

DEVELOPMENT CONTROL COMMITTEE PROCEDURES

Governance Committee - 13 April 2022

Report of: Monitoring Officer

Status: For consideration

Key Decision: No

Executive Summary: This report seeks to constitute a Working Group to report to the Governance Committee on proposals to adjust Part 7 of the Constitution (Development Control Committee).

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Recommendation to Governance Committee: That

- a. A Working Group be formed to propose any necessary amendments in principle to Part 7 of the Constitution to the next meeting of the Governance Committee;
- b. The Working Group shall consist of three Members from the Governance Committee;
- c. The Working Group shall be advised by an Officer nominated by the Monitoring Officer, the Chairman of Development Control Committee and an Officer nominated by the Chief Officer - Planning and Regulatory Services;
- d. If so minded, the Working Group shall only make proposals in principle to amend Part 7 with in respect of the following matters:
 - i. Rules for Addresses to the Committee at Meetings of Development Control Committee (paras 3.27 - 3.37);
 - ii. Site Inspections (paras 3.17 - 3.26);
 - iii. The order of business (including rights to address the Committee) (paras 3.5 - 3.6).
- e. The Working Group is not established to agree the precise wording of any suggested changes.

Reason for recommendation: To update the Constitution in the light of the best practice.

Introduction

- 1 The procedures around Development Control Committee have not been reviewed for some years.
- 2 In order to remain within current best practice, particularly in the light of recent technological advances which allow remote speakers, Members are advised that it would be prudent to consider adjustments to the relevant parts of the constitution.
- 3 The Development Control Committee operates in an administrative role, which is very similar to quasi-judicial. Planning matters before Development Control Committee can be contentious and may lead to legal challenge. For that reason, it is key that any rules pay due regard to the rights of applicants, objectors and others. In particular, Members are reminded of the need to approach planning decisions with an open mind and to avoid conflicts of interest, bias or pre-determination.

Scope for Change

- 4 It is not proposed that changes to peripheral matters such as the name of the Committee, or changes more appropriately dealt with following a fundamental governance review of the whole Council be considered. Similarly, it is not proposed that there be any change to the scheme of delegations. It is also not proposed that there be any change to procedures *at* Site Inspections.
- 5 The proposals set out in this report solely relate to consideration of the Rules for Addresses to the Committee at Meetings of Development Control Committee (paras 3.27 - 3.37); Site Inspections (paras 3.17 - 3.26 - not including procedures *at* the Inspections); and the order of business.
- 6 For the avoidance of doubt, this report suggests a Working Group be established. The Working Group is proposed to report back to the following meeting of the Governance Committee. Any such Working Group would not be established to devise new wording and should restrict itself to consideration of the principle of constitutional amendments.
- 7 It is proposed that the Chairman of the Development Control Committee be invited to advise the Working Group on the views of the Development Control Committee as a whole. It is also proposed that Officers be invited attend the meeting to advise the Working Group and not in an administrative capacity.

Other options Considered and/or rejected

The other option available is to make no change from the present arrangement.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

It should be noted that the legal position in relation to Development Control and the Development Control Committee is amply set out in the Constitution. In particular, Members are reminded of the need to act as if the Committee were a quasi judicial meeting.

Members are reminded of the need to avoid conflicts of interest, bias or pre-determination.

The Human Rights Act 1998 applies to proceedings of Development Control Committee.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the Council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Conclusions

It is recommended that that Members establish a Working Group as set out in this report.

Appendices

Part 7 of the Constitution.

Background Papers

None.

Martin Goodman

Monitoring Officer