

# MINUTES

CONSTITUTION COMMITTEE  
MONDAY, 23 MARCH 2015



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## COMMITTEE MEMBERS PRESENT

Councillor Nick Craft  
Councillor Vic Kerr

Councillor Alan Parkin (Vice-Chairman)  
Councillor Raymond Wooten (Chairman)

## OFFICERS

Executive Manager Corporate (Lucy Youles)  
Executive Manager Development & Growth (Paul Thomas)  
Business Manager Spatial and Economic Growth (Roger Ranson)  
Democratic Officer (Lucy Bonshor)  
Democratic Apprentice (Joe Pearson)

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### 62. MEMBERSHIP

The Committee were notified that Councillor Craft was substituting for Councillor Auger for this meeting only.

### 63. APOLOGIES

An apology for absence was received from Councillor Shorrock.

### 64. DISCLOSURE OF INTERESTS

None disclosed.

### 65. MINUTES OF THE MEETING HELD ON 9TH FEBRUARY 2015

The minutes of the meeting held on 9th February were agreed as a correct record.

### 66. AMENDMENTS TO THE CONSTITUTION

#### Decision:

*The Constitution Committee recommends to Council the following amendments to the Constitution in relation to Neighbourhood Planning:*

*Your council working for you*

- i) Decisions in respect of action to be taken in response to recommendations included within the Examiner's Report and whether to modify the Plan or Referendum Area prior to submitting it for referendum will be delegated to the Executive Manager for Development and Growth after consultation with the Portfolio Holder (Grow the Economy) and the relevant local Ward member(s).*
- ii) The decision to bring into force the Neighbourhood Development Plan as part of the Development Plan, following a referendum result where more than half of those voting are in favour of the proposal should be delegated to the Portfolio Holder for Grow the Economy as a Non Key Decision.*

Members had before them report PLA1092 which concerned amendments to the Constitution in how Neighbourhood Development Plans were dealt with. The current procedure required by the Function Regulations required full Council to decide whether to take a Neighbourhood Development Plan to referendum. The proposed amendments to the Constitution would speed up the process of approving Neighbourhood Development Plans following the Examiners Report.

A Neighbourhood Development Plan (NDP) sets out policies for the development and use of land in a particular area. If a NDP had successfully passed all stages of preparation including an examination and referendum the Local Planning Authority must adopt it as part of the Development Plan for the area. A Neighbourhood Development Orders (NDO) grants planning permission for specific types of development within a specified area or a site specific development. These must also be subject to examination and referendum.

The report then detailed the current process. In September 2012 a constitution change was approved at Council delegating authority for the stages leading up to the appointment of a person to carry our examination of a NDP or NDO to the Head of Development and Growth in discussion with the relevant Portfolio Holder and local ward member(s). The exception to the delegation was in respect of action to be taken in response to an examiner's report and whether to modify the Plan before submitting it for referendum and the bringing into force of the NDP as part of the Development Plan, this was the responsibility Council.

Currently two Parish Councils had prepared NDP which had been examined. The Examiner for each plan had recommended that subject to minor changes the plans be taken to Referendum. The Examiners submitted the reports in January 2015. In order to proceed to Referendum the Parishes must wait until the next Council meeting which due to the election will not happen until May 2015 and therefore the Referendum will not take place until July. Both Parishes had expressed their concern about the length of time that it had taken. In order to speed the process up the report recommended that decisions in respect of action to be taken in response to recommendations included within the Examiner's Report and whether to modify the Plan or Referendum Area prior to submitting it for referendum to be delegated to the Executive Manager

for Development and Growth after consultation with the Portfolio Holder (Grow the Economy) and the relevant local Ward member(s) and also decisions to bring into force the Neighbourhood Development Plan as part of the Development Plan, following a referendum result where more than half of those voting are in favour of the proposal to be delegated to the Portfolio Holder for Grow the Economy as a Non Key Decision.

Members asked questions about the cost to the authority and how many areas had been designated. The Business Manager Spatial and Economic Growth replied that £5,000 could be claimed back and it was not expected that this figure would be exceeded and currently there were nine designated areas.

One Member who had attended at Hough on the Hill Parish Council meeting the previous week reiterated the concerns of the Parish about the length of time it was taking. It had been suggested that the referendum was run alongside the elections in May however; due to the Parliamentary configuration of the District this was not a viable option.

Members were in favour of the changes to the delegation to speed the process up and each of the proposed recommendations were taken in turn. Each one was proposed, seconded and agreed to be recommended to Council.

## **67. AGENDA ITEMS**

Following the Council meeting in March and a comment that had been made by a Member about getting items on agendas the Executive Manager Corporate had submitted a report for information to the Constitution Committee detailing the process for each of the Council's Committees, Policy Development Groups, Cabinet and Council, this included the Scrutiny Committee, the Governance and Audit Committee and Regulatory Committees. All the provisions were set out within the Constitution.

A short discussion followed by Members on how the Constitution would be accessed following the elections. The Executive Manager Corporate informed the Committee that by law each Member had to receive a hard copy of the Constitution, however updates following that would be able to be accessed electronically.

The Chairman thanked those who had attended and wished those Members well who would not be standing again at the elections in May.

## **68. CLOSE OF MEETING**

The meeting closed at 10.49am.