

<u>MEETING</u> CONSTITUTION AND GENERAL PURPOSES COMMITTEE
<u>DATE AND TIME</u> MONDAY 12TH OCTOBER, 2020 AT 6.00 PM
<u>VENUE</u> VIRTUAL MEETING

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	AREA PLANNING COMMITTEES AND THE BOUNDARY REVIEW	3 - 18

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Constitution & General Purposes Committee

12 October 2020

Title	Area Planning Committees and the Boundary Review
Report of	Head of Governance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk

Summary

Following a review of Barnet's planning committee arrangements in the context of the forthcoming ward boundary changes and other issues, Members have agreed that alternative arrangements should be introduced.

Officers Recommendations

1. That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the amended versions attached at Appendices A and B.
2. That the Committee recommend to Council that the implementation of the changes referred to at 1. above is effective from 1 November 2020.

1. WHY THIS REPORT IS NEEDED

Background

- 1.1 Barnet currently deals with the 7th highest number of planning applications in the country, with 94% of decisions delegated to planning officers and 6% made by planning committees. Present constitutional arrangements create two categories of committee for planning decisions:
- Strategic decisions that could be called in by the Mayor of London, decisions relating to Barnet Council's own assets and any items referred from the Area Planning Committees are made by the main Planning Committee; and
 - All other planning decisions (which have received 5 or more objections or are called-in by a Ward Member) are then made by an Area Planning Committee.
- 1.2 There are currently three area planning committees which are linked to the three current parliamentary constituencies (Chipping Barnet, Finchley & Golders Green and Hendon).
- 1.3 Membership of the Planning Committee is politically proportionate. Area Planning Committees are appointed to on a ward basis (i.e. 7 Members and 7 Substitutes with representation from each of the 7 wards in the constituency area).
- 1.4 Several factors require the current arrangements to be reviewed including imbalanced committee caseloads, frequency of meetings and the Local Government Boundary Commission for England ward boundary review.

Committee Caseloads / Frequency

- 1.5 Caseloads across the area planning committees varies considerably and there is a noticeable difference in the size of agendas between the three Area Planning Committees. The following number of planning applications have been referred to each committee in the past two years (July 2018 – July 2020):
- Chipping Barnet Area Planning Committee – 75
 - Finchley and Golders Green Area Planning Committee – 155
 - Hendon Area Planning Committee – 94
- 1.6 Currently the three area planning committees meet around 10 times a year each. The frequency is generally monthly, but with larger gaps around the summer recess (August) and Christmas holiday periods. The frequency of meetings can result in a delay to applications being determined by Members at committee.
- 1.7 The main Planning Committee has received 50 applications over the same period. Due to the significant and complex character of these applications and the often-high level of public interest they often attract, these applications take longer to determine. As such the number of applications decided by the Planning Committee is not directly comparable to the caseloads of the three area planning committees.

Local Government Boundary Commission for England Ward Boundary Review

- 1.8 Area Planning Committees currently align to the Barnet's three Parliamentary constituency areas: Chipping Barnet; Finchley & Golders Green; and Hendon. There currently exists a helpful consistency of wards and Members per constituency across the borough – the ward and parliamentary boundaries align and each constituency contains 7 wards and 3 Members per ward giving a borough total of 21 wards and 63 Members for the borough.
- 1.9 The Local Government Boundary Commission for England have recently published ward boundary changes for Barnet (see [here](#)) which will come into effect in May 2022. Whilst the total number of councillors will remain the same (63), there will be some significant changes to wards to rebalance the number of constituents in each – there will be an increase in the number of wards from 21 to 25, with nine two councillor wards and 15 three councillor wards.
- 1.10 It is important to note that from May 2022 there will no longer be a congruence between parliamentary constituencies boundaries and the council's area based arrangements and this is a factor in reviewing our area based approach to committees.

Benchmarking

- 1.11 Officers have reviewed planning committee arrangements across London authorities which has shown that:
- 16 out of 32 London Boroughs have one main Planning Committee and no sub-committee or area based arrangements.
 - 16 out of 32 London Boroughs have a sub-committee arrangement:
- 1.12 The majority (12) of boroughs that have sub-committee arrangements have no link to defined geographic areas. These committees are likely to be using a 'taxi-rank' type system where applications are determined by a politically proportionate committee (with representatives from across the borough) in order of receipt.
- 1.13 A minority (four – Barnet, Greenwich, Hillingdon and Kingston) have an area based arrangement.
- 1.14 Of the four authorities, only Barnet and Kingston appoint to committees based on ward (rather than politically proportionately). Greenwich and Hillingdon have politically proportionate area based committees. Notably, Kingston's area based committees have a much wider range of functions that just determining planning applications. Barnet are therefore unique in appointing area based planning committees on a ward basis.

Proposed Structure

- 1.15 A range of committee structures could be implemented including (but not limited to):
- a single planning committee;
 - one planning committee and two area planning committees; and
 - one 'strategic' and multiple 'planning' committees.

1.16 Following discussions with Planning Chairmen the following option for the reasons set out in section 2.1 below was favoured:

Retain the main Planning Committee. Modify the three Area Planning Committees deleting their area/geographical link.

The main Planning Committee will be renamed 'Strategic Planning Committee and meet with the same frequency (i.e. every five to six weeks).

The three Area Planning Committees will be renamed Planning Committee A, B and C and will meet over an approximately six-week repeating cycle (i.e. Planning Committee A in week 1; Planning Committee B in week 3; and Planning Committee C in week 5). Each committee will only meet once every six weeks, but there will be a Planning Committee that meets approximately every two weeks.

Committees A, B and C will receive applications from across the borough on a strictly taxi rank basis. Once a committee agenda is full, applications will then be added to the agenda for the next committee (i.e. in two weeks' time).

Membership of each committee will be unchanged at seven members. Each committee will have its own Chairman and membership. Committee membership will be based on political proportionality rather than by area/ward.

2. REASONS FOR RECOMMENDATIONS

2.1 The revised arrangements will:

- deliver balanced workloads across the three planning committees;
- improve the speed of applications coming to committee and thus decision-making;
- not increase any delegation to officers and safeguard Members involvement in local planning decisions; and
- deliver a structure which can remain in force after the Ward Boundary changes coming into effect in May 2022.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Alternative planning committee structures which could be adopted are referred to in section 1.15 above. The recommended option is considered to be the most appropriate to address the issues referred to at 1.4 above.

3.2 The current Planning Committee/Area Planning Committee arrangements could be retained until May 2020 when the ward boundary changes come into effect. This is not recommended as it will fail to address the issue of imbalanced workloads and frequency of meetings.

4. POST DECISION IMPLEMENTATION

- 4.1 Officers are recommending that the changes come into effect on 1 November 2020. A meeting of the Hendon Area Planning Committee is due to take place the day after the Council meeting (i.e. on 21 October 2020). To meet legal requirements the agenda for the Hendon Area Planning Committee must be published before the Council meeting takes place. Delaying implementation of the changes to 1 November enables Constitution and operational changes to take place before the two Area Planning Committees scheduled to take place on 14 November 2020.
- 4.2 A recalculation of political balance will need to take place to address those committees that were appointed to on the basis of area/ward which will be appointed to proportionately. This will be reported to Council on 20 October 2020 alongside the revised Constitution sections.
- 4.3 A revised schedule of committees will need to be developed and agreed to deliver the frequency of the minor committees as proposed.
- 4.4 All Groups will need to make appointments to the new committees.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Implementing revisions to planning committee arrangements will contribute towards delivering the Barnet 2024 priority of an efficient and effective council by delivering arrangements balance the workloads of committees and improve the speed of decision-making.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no specific resource implications associated with implementing the changes as recommended.

5.3 Social Value

- 5.3.1 N/A

5.4 Legal and Constitutional References

- 5.4.1 Council's Constitution, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council".
- 5.4.2 Regulation 16A Local Government (Committees and Political Groups) Regulations 1990 SI 1553/1990 provides an exception from the political balance requirements where a committee is established to discharge functions of the authority or to advise the authority or another committee of the authority in respect of any part of the area of the authority,

and –

- (i) the authority is a county, district or London borough council; and
- (ii) the voting members of the committee consist solely of persons who are elected for electoral divisions or wards which are wholly or partly within that part; and
- (iii) the area of that part does not exceed two-fifths of the total area of the authority; or
- (iv) the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the area of the authority as so estimated.

This allows the Area Committees and Area Planning Committees to be constituted on a Ward Member basis. Implementing the committee arrangements as proposed will disapply this provision to Area Planning Committees and political proportionality will apply instead.

5.4.3 The rules for the allocation of seats on a politically proportionate basis are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and Local Government Regulations 1990.

5.4.4 Section 15(5) of the Local Government and Housing Act 1989 sets out the principles as follows:

- (i) that not all the seats on the body are allocated to the same political group;
- (ii) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (iii) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- (iv) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
- (v) For political balance, a group is required to have at least two members in order to be formally constituted as a political group.

The Council can only depart from these rules by passing a resolution with no member voting against the resolution.

5.5 Risk Management

5.5.1 The process of managing changes to the Constitution through the Constitution and General Purposes Committee ensures that the proposals are developed through Member participation and consideration.

5.5.2 Barnet should consider the impact of the Ward Boundary changes coming into effect in May 2022 which end the link between parliamentary constituencies and area based committee arrangements. Failure to do so could result in the Council having governance

arrangements that are not fit for purpose.

5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality Duty which requires Public Bodies to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 advance equality of opportunity between people from different groups and foster good relations between people from different groups.

5.6.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services.

5.7 Corporate Parenting

5.7.1 Not applicable in the context of this decision.

5.8 Consultation and Engagement

5.8.1 The Leader and Chairmen of the Planning and Area Planning Committees have been consulted. They have in turn consulted with the Administration Group.

5.8 Insight

5.8.1 Not applicable in the context of this decision.

6. BACKGROUND PAPERS

6.1 Benchmarking planning committee arrangements with other London boroughs.

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<p><u>Strategic</u> Planning Committee</p>	<p>To determine Applications for Planning Permission, including permissions in principle, made under the Town and Country Planning Act 1990 where the recommendation is for approval and the development:</p> <ul style="list-style-type: none"> a. is within the categories which must be referred to the Mayor of London under the London Mayor Order; b. does not accord with the provisions of the Development Plan and, in the opinion of the Chief Planning Officer, constitutes a significant departure; or c. is by or on behalf of the Council and, in the opinion of the relevant Chief Planning Officer], it is a significant development <p>The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>The confirmation of Town and Village Green Registration Applications under the Commons Act 2006, including considering the recommendations of a non-statutory inquiry chaired by an independent person.</p> <p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning.</p> <p>Consider for approval and confirmation Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>Recommending the creation of Conservation Areas to Full Council</p> <p>Consider approving Article 4 Directions for consultation</p> <p>Take action under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>Any decision on an application that will result in the Council being liable for the payment of compensation, except where that</p>	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>11 substitutes</p> <p>Quorum 3</p>
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	<p>compensation is as a result of an Article 4 Direction.</p> <p>Any other planning application or planning matter referred to this Committee by relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Reports on all matters reserved to the Committee shall be made direct to the Committee and not through an Area-Planning Committee.</p> <p>Any Planning Area-Committee agenda item referred to this Committee for consideration and determination.</p> <p>To recommend for approval fees and charges for those areas under the remit of the Committee.</p> <p>To consider additions, deletions or amendments to the entries in the Council's Brownfield Land Register, including any referrals from the Area-Planning Committees, and conduct any other functions related to the Brownfield Land Register.</p>	
<p>Area-Planning Committees <u>A, B and C</u>:</p> <p>Finchley & Golders Green;</p> <p>Chipping Barnet; and</p> <p>Hendon</p>	<p>To determine the following application types, except where they are referable under the Constitution to the <u>Strategic</u> Planning Committee:</p> <p>A. Applications for Planning Permission made under the Town and Country Planning Act 1990;</p> <p>B. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>C. Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of</p>	<p>7 for each Committee</p> <p>One councillor representing each Ward 7 substitutes — one per Ward</p> <p><u>6 substitutes</u></p> <p>Quorum 3</p> <p>Chipping Barnet Area Planning Committee Brunswick Park Coppetts East Barnet High Barnet Oakleigh</p>

	<p>Advertisements) (England) Regulations 2007;</p> <p>D. Applications for permissions in principle made under the Town and Country Planning Act 1990 and any application to add, delete or amend any entries in the Council’s Brownfield Land Register” after the words “To determine the following application types, except where they are referable under the Constitution to the Planning Committee”</p> <p>Where the recommendation is for:</p> <p>a. approval and there is significant local public objection (defined as 5 or more objectors who have objected in writing in response to a planning application)</p> <p>b. approval or refusal and there is a Councillor referral of an application which affects their Ward which that Member has ‘called-in’ to committee identifying a planning consideration.</p> <p>Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.</p> <p>Any other application or planning matter referred to this Committee by the relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Applications to undertake treatment to trees included within a Tree Preservation Order</p> <p>Applications for a Hedgerow removal notice made under the Hedgerow Regulations 1997.</p> <p>Applications to demolish buildings on the Council’s Local List.</p>	<p>Totteridge Underhill</p> <hr/> <p>Finchley and Golders Green Area Planning Committee: Childs Hill East Finchley Finchley Church End, Garden Suburb Golders Green West Finchley Woodhouse</p> <hr/> <p>Hendon Area Planning Committee Burnt Oak Colindale Edgware Hale Hendon Mill Hill West Hendon</p>
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<p>Strategic Planning Committee</p>	<p>To determine Applications for Planning Permission, including permissions in principle, made under the Town and Country Planning Act 1990 where the recommendation is for approval and the development:</p> <ul style="list-style-type: none"> a. is within the categories which must be referred to the Mayor of London under the London Mayor Order; b. does not accord with the provisions of the Development Plan and, in the opinion of the Chief Planning Officer, constitutes a significant departure; or c. is by or on behalf of the Council and, in the opinion of the relevant Chief Planning Officer], it is a significant development <p>The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>The confirmation of Town and Village Green Registration Applications under the Commons Act 2006, including considering the recommendations of a non-statutory inquiry chaired by an independent person.</p> <p>Designating neighbourhood areas and neighbourhood forums for the purposes of neighbourhood planning.</p> <p>Consider for approval and confirmation Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>Recommending the creation of Conservation Areas to Full Council</p> <p>Consider approving Article 4 Directions for consultation</p> <p>Take action under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges</p> <p>Any decision on an application that will result</p>	<p>12</p> <p>Chairman, Vice Chairman, Members and substitutes appointed by Council.</p> <p>11 substitutes</p> <p>Quorum 3</p>
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	<p>in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.</p> <p>Any other planning application or planning matter referred to this Committee by relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.</p> <p>Reports on all matters reserved to the Committee shall be made direct to the Committee and not through a Planning Committee.</p> <p>Any Planning Committee agenda item referred to this Committee for consideration and determination.</p> <p>To recommend for approval fees and charges for those areas under the remit of the Committee.</p> <p>To consider additions, deletions or amendments to the entries in the Council's Brownfield Land Register, including any referrals from the Planning Committees, and conduct any other functions related to the Brownfield Land Register.</p>	
<p>Planning Committees A, B and C</p>	<p>To determine the following application types, except where they are referable under the Constitution to the Strategic Planning Committee:</p> <p>A. Applications for Planning Permission made under the Town and Country Planning Act 1990;</p> <p>B. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>C. Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;</p>	<p>7 for each Committee</p> <p>6 substitutes</p> <p>Quorum 3</p>

D. Applications for permissions in principle made under the Town and Country Planning Act 1990 and any application to add, delete or amend any entries in the Council's Brownfield Land Register" after the words "To determine the following application types, except where they are referable under the Constitution to the Planning Committee"

Where the recommendation is for:

- a. approval and there is significant local public objection (defined as 5 or more objectors who have objected in writing in response to a planning application)
- b. approval or refusal and there is a Councillor referral of an application which affects their Ward which that Member has 'called-in' to committee identifying a planning consideration.

Any decision on an application that will result in the Council being liable for the payment of compensation, except where that compensation is as a result of an Article 4 Direction.

Any other application or planning matter referred to this Committee by the relevant Chief Planning Officer acting in his or her discretion, after consultation with the Chairman.

Applications to undertake treatment to trees included within a Tree Preservation Order

Applications for a Hedgerow removal notice made under the Hedgerow Regulations 1997.

Applications to demolish buildings on the Council's Local List.

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