

Decisions of the Special Constitution, Ethics and Probity Committee

9 May 2016

Members Present:-

Councillor John Marshall (Chairman)
Councillor Melvin Cohen (Vice-Chairman)

Councillor Richard Cornelius Councillor Barry Rawlings
Councillor Dr Devra Kay Councillor Joan Scannell
Councillor Claire Farrier
(Substituting for Councillor
Alison Moore)

Apologies for Absence:

Councillor Alison Moore

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 17 March 2016 be approved as a correct record.

2. ABSENCE OF MEMBERS

Apologies for absence had been received from Councillor Alison Moore (who was substituted for by Councillor Claire Farrier).

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

6. MEMBERS ITEMS (IF ANY)

None.

7. STRATEGIC PLANNING PRE-APPLICATION PROCESS AND AMENDMENTS TO THE COUNCIL’S CONSTITUTION

The Monitoring Officer, Davina Fiore, and Head of Strategic Planning, John Allen, presented a report which asked the Committee to agree to the establishment of a strategic pre-application process and approve changes to the constitution to improve the operational function of the Council’s planning committees.

The Committee were advised that the consultation with Planning Committee Members referred to in paragraph 5.7.1 had not taken place yet. Consultation would take place immediately after the meeting and any comments would be reported alongside this committee’s recommendations to Annual Council on 24 May 2016.

Members requested that the Agenda Format, Meeting Procedure and Report Structure detailed in Appendix F be revised to ensure that the section of the meeting on Strategic Pre-Application Briefings was clear that this part of the meeting would be non-decision making.

A Member sought assurance that each strategic pre-application would take no longer than 45 minutes to consider and that there would be no more than two items per committee meeting. Officers advised the Committee that it was proposed that there be only one strategic pre-application at each of the Planning Committee meetings scheduled to take place in September and October. After these meetings, the strategic pre-application process would be reviewed to determine how the arrangements would be delivered during the remainder of the pilot period (up to May 2017).

The Committee received an addendum which clarified the definition of a ‘significant public objection’ as being five or more objectors who have objected in writing to a planning application and sought agreement that Responsibility for Functions, Annex A be amended to include this definition.

RESOLVED that, having considered the recommended approach to the Strategic Planning Pre-Application Process and proposals to improve the operational function of the Planning Committee and Area Planning Committees as detailed in this report and associated appendices, the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in the table below and the track change versions attached at Appendix A to Appendix E, subject to the amendment of Appendix B (Responsibility for Functions, Annex A) to include the definition of a ‘significant public objection’ as being five or more objectors who have objected in writing to a planning application.

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
1	Responsibility for Functions	Page 27	Clarification that Full Council is excluded from determining planning applications that do not accord with the provisions of the development plan.	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
2	Responsibility for Functions, Annex A	Pages 33 – 37	Revisions to improve the clarity of the terms of reference of the Planning Committee and Area Planning Committees, and amendments to facilitate the consideration of Strategic Pre-Application Briefings by the Planning Committee	Agreed as per report, subject to the amendment of a. in the terms of reference of the Area Planning Committees to delete “as defined in the Committee Consideration Criteria in the Planning Committee Procedure Rules” and replace with “(defined as five or more objectors who have objected in writing to a planning application)”
3	Meeting Procedure Rules, Section 6.1	Page 43	Confirmation that Members are unable to bring Members Items to the Planning Committee and Area Planning Committees, except when the Planning Committee is considering planning policy matters	Agreed as per report
4	Meeting Procedure Rules, Section 7.1	Page 44	Clarification of the procedure for Members to request that an item be determined by a committee (‘call-in’) rather than being determined by an officer using delegated powers	Agreed as per report
5	Meeting Procedure Rules, Section 7.2	Page 44	Clarification of the procedure to be followed at meetings	Agreed as per report
6	Meeting Procedure Rules, Section 7.3	Page 44	Introduces new rules to clarify the management of the addendum and additional information which may be	Agreed as per report

No.	Section	Reference (papers submitted to Committee)	Changes contained in the report to Constitution, Ethics and Probity Committee	Recommendation to Full Council
			circulated to committee members and be a material consideration in decision-making	
7	Meeting Procedure Rules, Sections 7.4 – 7.16	Pages 44 – 46	Inclusion of rules relating to public participation at planning committees included in Planning Procedure Rules to improve clarify for members of the public wishing to make representations	Agreed as per report
8	Meeting Procedure Rules, Sections 7.18 – 7.21	Page 46	Clarification of the procedure for determining planning applications	Agreed as per report
9	Public Participation and Engagement Rules	Pages 56 – 58	Delete section 4 (Requests to speak at Planning Committees and Area Planning Committees) and transfer to new 'Planning Committee Procedure Rules' in Meetings Procedure Rules	Agreed as per report
10	Public Participation and Engagement Rules	Page 58	Amend section 6.1 to include a restriction on public comments and questions are the Planning Committee and Area Planning Committees, except for planning policy matters	Agreed as per report
11	Planning Code of Practice	Pages 63 – 84	Revise Code to accord with the Local Government Association's revised guidance on Good Planning Practice for Members	Agreed as per report

8. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT – RECRUITMENT OF INDEPENDENT PERSONS TO CHAIR THE STANDARDS COMMITTEE

At the meeting of the Committee held on 17 March 2016, Members agreed the approach to the recruitment of Independent Persons to chair the Standards Committee. Members were informed that the Chairman, Councillor Rawlings and the Monitoring Officer had been conducting interviews for Standards Committee Independent Persons and it was noted that the interview panel had agreed to:

1. Extend the appointments of the existing Independent Persons who had supported the Group Leaders Panel for a period of two years; and
2. Appoint an additional three Independent Persons for a period of four years.

Details of the appointments would be reported to Annual Council on 24 May 2016 for formal approval.

RESOLVED that the Committee notes the update on the recruitment of the Independent Persons to Chair the Standards Committee as detailed in the preamble above.

The meeting finished at 7.25 pm