

PLYMOUTH CITY COUNCIL

Subject: Constitutional Changes – Planning Committee Code of Practice
Committee: City Council
Date: 19 May 2017
Cabinet Member: Councillor John Riley, Chair Constitutional Review Group
CMT Member: David Shepperd, Head of Legal Services (Monitoring Officer)
Author: Paul Barnard, Assistant Director for Strategic Planning & Infrastructure
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Ref: N/A

Key Decision: N/A

Part: I

Purpose of the report:

On 20th April 2017 the Constitutional Review Group considered proposed changes to the Planning Committee Terms of Reference and the Code of Practice.

The current Planning Committee Terms of Reference and Code of Practice date from September 2013 and are long overdue for review in light of various changes to the operation of the planning system, acknowledged good practice nationally, and benchmarking undertaken of similar authorities.

As with any terms of reference and its supporting codes of practice for a strategic committee such as Planning, making decisions that affect the city as a whole and individual communities and neighbourhoods, a balance has to be struck between the inherently democratic nature of the planning process, and its efficient and effective operation.

Officers have undertaken a review of the current Terms of Reference and Code of Practice having assessed the operation of the Planning Committee over the years since the code was last updated, drawing lessons from experience, and undertaken benchmarking and other analysis to suggest further modernisation and improvements to how it operates.

Appendix 1 and Appendix 2 set out proposed changes discussed at the Constitutional Review Group.

Proposed Changes Following Consideration by Constitutional Review Group

Planning Committee Terms of Reference

Having benchmarked against other similar authorities, two main changes are proposed.

In Section 2.2.2 (a) of the Terms of Reference it is suggested that the number of representations on major developments that triggers, in and of itself, a referral to Planning Committee, should rise from more than 5 to more than 15. This change will also address circumstances where planning applications have had to be referred to Planning Committee

because over 5 representations in support have been received. This change will help streamline the applications which get referred to Planning Committee. This will become even more important as the City Council takes a more proactive approach to driving forward the delivery of the sites allocated for development in the Plymouth and South West Devon Joint Local Plan.

The second main change relates to Section 2.2.2. (d) which seeks to retain the current automatic Member referral process but to give this more structure by requiring the timely submission of a "Member Referral Form

Having analysed the number of Member call-ins during 2016/2017 it is not considered this should currently be changed but the introduction of the form will streamline the process. A further change is that this Member referral cannot be exercised if a Member has a Disclosable Pecuniary Interest.

Officers reviewed the other aspects of the Terms of Reference, including the approach to planning applications submitted by Members and Officers, all of which are considered by Planning Committee. Although benchmarking indicates that some Terms of Reference in other authorities take a more proportionate approach to the type of employee applications that go to Planning Committee, it is not considered that at this time this is too onerous and so in the interests of maintaining openness and transparency it is proposed to retain these provisions unchanged.

Planning Committee Code of Practice

There are a series of minor tidying up changes and updates including updating legislation where appropriate. There are also various clarifications related to officer and Member roles and job titles and the ability of the Chair to name a substitute at Planning Committee site visits.

Having benchmarked against other similar authorities, only one major change is proposed.

This relates to Paragraph 4.9 concerning the declaration of pecuniary interests. Following discussion at the Constitutional Review Group, it is proposed that if a Member has a pecuniary interest (whether a Planning Committee Member or a Councillor speaking on an item as a Ward Councillor) they must leave the meeting immediately and cannot participate.

The Corporate Plan 2016 - 19:

Proposals which result from the recommended action in this report will support the councils ongoing commitment to open and transparent decision making.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

Officer costs in undertaking recommended actions will be met through existing resources.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

As part of developing proposals it was not considered that there were significant social and community impacts.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

No adverse impact has been identified to any protected groups in undertaking recommended actions.

Recommendations and Reasons for recommended action:

Council agrees the changes to the Planning Committee Terms of Reference and Code of Practice and subsequent amendments to the Council's Constitution.

Alternative options considered and rejected:

Not agreeing the proposed changes would not support the council's ongoing commitment to open and transparent decision-making.

Published work / information:

N/A

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7

Sign off:

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Originating SMT Member – Dave Shepperd / Paul Barnard													
Has the Cabinet Member(s) agreed the content of the report? Yes													