

Report to the Council

Committee: Constitution and Members' Services
Standing Scrutiny Panel

Date: 18 December 2007

Chairman: Councillor R Church

Item: 13

1. CONSTITUTION CHANGES – DISTRICT COUNCILLORS' PLANNING APPLICATIONS AND CABINET COMMITTEES

Recommending:

Planning Applications - Decisions on Applications by Councillors

(1) That the terms of reference of Area Plans Sub-Committees be amended to exclude consideration of any planning applications submitted by or on behalf of a councillor of the Authority (and/or spouse/partner);

(2) That the terms of reference of the District Development Control Committee be amended to include consideration of any planning application submitted by or on behalf of a councillor of the Authority (and/or spouse/partner);

(3) That the officers be authorised to make consequential changes to the Constitution; and

Cabinet Committees

(4) That the terms of reference of Cabinet Committees be amended to make it clear that nominations to Cabinet Committees can only be made by Groups having seats on the Cabinet; and

(5) That the officers be authorised to make consequential changes to the Constitution.

(a) Planning Applications - Decisions on Applications by Councillors

- 1.1 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 Director of Planning and Economic Development under delegated authority.
- 1.2 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.
- 1.3 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.

- 1.4 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 and places councillors at a disadvantage compared with the majority of members of the public. It can also be embarrassing for the Council if members of the public attend a meeting for a particular application and are told that it will not be considered because there is not a quorum.
- 1.5 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. We are proposing therefore that planning applications submitted by or on behalf of a councillor of the Authority (and/or spouse/partner) should be considered initially by the District Development Control Committee and not by Area Plans Sub-Committees.
- 1.6 We have been authorised by the Overview and Scrutiny Committee to report direct to the Council on this matter and we are of the opinion that the recommendations set out at the commencement of this report will overcome the problems currently existing.

(b) Cabinet Committees

- 1.7 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.
- 1.8 Currently Cabinet seats are allocated solely to one political group and representation on Cabinet Committees from other groups is not possible.
- 1.9 We have been authorised by the Overview and Scrutiny Committee to report direct to the Council on amendments to the terms of reference of Cabinet Committees to reflect the current position.
- 1.10 We are recommending as set out at the commencement of this report as we believe that this approach clarifies the position and will not necessitate further amendment of the Constitution each time the political make-up of the Authority changes.