



AGENDA

For a meeting of the
CONSTITUTION AND ACCOUNTS COMMITTEE
to be held on
MONDAY, 26 FEBRUARY 2007
at
2.30 PM
in the
WITHAM ROOM, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM
Duncan Kerr, Chief Executive

Panel Members:	Councillor Reginald Howard, Councillor John Hurst, Councillor Reg Lovelock M.B.E. (Vice-Chairman), Councillor Peter Martin-Mayhew and Councillor Mrs. Linda Neal (Chairman)
Committee Support Officer:	Lucy Bonshor 01476 40 61 20 l.bonshor@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. MEMBERSHIP

The Chief Executive to notify the Committee of any substitute members.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

Members are asked to declare any interests in matters for consideration at the meeting.

4. MINUTES OF MEETING HELD ON 13TH DECEMBER 2006

(Enclosure)

5. ESTABLISHMENT OF A GOVERNANCE AND AUDIT COMMITTEE

Report CHFR034 by the Corporate Head of Finance and Resources.

(To follow)

6. CHANGES TO THE DELEGATION SCHEME & TERMINATION OF THE PLANNING PANEL

Extract from Development Control Committee held on 9th January 2007.

(Enclosure)

7. DEVELOPMENT CONTROL COMMITTEE ADMINISTRATIVE ARRANGEMENTS

Extract from Development Control Committee held on 9th January 2007.

(Enclosure)

8. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT



MEETING OF THE CONSTITUTION AND ACCOUNTS COMMITTEE

WEDNESDAY, 13 DECEMBER 2006 2.30 PM

PANEL MEMBERS PRESENT

Councillor Exton
Councillor Kerr

Councillor Lovelock M.B.E. (Vice-Chairman)
Councillor Mrs Neal (Chairman)

OFFICERS

Chief Executive
Electoral Services Officer
Monitoring Officer
Scrutiny Support Officer

OTHER MEMBERS PRESENT

Councillor Kirkman

36. MEMBERSHIP

The committee was notified that Councillor Kerr would be replacing the late Councillor Wilks for this meeting and until the annual general meeting of the council, and Councillor Exton would be replacing Councillor Martin-Mayhew for this meeting only.

37. APOLOGIES

Apologies for absence were received from Councillor Hurst. Councillor Lovelock had sent apologies in advance of the meeting for his late arrival.

38. DECLARATIONS OF INTEREST

The Monitoring Officer clarified that membership of the Development Control Committee did not require declaration of an interest. There were none declared.

39. MINUTES OF MEETING HELD ON 16TH OCTOBER 2006

The minutes of the meeting held on 16th October 2006 were confirmed as a correct record of the decisions taken.

40. CHANGES TO THE DELEGATION SCHEME AND TERMINATION OF THE PLANNING PANEL

Decision:

That the Development Control Committee be asked to address the main issues of concern and reconsider their proposals in light of the of Monitoring Officer advice.

The Electoral Services Assistant presented report DLS086, which set out proposals from the Development Control Committee (DCC) on changes to the delegation scheme as an alternative to the planning panel.

The Monitoring Officer presented her comments on the report at the meeting: the proposals offered no significant differences to the previous planning panel arrangements nor did it address the issues raised, such as potential fettering of officer delegation and transparency; it did not align with the current scheme of delegation agreed by full council in respect of material considerations; and to alter the constitution as proposed would require further alteration to the scheme of delegation, which had not been considered.

The chairman, who had received this advice prior to the meeting, had discussed it with the chairman of the DCC and therefore proposed that the changes not be approved and that the DCC be asked to address the main issues of concern and reconsider their proposals in light of the of Monitoring Officer advice.

The committee understood that insufficient time had been spent by the DCC in consideration of alternatives. Although the Chief Executive had been present to advise, the Monitoring Officer had not been present and so she was asked to attend a further meeting.

Members were concerned that efforts to meet planning application deadlines might be hindered by referring the proposals back to the DCC, but it was accepted that it was important to ensure a robust process was in place for longer-term benefits. The proposal was then second and agreed.

41. DEVELOPMENT CONTROL ADMINISTRATIVE ARRANGEMENTS

Decision:

- 1. Members of the Development Control Committee should be required to sit in the first two rows of the council chamber when attending meetings of the committee.***
- 2. Members of the Development Control Committee should be required to make it clear, when addressing the committee, whether the points they are making are material planning considerations or not.***
- 3. The Development Control Committee be asked to consider, at the***

earliest opportunity and ideally at the same time as the discussion about alternative arrangements to the planning panel, the recommendations relating to site visits as set out in report DLS087 and to feedback to the Constitution and Accounts Committee.

The Electoral Assistant presented report DLS087, which presented recommendations for improving administrative arrangements in relation to the Development Control Committee (DCC). These had arisen from various recent observations. The Monitoring Officer presented her comments at the meeting on each of the three recommendations:

Recommendation 3 – members currently sat where they would for a full council meeting, political groupings may need to be considered should any move be made, name placings would have to be rearranged to ensure that the members knew where they should sit, voting buttons at vacant seats would have to be immobilised but this may not be possible and so the committee clerk should check the voting numbers;

Recommendation 2 – members should be aware what constitutes a material consideration and should be asked to state what the consideration is, officers should also be able to confirm whether an issue is a material consideration or not;

Recommendation 1 – site visits should be permitted in accordance with probity in planning guidance in the constitution, unanimity was a difficult proposition, especially where there is a majority vote for a site visit with a 'good' reason provided at committee. [The criteria for a 'good' reason being in accordance with probity in planning guidance]. It was, however, important to encourage requests for site visits in advance of committee. There were several scenarios where the site visit issue may appear: pre-committee request made for no good reason, pre-committee request for a good reason, urgent request at committee with a good reason, urgent request at committee without a good reason.

Each was discussed in turn by the committee. Potential reluctance, as experienced previously, in relation to recommendation 1 was discussed. However, the benefits were sound and problems concerning voting buttons could be easily addressed. Acceptance of this recommendation was proposed, seconded and agreed.

In relation to recommendation 2, the committee considered that the recommendation clarified existing practice at the DCC meetings. Acceptance was therefore proposed, seconded and agreed.

The Monitoring Officer provided further advice on recommendation 3 at the request of the committee. The constitution would have to be amended to implement this recommendation. Solutions to the four scenarios outlined earlier in the meeting were: a pre-committee request with or without a good reason could be determined by an officer and announced at committee; an urgent request at committee with a good reason officer decision at committee; urgent request for no good reason would be a unanimous vote by the committee.

A member suggested that the views of the DCC should be sought on how recommendation 1 would be practicable. He proposed that it be referred to the DCC for consideration at the earliest opportunity, ideally at the same time as the discussion about alternative arrangements to the planning panel, and to feedback to the Constitution and Accounts Committee.

The Chief Executive advised that a process was needed for members to know when there was a 'good' reason for a site visit and that they could request this prior to a committee meeting. He acknowledged that often it only become apparent at the DCC meeting that a site visit is required and this should be clearly communicated, especially as site visits were often needed for complicated cases.

The proposal to refer the matter back to the DCC was seconded and agreed.

42. APPEALS PANEL MEMBERSHIP

Decision:

To recommend to Council that Part 3, page 62, point 1 of the constitution relating to the Appeals Panel be amended to read: "3 members of the Licensing Committee or Resources Development and Scrutiny Panel".

This matter was considered as urgent business given the likelihood in the near future for the need to use additional members for the Appeals Panel.

The Chief Executive explained that the constitution currently provided for members of the Appeals Panel to be drawn from the Licensing Committee. Recently, however, it had been difficult to obtain the necessary numbers and political balance to serve on cases. He requested that the members also be drawn from the Resources Development & Scrutiny Panel, as personnel issues were included in its remit.

The committee acknowledged the circumstances explained by the Chief Executive. It was proposed, seconded and agreed to recommend the appropriate change to the constitution.

43. CLOSE OF MEETING

The meeting closed at 3.00p.m.

**MINUTE 768 – EXTRACT FROM THE DEVELOPMENT CONTROL
COMMITTEE HELD 9TH JANUARY 2007**

Decision:-

That no further action be taken on the Development Control Committee's proposals on changes to the delegation scheme as an alternative to the Planning Panel, until the new system of delegation, as agreed by the Council in October 2006 has operated for a sufficient period to enable its effect to be assessed, following which further consideration will be undertaken by this Committee.

Members had before them a letter from the Committee Administrator in relation to reports which had been circulated with the agenda for the last meeting of the Constitution and Accounts Committee on 13th December 2006, together with the minutes of that meeting. He explained that minutes 40 and 41 of the Constitution and Accounts Committee's meeting required this Committee to reconsider two matters. Firstly, the Development Control Committee were asked to comment in relation to their proposals for changes to the delegation scheme following termination of the Planning Panel, to address the main issues of concern as set out in the Constitution and Accounts Committee's minutes and reconsider the proposals in light of the Monitoring Officer's advice given at that meeting, and which was set out in the minutes attached to the Committee Administrator's letter.

The Chairman proposed, and it was seconded, that no further action be taken on the proposals on changes to the delegation scheme until the new system of delegation, as agreed by the Council in October 2006, had operated for a while, following which the issue of changes to the delegation scheme could be reconsidered. A lengthy discussion ensued, during which Members expressed strong views on the operation of the current delegation scheme, although it had been pointed out by the Chairman that this had been agreed by the Council last year.

The Committee Administrator gave advice on the discussion which had taken place at the Constitution and Accounts Committee's meeting and said that he would monitor the number of applications coming before the Committee to enable an informed discussion on the matter when it was reconsidered. He pointed out that for several months there had been relatively few applications coming before the Committee, usually around 9/10 per meeting and the reason that only 5 had been considered at this meeting was administrative, in that there was an earlier cut-off date for the preparation of reports to be despatched with the agenda before Christmas.

Members made various further comments concerning the operation of the current delegation system, but it was accepted that it was a decision of the full Council to operate it that way. The proposition was then put to the vote and agreed.

MINUTE 769 - EXTRACT FROM DEVELOPMENT CONTROL COMMITTEE TUESDAY 9TH JANUARY 2007

Decision:-

- 1. To accept recommendations 1 and 2 of the Constitution and Accounts Committee's meeting of 13th December 2006.***
- 2. That the Constitution and Accounts Committee be advised that the Development Control Committee are happy to operate arrangements for site visits in accordance with the existing system as noted in the Probity in Planning Guidance within the Constitution.***

The Committee Administrator drew the attention of Members to the decisions of the Constitution and Accounts Committee with regard to Development Control Administrative Arrangements, as set out in the minutes of their meeting of 13th December 2006, which had been circulated with a separate letter prior to the meeting.

Members discussed the recommendations of the Constitution and Accounts Committee and expressed grave concern at the apparent recommendation in relation to site visits, specifically in relation to the suggestion that there should be unanimity within the Committee before a site visit was agreed. The Committee Advisor, however, went on to explain that more recent discussions had taken place on the practicality of this suggestion and the view was that no changes needed to be made so long as Members only requested site visits in accordance with the Probity and Planning Guidance in the Constitution. It was accepted that unanimity was a difficult proposition, as was the criteria for a "good" reason. Members continued to express concern at the suggestions but following a further explanation from the Committee Administrator, it was accepted that there was now no definite requirement from the Constitution and Accounts Committee that the Development Control Committee operate under a new system whether requiring unanimity or not. The Committee Administrator repeated his advice that as long as Members operated in accordance with the guidelines in the Probity and Planning Guidance and that requests were made for sound planning reasons, then there would be no need to adopt a new procedural system.

Members then discussed the other two recommendations, in relation to a requirement to sit in the first two rows of the Council Chamber when attending meetings of the Committee and that they should make it clear, when addressing the Committee, whether the points they were making were material planning considerations or not. Again Members expressed some concern at the suggestions made, stressing that they would, if asked, be prepared to move to the front seats of the Council Chamber for the reasons stated within the minute, rather than being effectively ordered to do so by the proposed amendment to the Constitution. No issue was taken with the recommendation in relation to clarification of material/non-material planning points when addressing the Committee.

After a lengthy discussion, recommendations 1 and 2 of the Constitution and Accounts Committee were put to the vote and were all agreed, and in relation to recommendation 3, it was agreed to advise the Constitution and Accounts Committee that the Committee would be happy to operate within the guidelines set out in the Probity in Planning Guidance.