

WEST NORTHAMPTONSHIRE COUNCIL

Democracy and Standards Committee 19 April 2023

Report Title **Proposed Changes to Committees**

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List of Appendices

Appendix A – Report of the Planning Advisory Service

1. Purpose of Report

1.1 The purpose of this report is to receive the recommendations of the Planning Advisory Service’s external review in relation to the Council’s planning committee arrangements (Appendix A) and to make recommendations to Council in relation to proposed changes to the planning committee arrangements.

2. Executive Summary

2.1 The governance arrangements for West Northamptonshire Council were formally adopted by the West Northamptonshire Shadow Authority in March 2021 prior to vesting day. The committee structure of the Council was included within the Council’s Constitution. A review of the Constitution was undertaken by the Democracy and Standards Committee in the autumn of 2021, reporting to Council in December 2021 but it did not make any changes to the Committee structure. Since that time, the Democracy and Standards Committee has considered several other suggested changes to the Constitution but the committee structure has remained the same.

2.2 This report has been drafted following publication of a report by the Planning Advisory Service (PAS), an external organisation brought in by the Council to review the operation of the Council’s Planning Service, including its governance. A copy of the report is attached as Appendix A.

Consultation has taken place with the Chairs of Planning Committees in relation to some of the conclusions of the report prepared by the PAS to make changes to the planning committees. This report does not consider the report produced by PAS generally, but rather focuses on the governance arrangements of planning committees specifically identified by PAS.

3. Recommendations

3.1 It is recommended that the Committee:

- a) Note the conclusions and recommendations of the report from the Planning Advisory Service (PAS) in relation to Planning Committees.
- b) Note the previous recommendation to abolish the existing three local area committees and establish two new Development Control Committees to work across the North of West Northants and the South of West Northants. The new committees will not be area committees.
- c) Following the previous recommendation to abolish the existing three local area committees and establish two new Development Control Committees, to recommend to Council the creation of two new Development Control Committees and to identify the area to be covered by each of the two committees (5.4).
- d) Recommend to Council that the Strategic Planning Committee and the Planning Policy Committee be retained as currently structured.
- e) Recommend to Council that each of the new Development Control Committees will have 9 members.
- f) Make a recommendation to Council as to the use of substitutes at Development Control Committees.
- g) Recommend to Council that each committee should meet on a monthly basis and propose a suitable time of day for each committee to meet.
- h) Recommend to Council any changes necessary to ensure that householder and minor applications only go to committee in exceptional circumstances and that there is a clear division between matters to be determined by Officers, the Development Control Committees and the Strategic Planning Committees (Paragraph 5.9).
- i) Agree that the Planning Protocol be amended to reflect the recommendations above.

4. Reason for Recommendations

- a) To address and respond to the recommendations of the PAS review.
- b) To support the Council as Local Planning Authority in delivering its statutory duty to determine planning applications

5. Report Background

Report

- 5.1 The Planning Advisory Service prepared a report following a review of the Planning Service. This is a broad review looking at the whole service not just the governance arrangements. The report has been presented to Cabinet on 11th April 2023 together with an action plan, however the report does include conclusions and recommendations in relation to the governance

arrangements. A copy of the report is appended to this document. In relation to the governance of planning committees the summary findings state:

Summary:

- 5.2 Three area planning committees consider planning applications that are not delegated to officers to determine. Our analysis shows that there is not enough business to warrant three area committees.

Recommendations:

- 5.3 Analyse existing committee decisions and activity to inform a review of the scheme of delegation and the number of committees to provide a committee structure and process fit for a unitary council to:

- a) improve culture and practice of planning committees to reduce the risk to the council including eliminating the use of substitute members on planning committees
- b) ensure that householder and minor applications only go to committee in exceptional circumstances
- c) trial a significantly reduced number of committees with a proportionate geographical spread (based on workload).

- 5.4 The recommendations propose a trial of a reduction in committees. It is suggested the number of committees could be reduced from one Strategic Planning Committee and three area committees to one Strategic Planning Committee and two other committees covering distinct geographical areas, to be determined according to the need to balance the workload of each of these committees. Further details about this proposal will be shared with the Committee at the meeting at which this item is to be considered.

- 5.5 It is suggested that the Committee consider practical matters such as the timing and location of meetings. It is suggested that each committee should meet monthly and convene at the same time. The Committee is invited to consider this issue and make a recommendation to Council accordingly.

- 5.6 The Committee is invited to consider the number of seats on each committee and make a recommendation to Council accordingly. A figure of 9 has been suggested. The indicative balance of each committee would be as follows:

Conservative:	6
Labour :	2
Liberal Democrat or Independent:	1

It should be noted that the statutory requirements relating to political balance calculations require the overall number of seats on committees to be allocated on a proportionate basis and this takes precedence over the requirement to allocate the seats on each committee proportionately. This can result in small variations on committees in order to achieve the former objective.

- 5.7 The Committee's attention is drawn to the recommendation from the PAS report that suggests the Council should "improve culture and practice of planning committees to reduce the risk to the council including eliminating the use of substitute members on planning committees". It is suggested that the Committee consider this issue prior to making a recommendation to Council. Should the Committee be minded to retain substitutes, it is suggested that substitutes be drawn from the other planning committees and that no other substitutions be permitted for planning committees unless in the opinion of the Monitoring Officer an individual item is likely to be inquorate.
- 5.8 The Committee's attention is also drawn to the recommendation that householder and minor applications only go to committee in exceptional circumstances. This is reflective of a concern that the scale of applications considered by committees should be proportionate and appropriate. There is a concern that committees are dealing with small-scale applications and there is an over-use of call-in to the current area committees. Currently the threshold for applications to be referred to Strategic Planning Committee is:
- i. Large-scale major developments defined (by the Government's planning application statistical returns) as those of 200 houses (or 4 hectares) or more; or
 - ii. commercial developments of 10,000 square metres (or 2 hectares) or more; or
 - iii. strategically important developments (as identified by the Assistant Director – Growth and Investment, following consultation with the Chair of the Local Planning Committee for the area in which the development is proposed).
- 5.9 Following consideration of this issue it is suggested that the Committee consider recommending the following threshold for Strategic Planning Committee to Council for adoption:
- i. Residential applications of 201+ units
 - ii. Non-residential applications of 4+ hectares
- 5.10 The Committee is invited to consider this issue in light of the fact that other mechanisms exist that Members may use as alternatives to calling-in a decision to committee, such as negotiating conditions prior to a delegated determination. It is recommended that the Committee consider how this recommendation can best be implemented to ensure that:
- 5.10.1 Householder and minor applications only go to committee in exceptional circumstances; and
- 5.10.2 There is an appropriate and clear division between matters to be determined by the Development Control Committee and the Strategic Planning Committee.
- 5.11 It was previously agreed that all of the development control planning committees should be webcast as soon as the facility is available to enable this to happen. It is hoped webcasting will be available shortly after the Council's Annual Meeting in May.
- 5.12 The report makes a number of other recommendations and to give effect to these a further review of the Planning Protocol will take place to determine whether changes are required in the light of the report of the Planning Advisory Service. Further training may also be offered to members of the new committees which should be mandatory to ensure a consistent approach across the three new committees.

6. Issues and Choices

6.1 The issues and choices are set out in Section 5.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no financial implications arising directly as a result of the Constitution review process other than minor changes to member allowances. The proposals would allow the increased cost of the Scrutiny Chairman to be offset by the reduction in the number of Planning Committee Chairmen, which results in a cost neutral proposal.

7.2 Legal

7.3 The Council is the Local Planning Authority for West Northamptonshire and has a quasi-judicial statutory responsibility to determine planning applications. This is carried out through a combination of delegations to officers and decisions by Planning Committees. These committees have to carry out this responsibility with regard to the Council's wider duties under the Human Rights Act 1998 in relation to a fair hearing and more widely in relation to the Council's public law decision making responsibilities. The proposals enable the Council to meet its statutory responsibilities as a local planning authority.

7.4 Risk

7.4.1 There are no significant risks arising from this report. Reviewing the governance arrangements helps to reduce any risks that could arise as a result of the arrangements not supporting lawful decision making and the delivery of Council services.

7.5 Consultation

7.5.1 This report will be referred to Council for a decision before being agreed. There has been no wider public consultation in relation to this report which is in response to the recommendations of the PAS review.

7.6 Consideration by Overview and Scrutiny

7.6.1 Not applicable to this report.

7.7 Climate Impact

7.7.1 There is no significant climate impact to consider in relation to the recommendation.

7.8 Community Impact

7.8.1 There will be a need for Planning Committees to take place further away from the area of residents in some cases, however these changes are offset by the webcasting of meetings to enable more residents to attend remotely.

8. Background Papers

PAS Report