

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

9 JUNE 2020

Title:

New Planning Committees
Temporary arrangements for 2020/21

Heads of Service: Robin Taylor, Head of Policy & Governance
Zac Ellwood, Head of Planning & Economic Development

Key decision: Yes

Access: Public

1. Purpose and summary

- 1.1 This report sets out proposals for the establishment, on a temporary basis, of two new planning committees (WESTERN and EASTERN) to replace the Council's five existing planning committees (Joint Planning Committee, and Southern, Western, Eastern and Central Area Planning Committees, in order to streamline planning committee decision-making arrangements whilst resources are stretched due to the impact of the Covid-19 pandemic.

2. Recommendation

The Standards Committee recommends to Full Council that:

- i. the arrangements set out in Section 4 of the report are adopted as a temporary measure to facilitate decision-making by Planning Committees whilst the work of the Council is impacted by the effects of the Coronavirus pandemic;
- ii. the Terms of Reference of the new temporary WESTERN and EASTERN planning committees as set out in Annexe 1 are incorporated into the Constitution and clearly identified as being temporary measures for a period to be agreed by Full Council;
- iii. the need for the new temporary WESTERN and EASTERN planning committees is kept under review by the Planning Committee Chairmen in consultation with the Head of Planning & Economic Development, and should be reviewed by Full Council in December 2020.
- iv. where an application could be decided under delegated authority were it not for there being a connection with a Member of Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman, and relevant Ward Member(s), such special delegation expiring with the temporary planning committee arrangements.

3. Reason for the recommendation

- 3.1 The temporary arrangements for planning committee decision-making will enable the Council to meet its obligations to determine planning applications in accordance with Members' desire for democratic involvement in this process, whilst also streamlining the process at a time when officers and Members are working remotely, and adopting new working practices including holding meetings with remote attendance.
- 3.2 It is proposed that the temporary arrangements operate whilst remote attendance at meetings is likely to be a significant factor in the management of the meetings, but will automatically expire on 7 May 2021, when the ability for Members to attend meetings remotely ceases, if Council has not taken a decision to revert to the existing structure before that date.

4. Background

- 4.1 Once the Government confirmed that it expected councils to continue to deliver a Planning service, the Council has worked with legal advisers on ensuring that a service could be provided, while still prioritising the safety of the public and of staff members. The Head of Planning and Economic Development issued detailed advice on what levels of service could be expected, including protocols for a temporary reconfiguring of Planning Committees.
- 4.2 The proposed arrangements for two temporary new planning committees, comprising a WESTERN committee (covering the existing Southern and Western Wards) and an EASTERN committee (covering the existing Eastern and Central wards) have cross-party support.
- 4.3 Whilst the temporary arrangements are not intended to be a model for a possible future structure for planning committees, we do need to ensure that decisions made by the new temporary committees are robust, and cannot be challenged on the basis that the committees are geographically unbalanced (eg. one bigger than the other), or are not politically proportional.
- 4.4 So, as a temporary arrangement, it has been agreed in principle that we have two new equal committees of 15 members each (substitutes allowed as shown in [..])

EASTERN (Chairman Cllr Richard Cole, Vice-Chairman Cllr David Else)

Conservatives	8 [4]
Farnham Residents	0
Liberal Democrats	4 [2]
Green	1 [1]
Labour	1 [1]
Independent	1 [1]
	15

WESTERN (Chairman Cllr Beaman, Vice-Chairman Cllr John Robini)

Conservatives	4 [2]
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Farnham Residents	8 [4]
Liberal Democrats	3 [2]
Green	0
Labour	0
Independent	0
	15

- 4.6 These new committees will – on a temporary basis – replace the existing Joint Planning Committee and four Area Planning Committees. Standards Committee recommends that the arrangements be reviewed by Council in December 2020.
- 4.7 Membership of the committees will be politically proportional, and nominated by the respective Group Leaders from the ward members in the respective geographical areas. Each Group will be able to nominate a number of substitute members from within the respective EASTERN and WESTERN areas so that as far as possible actual attendance is politically proportional.
- 4.8 The new WESTERN and EASTERN committees will deal with all applications, both large and small, that have to be decided by Committee and that are within their geographical area. Members will still be able to request that an application be called-in to committee; but, all requests for call-ins will be reviewed by the Chairman and Vice-Chairman of the relevant committee plus the Head of Planning & Economic Development to ensure that there are valid planning reasons.
- 4.9 There is no change proposed to Procedure Rule 23: All Members who are not members of a Planning Committee will still be able to register to speak at a meeting of a planning committee, and a councillor who is not a member of the planning committee also has a right to follow up on any points of clarification at the end of the committee's debate on an application within their ward.
- 4.10 Meetings will be scheduled to meet the demand from Planning for applications to be determined. We are working with Planning colleagues to understand what that demand is, and how frequently the committees might need to meet. We are aware that holding planning committee meetings via Zoom will be a new challenge for Members and officers, and we will manage the agenda for each committee meeting to ensure as far as we can that they present a realistic workload for the committee at each meeting. This may mean that in the short term meetings are more frequent than has been usual.
- 4.11 Public speaking at planning committees can be accommodated by the Zoom meeting arrangements, and registered speakers will be provided with the opportunity to join a meeting in order to make their representations in person. We expect to have a back-up option to enable speakers to join the meeting by phone (audio) only. We will ask speakers to submit a copy of their statement in advance so that if there are any issues at the last minute that prevent them speaking in person, their statement can still be read out to the committee.
- 4.12 All meetings will be webcast to the Council's YouTube channel, for the public to see and hear proceedings.
- 4.13 The only significant change to the Scheme of Delegation in relation to planning applications where there is a connection to a Member or an Officer. Under the

current Scheme of Delegation, any such applications have to be determined by a planning committee. In order to relieve the pressure on the planning committee agendas, it is proposed that where an application could be decided under delegated authority were it not for the connection with a Member of Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman. The Standards Committee proposes that the relevant Ward Member(s) also be consulted.

- 4.14 For clarity, the Terms of Reference of the proposed temporary planning committees are set out in Annexe 1, which if agreed by Full Council, will replace the extant arrangements set out in the Constitution.
- 4.15 The Standards Committee has agreed to carry out an interim review of the arrangements that are agreed by Full Council at its meeting in September.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Ensuring that the Council is still able to take essential decisions during the Coronavirus emergency that support Waverley's residents, businesses and communities is fundamental to the purpose of the Council.
- 5.2 Implementation of Regulations to enable remote attendance at formal council meetings by Members supports open, democratic and participative governance at a time when Members are unable to travel to the Council offices to take part in meetings in person.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no direct finance implications of the proposed temporary change to the configuration of the planning committees. In the short- to medium-term, meetings will be held with some, if not all, Members and officers attending remotely and an IT solution has been put in place to enable that, and training provided to Members and officers.

There will be a requirement for additional staffing at remote meetings to manage the 'hosting' of the meeting, which will be met from existing resources.

6.2 Risk management

Not making arrangements to enable essential decisions to be taken at this time will hamper the Council's ability to meet its legal responsibilities, particularly in relation to determining planning applications.

In the event that IT fails, and a significant number of Members are not able to join a meeting remotely; or broadcasting fails so that the public are unable to hear (and see, if video is available) the meeting proceedings, protocols will require the Chairman to adjourn the meeting and reconvene at a later time, or date.

6.3 Legal

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392, which are made under The Coronavirus Act 2020, make provision for remote meetings. These Regulations remain valid until 7th May 2021.

6.4 Equality, diversity and inclusion

The ability for members of the public to 'attend' and participate in council meetings by remote means is embedded with the Regulations. Waverley has webcast its principal committee meetings for a number of years, and the public are familiar with viewing meetings online, either live or after the event.

There are no other direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

The ability for Members to attend council meetings remotely will reduce the number of car journeys that need to be made to the Council offices and make an immediate contribution to reducing the Council's carbon footprint. Whilst the Regulations are time-limited (local authority meetings held up to 7 May 2021) it might be expected that this will bring closer the time when these arrangements are enabled permanently.

7. Consultation and engagement

- 7.1 The proposal set out in this report have been discussed with the Executive, Group Leaders and Independent Members and reflects the feedback they have provided.

8. Other options considered

- 8.1 No change the extant Planning Committee arrangements of four Area Planning Committees (Southern, Western, Eastern and Central) and Joint Planning Committee. This committee arrangement is very resource intensive for the committee Chairmen and Vice-Chairmen, and would be particularly challenging to operate at the current time when most officers are working from home, and meetings will be held with remote attendance by Members and officers.
- 8.2 Other options explored with Members include temporarily making the Joint Planning Committee the sole planning committee as a temporary measure; and splitting the current Joint Planning Committee members on geographical lines to establish Western and Eastern committees. The former option was not acceptable to Members, as it was not felt to provide enough local input to planning decisions. The latter of these options would give two geographically unbalanced committees which also would not be politically proportional.

9. Governance journey

- 9.1 The proposals in the this report have been discussed informally by the Executive Members meeting with the Leader of the Principal Opposition Group and Independent Members. They have been formally endorsed by the Executive.
- 9.2 The proposals were considered by the Standards Committee at its meeting on 21 May 2020.

Annexes:

Annexe 1 – WESTERN and EASTERN Planning Committee Terms of Reference (Draft)

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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