

COUNCIL – 24 FEBRUARY 2016

1. THE CONSTITUTION – SUBSTITUTES ON THE PLANNING COMMITTEE AND MEMBERS PROTOCOL ON PLANNING MATTERS

Submitted by: Head of Planning

Portfolio: People, Policy and Partnerships; and Town Centres, Business and Assets

Wards affected: All

Purpose of the Report

To ask Council to consider the recommendation of the Finance, Resource and Partnerships Scrutiny Committee that substitutes for the Planning Committee be appointed at this meeting and that the Members' Protocol on Planning Matters be approved.

Recommendations

- 1) That substitutes for the Planning Committee be appointed.
- 2) That the attached Members' Protocol on Planning Matters be approved.

Reasons

In order to improve the efficient and effective operation of the Planning Committee.

1. Background

- 1.1 The Council's Constitution currently states: "For every member of the Committee, there can be one substitute nominated. Any Members who is due to miss a meeting should inform the Chair of the relevant Committee at least 24 hours before the Committee is due to meet (and that it is the Member concerned who does this). At any one meeting, there should be no more than 2 substitutes per political grouping present. Training will be provided for nominated substitutes on regulatory committees. Where a Planning Committee site visit is involved, substitutes will only be allowed to attend and vote at the relevant Planning Committee if they have been on the site visit."
- 1.2 Council however resolved at its meeting in May 2015 not to appoint substitutes to the Planning Committee until the matter had been considered further by the Constitution Review Working Group.
- 1.3 The latter Group at its meeting on 24th November 2015 considered the issue of substitutes and were in agreement that the wording in the constitution was adequate and that if agreed by the Finance, Resources and Partnerships Scrutiny Committee, substitutes could be appointed at the February meeting of Full Council.

1.4 The Finance, Resources and Partnerships Scrutiny Committee considered the matter at its meeting on the 3rd December 2015 and being supportive of the proposal resolved that substitutes should be appointed at Full Council on 24th February 2016. A supplementary report will be provided at the Council meeting detailing the proposed substitutes.

1.5 At the same time, in line with an agreed action within the Action Plan agreed by Cabinet following the Planning Peer Review the Constitution Review Working Group has considered over several meetings a Members' Protocol on Planning Matters to replace the existing Planning Committee Members Protocol. That Protocol is an Appendix to the Council's Constitution. The existing Protocol is out of date in a number of respects. It does not reflect the provisions of the Localism Act, current guidance (most particularly 'Probity in Planning' by the Local Government Association and the Planning Advisory Service), and a number of decisions made by the Planning Committee over the years relating to its policy, for example with respect to site visits. The Group resolved that the revised Protocol, which is attached, should be submitted to Full Council for approval.

1.6 The Planning Committee at its meeting on the 8th December 2015 reviewed the revised Members' Protocol on Planning Matters. The Committee had no comments on the Protocol

2. Outcomes to support Corporate Priorities as set out in the Council Plan and/or the Newcastle Partnership priorities

2.1 The objective of the Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.

2.2 The Constitution governs the way the Council works.

2.3 An effective Constitution contributes to the overall ethical wellbeing of the Council and helps to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in.

3. Financial and Resource Implications

3.1 There are no financial or resource implications flowing from this report.

4. Legal, Statutory and Policy Implications

4.1 The Constitution is the legal framework set by the Council and which governs the way it conducts its business.

5. Major Risks

5.1 If the Members' Protocol on Planning Matters is not kept up to date, it could expose the Council to legal risk and adversely impact upon the effectiveness of the operation of the Planning Committee.