

# **Report to Constitution and Members' Services Standing Scrutiny Panel**

**Date of meeting: 11 October 2007**

**Portfolio:** Leader's Portfolio

**Subject:** Constitution changes - (a) Planning Applications - decisions on applications by Councillors; and  
(b) Cabinet Committees

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## **Recommendations:**

**That, subject to approval of the Overview and Scrutiny Committee, the Panel be authorised to report direct to the Council on proposed changes to the Constitution providing for:**

**(a) exclusion from the Terms of Reference of Area Plans Sub-Committees and inclusion within the Terms of Reference of the District Development Control Committee of consideration of any planning application submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner); and**

**(b) references in the Terms of Reference of Cabinet Committees to any political Group with a seat on the Cabinet but not having representation on the Committee by virtue of one of the named Cabinet Portfolios being able to nominate a member to serve on the Committee being deleted.**

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## **(a) Planning Applications - Decisions on Applications by Councillors**

1. The Constitution provides for any planning application submitted by or on behalf of a councillor of the Authority (and/or spouse/partner) to be determined by members and not by the Head of Planning and Economic Development under delegated authority.
2. In accordance with this requirement, applications made by or on behalf of a district councillor are normally submitted to an Area Plans Sub-Committee for determination.
3. A councillor submitting an application will invariably have a personal and prejudicial interest in the application. Other members may have a personal and possibly a prejudicial interest depending on the extent of their acquaintance with the councillor whose application is under consideration.
4. The extent of members' interests is often not apparent until the meeting at which the application is to be determined and this can result in consideration of an application being deferred when the number of prejudicial interests declared results in there no longer being a quorum for the meeting. This can lead to a considerable delay in determining an application pending the next available meeting of the District Development Control Committee.
5. As Area Plans Sub-Committees comprise members representing only those wards in the particular area it has become apparent that prejudicial interests are more likely to

arise than is the case of a committee with membership drawn from councillors across the whole district

6. The delay in determining a planning application places councillors at a disadvantage compared with the majority of ordinary members of the public and can also be embarrassing for the Council if members of the public attend a meeting for the particular application and are told that it will not be considered because there is not a quorum.
7. In order to overcome this situation it is recommended that the terms of reference of Area Plans Sub-Committees and the District Development Control Committee be amended to provide that any planning application submitted by or on behalf of a councillor of the Authority (and/or spouse/partner) is submitted to the District Development Control Committee for consideration and not to an Area Plans Sub-Committee.

**(b) Cabinet Committees**

8. The Constitution currently provides that if the Council's Cabinet is constituted according to pro rata membership requirements, any political group not having representation on Cabinet Committees by virtue of one of the named Cabinet Portfolios shall nominate one member of the Cabinet to serve on each Cabinet Committee.
9. As Cabinet seats are now allocated solely to one political group, representation on Cabinet Committees from other groups is no longer possible.
10. It is recommended that the Constitution be amended to reflect the current situation.