of political balance. The current allocation of councillors on the planning committee is sixteen Conservative members, six Liberal Democrat members and one Labour member.

4.2 The Lead Councillor has indicated that she cannot support the rationale behind the Working Group’s recommendation – to ensure that all 22 wards are represented on the Committee – as the Council cannot fetter the discretion of the political groups as to which councillors those groups nominate for appointment to the Committee. There may well be instances where a political group is of the view that their interests would be best served by appointing two councillors from the same ward to the Planning Committee. There could also be occasions where a councillor from a single member ward is precluded, because of their occupation for example, from being on the Planning Committee. The Lead Councillor therefore recommends that the Council should retain the current membership of the Planning Committee at 23 members.

5. Arrangements for referral of a decision on a planning application to Council

5.1 A specific change to Council Procedure Rule 21(c) is proposed. The current procedure rule is outlined below:
‘Where in relation to a planning application to be determined by the Planning Committee acting under delegated powers, two members of the Council either in writing to the Executive Head of Governance before the meeting or, if at the meeting, orally and before a decision is made in relation to the application require the application to be determined by the Council and not by the Committee, such matter shall be determined by the Council, if necessary, upon the recommendation of the Planning Committee.’

5.2 The Working Group recommends that the above Procedure Rule be replaced with the following:

‘A planning application shall be referred to the full Council for determination in its capacity as the Local Planning Authority where at least one third (1/3) of the Members of the Council expressly request such referral, provided that the request is submitted by email or in writing to the Executive Head of Governance and received by the deadline of midday the day before the associated Planning Committee meeting. The written request should detail the names of all the councillors who are in support of the referral.’

5.3 The working group fully endorsed the above recommended change to Council Procedure Rule 21(c), which would ensure that planning applications could only be referred to full Council by one third of the total membership of the Council (which equates to 16 members under current arrangements).

5.4 The Lead Councillor supports the principle of the proposal but suggests that the referral of a planning application to full Council for determination should be decided by a majority vote at the Planning Committee. She also considers that any request to refer an application to Council should provide a reason for so doing and that, following any such request, all councillors should be informed of the request and the rationale behind it.

5.5 The Lead Councillor therefore recommends that the Council agrees the following change to Council Procedure Rule 21(c):

‘A planning application shall be referred to the full Council for determination in its capacity as the Local Planning Authority where at least one third (1/3) of the Members of the Council the Planning Committee expressly requests such referral, provided that the request is submitted by email or in writing, detailing a rationale for the request, to the Executive Head of Governance and received by the deadline of midday the day before the associated Planning Committee meeting. The written request should detail the names of all the councillors who are in support of the referral. The Executive Head of Governance shall inform all councillors by email of the request to determine an application by full Council, including the rationale provided for that request.’

6. Audit and Corporate Governance Committee – 26 March 2014

6.1 As the Audit and Corporate Governance established the Working Group, it considered and commented on the findings and recommendations in the report at its meeting on 26 March 2014.

6.2 Whilst the Committee broadly supported the recommendations in the report, some councillors expressed concern that the report did not clearly illustrate the Lead
Councillor’s justification for recommending that the number of Planning Committee members should remain at 23. This is addressed in paragraph 4.2 above.

7. **Financial Implications**

7.1 There are no financial implications arising from the proposals in this report.

8. **Legal Implications**

8.1 Under Article 4 of the Constitution, only the full Council may alter the size of a Committee and Article 17 similarly provides that amendments to Council Procedure Rules requires approval of the full Council.

9. **Human Resource Implications**

9.1 There are no human resource implications arising from the recommendations in this report.

10. **Background Papers**

   - “A review of Development Control and the Planning Committee in Guildford Borough Council” Trevor Roberts Associates (21 August 2012)
   - Study into the operation of Planning Committees in Wales July 2013.
   - Report to Audit and Corporate Governance Committee – 26 March 2014
   - Report to Planning Committee – 8 April 2014
     - Appendix 1 to that report
     - Appendix 2 to that report

11. **Appendices**

None