

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 12 JULY 2016

REPORT OF THE CONSTITUTION SIG

The Constitution SIG was re-established in April 2016, with the following membership:-

Cllr Robert Knowles (Chairman – until May 2016)

Cllr Julia Potts (Chairman from May 2016)

Cllr Kevin Deanus

Cllr Pat Frost

Cllr Michael Goodridge

Cllr John Williamson

The Terms of Reference were set out in the agenda as follows, to

- a. carry out the annual review of the constitution and
- b. review specifically and decide upon the optimum process for 'calling-in' planning applications for major sites to the Joint Planning Committee.

At the first meeting of the SIG, the Terms of Reference were revised to also include:

- c. any additional items eg the Overview and Scrutiny Review and the Boundary Review.

Planning – Scheme of Delegation

As per the Terms of Reference, the SIG was invited to review specifically and decide upon the optimum process for 'calling-in' planning applications for major sites to the Joint Planning Committee, as set out in the Council's Scheme of Delegation.

Members wanted the process to be transparent and simple, particularly for the benefit of new councillors and proposed that the ability to call-in a planning application should not only be limited to the ward councillor, as was currently the case. It was agreed that it should be

**RECOMMENDED that**

- 1. the Scheme of Delegation be amended so that any councillor within the remit of an Area Planning Committee can call-in a planning application for consideration at that Area Planning Committee, not just the ward councillor.**

With regard to the Joint Planning Committee and because of its more strategic role, members wanted to encourage wider interest in applications by councillors across the Borough. However it was agreed to

## **RECOMMEND that**

- 2. for the Joint Planning Committee, the Scheme of Delegation be amended to enable any councillor within the area of the planning application defined by the relevant Area Planning Committee can call-in an application.**

It was agreed that the rules needed to be clearly explained to all councillors to ensure a consistent understanding of how to call-in a planning application, to include:-

- a. the 21 day limit to be complied with when calling-in an application to Committee;
- b. the requirement to provide clear planning reasons to support any call-in; and
- c. confirmation that all call-in requests would be acknowledged by planning officers.

Related to this was a short discussion about Item 74 in the Scheme of Delegation, shown in bold type, which delegates 'the refusal of applications in conflict with the Council's policy to the Head of Planning'. It was noted that no change was needed as it was already possible for applications recommended for refusal to be called in to Area Planning Committees.

The proposed amendments to the Scheme of Delegation to pick up these changes are attached as Annexe 1.

### Constitution: Questions by Members of the Public

The SIG reviewed the section of the Constitution which sets out the requirements for members of the public wanting to ask a formal or informal question at a meeting.

The SIG had concerns about the effectiveness of the Informal Question Time prior to meetings of the Executive, Council and Committees. The purpose of the informal questions had always been for members of the public to turn up and ask any question of councillors, without prior warning, on the understanding that it may not be possible to be provided with a comprehensive answer on the evening. It did however accommodate the needs of those members who had not been able to submit a formal question in accordance with the timescales set out in the constitution.

However, the SIG was satisfied that by improving the process for submitting formal questions, and making it more accessible to members of the public, it would no longer be necessary to operate both the informal and formal question time sessions. It was proposed that the deadline for submission of a formal question could be extended so that the question did not have to be received in advance of the agenda being printed. Instead, questions could be submitted up to 4 days in advance of a meeting rather than 7 days in advance, and this time would allow for written responses to be prepared. These would then be circulated at the meeting and

provide the questioner with the guarantee that they would receive a comprehensive answer to their question.

The amendments to the Constitution that would be necessary to reflect this proposed change are attached as Annexe 2. The SIG

**RECOMMENDS that**

- 3. the relevant pages of the Constitution relating to Informal and Formal Questions be amended, as set out at Annexe 2.**

The SIG agreed its future areas of work to include:-

- General review of the Constitution and Supporting Documents, to include Questions by Members
- Authority to submit WBC planning applications under Regulation 3 and whether this process can be streamlined
- Streamlining of the decision-making process for the delivery of new affordable homes
- Any matters arising from the Overview and Scrutiny Review
- Review of boundaries and numbers of councillors