



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.