

# Minutes

## Corporate Governance Group

12<sup>th</sup> November 2020 at 12.30pm



### Present

Councillors	Present	Councillors	Present
P Euesden	Yes	R van Dulken (Chairman)	Yes
D Hume	Apologies	D Wallace	Yes
H Johnson (Vice-Chairman)	Yes	T Walsh	Apologies
D Mann	Yes	Mrs L Walters	Yes
Miss V Santomauro	Apologies		

### **In attendance:**

Kim Cole	Head of Governance and Monitoring Officer
Chris Fleetham	Corporate Director (Finance)
Jessica Mann	Governance and Members Officer
Chris Paggi	Planning Development Manager
Chloe Waight	Governance Business Officer
Emma Wisbey	Governance and Members Manager

Before the commencement of the meeting, the Chairman agreed to reorder the Agenda slightly in order to allow the item 'Declarations of Interest' to be addressed first.

### 53 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

### 54 **MINUTES**

**DECISION:** The Minutes of the meeting of the Corporate Governance Group held on 23<sup>rd</sup> July 2020 were approved as a correct record.

### 55 **PUBLIC QUESTION TIME**

**INFORMATION:** There were no questions asked, or statements made.

### 56 **CONSTITUTION REVIEW: CHAPTER 1: THE ARTICLES**

**INFORMATION:** The Monitoring Officer for the Council, Ms K Cole, was invited to introduce the report to the Members of the Corporate Governance Group (CGG).

Members were reminded that as the Constitution was a public facing document, its language and content needed to be easily understood and logical. Furthermore, both

Members and officers alike needed to be able to use the Constitution in a meaningful way, as the document identified the basis for robust and transparent decision making across all levels of the Council, therefore ensuring that the Authority remained accountable to local residents. Some of the procedures contained within the Constitution were a lawful requirement, whereas others were a matter of choice for the Council.

Members were advised that the Council was required to conduct an annual review of its Constitution in order to ensure that it was reflective of the changes made during a given year, and that it remained suitable for purpose; however, it was noted that the document had not been substantially reviewed for a number of years. Due to the current changes being experienced in the way that the Council and its internal services operate (e.g. through the onset of virtual meeting platforms), it was considered an appropriate time for a comprehensive review of the Constitution to be undertaken. It was intended that the key elements of the review would revolve around improving upon the quality of the document for ease of use by the public, Members and officers, thus strengthening the Council's decision making processes. The key aspects of the review were then listed for Members, and included: simplifying and standardising the language used in the Constitution; bringing the document up-to-date with current regulations; removing 'ambiguous' content; re-ordering content where needed and introducing a more consistent style; and bringing key, corresponding topics together in a clearer, logical fashion to make them easier to locate.

Currently, the Constitution contained Chapters 1 ("The Articles"), 2 ("The Council Procedures") and 3 ("Codes and Schemes"). The overall review would be comprised of approximately three stages; the first stage would include changes to Chapter 1 of the Constitution and be brought before the CGG on 12<sup>th</sup> November 2020; the second stage would then examine Chapters 2 and 3, which would be presented to the CGG on 26<sup>th</sup> January 2021; and the final stage would include the addition of a proposed Chapter 4 to the Constitution, entitled "Responsibilities for Functions," which the CGG would examine at its meeting in February 2021. Other changes included that of a new introduction, which would provide users with an overview of the document's contents and some context around this, as well as the condensing of the individual chapter indexes into one central index. All proposed changes to the Constitution would then be presented for final agreement and formal adoption at the meeting of Full Council on 29<sup>th</sup> March 2021, thus allowing the updated document to be accessible to the public in time for the commencement of the new financial year.

The Monitoring Officer then read through the proposed changes to Chapter 1 of the Constitution, which encompassed the comments and feedback that had been received from the Members of the Developing Democracy Group at their meeting on 20<sup>th</sup> October 2020. Primarily, the changes to Chapter 1 were in relation to the format of the Articles and included a suggested reduction in the number of these from 16 to 11, as well as the condensing and re-ordering of the text where this was deemed appropriate to make Chapter 1 as user-friendly and logical as possible.

There followed a discussion by Members on the changes proposed to the Articles contained within Chapter 1 of the Constitution.

**DECISION:** The Corporate Governance Group:-

1. Noted the works programme for the Governance and Constitutional review;
2. Noted the new Constitution layout;
3. Noted the draft Introduction;

4. Noted the proposed changes to Chapter 1: The Articles; and
5. Agreed that comments and suggested amendments would be considered by the Monitoring Officer and incorporated where necessary ahead of approval by the Council at its meeting on 29<sup>th</sup> March 2020.

**REASON FOR DECISION:** Agreed to the proposed changes of the Constitution, in order to ensure more efficient governance arrangements and bring certainty to its decision making and comply with the Council's Statutory requirements.

## 57 **PLANNING COMMITTEE – REVIEW OF SCHEME OF DELEGATION**

**INFORMATION:** Mr C Paggi, Planning Development Manager, was invited to introduce the report on the Review of the Scheme of Delegation to Members of the Corporate Governance Group. Members were advised that the last review of the Scheme was undertaken in 2015, and as part of this review, it was agreed that the Scheme should be subject to regular review going forward in order to ensure that the document remained suitable for purpose.

Following consultation with senior officers within the Planning team, it was concluded that the current Scheme should be revised as it did not allow Members of the Planning Committee to concentrate on the most significant applications that affected the District; the Scheme was also considered to be overly complex and not easily understood by applicants or agents. Furthermore, the current Scheme contributed to delays in decision making, which ultimately had an on service delivery.

The main purpose of the review was therefore to direct the focus of the Planning Committee Members towards 'major' planning applications that were more complex and engendered greater public interest, and to delegate 'minor' and 'other' applications for the determination of officers rather than the Committee. The three key objectives of the review were to ensure that the Planning Committee were: able to focus on the determination of the most significant and complex applications that affected the District; to ensure that the Council was able to discharge its Development Management function in an efficient, cost effective, and timely manner, and; to introduce a mechanism to allow for meaningful engagement with Members of the Council's Planning Committee at the pre-application and application stages, prior to the determination of the application.

Members were informed that a revised Scheme of Delegation had been proposed which sought to be prescriptive, unambiguous and transparent for all users, ensured that Members of the Planning Committee were able to focus on the most significant and complex applications, and allowed for an efficient and timely procedure in the determination of planning applications.

The adjustments to the Scheme of Delegation also allowed the opportunity for Member engagement in the planning process to be enhanced through the introduction of a 'Members Forum.' It was intended that the Member's Forum would enable applicants and agents alike to have the means to present their proposals to Members of the Planning Committee at the pre-application, pre-submission and application stages of the process. There would also be an opportunity to extend invitations of attendance at the Members Forum to local Ward Members and Parish and Town Councils. It was emphasised that the Forum would not represent an alternative decision making mechanism; instead, the Forum would provide a way for Members to enhance their understanding of the proposals as they were presented to them. The proposal of a Member's Forum therefore sought to ensure: that there was meaningful engagement

with Members, Local Ward Members and Parish and Town Councils in applications prior to their determination; enabled applicants, agents, and officers alike to understand issues of concern and how the proposals could be improved upon; strengthened the ability of officers in negotiating positive changes to proposals, and; gave Members a greater level of confidence in how the proposal had evolved.

Prior to the conclusion of the report, Members were advised that the stakeholder and public consultation on the proposals within the revised Scheme of Delegation had commenced on 26<sup>th</sup> October 2020 and would end on 13<sup>th</sup> November 2020, on which date the report on the revised Scheme would be presented to the Members of the Planning Committee at their evening meeting. The report had previously been presented to the Members of the Developing Democracy Group at their meeting on 20<sup>th</sup> October 2020. Subject to the feedback received as a result of the consultation, approval for the revised Scheme of Delegation and Member engagement proposals would be sought at the meeting of Full Council on 7<sup>th</sup> December 2020.

There followed a general discussion by Members on the revised Scheme of Delegation and the proposed Member's Forum. During the discussion, some concerns were expressed by Members over the necessity of the changes proposed to the Scheme and also the Forum, which it was felt the public may perceive as an additional platform for developers to consult directly with the Planning Committee at an early stage. Furthermore, the Forum would apparently allow participation from representatives of both allocated and unallocated sites. In response to the comments raised about the changes proposed to the Scheme, it was stressed that the number of complex and large-scale applications being brought to Planning Committee was increasing, and that this was having a subsequent impact on officer workloads as well as on the Committee meetings. In respect of the Member's Forum, the concerns expressed were acknowledged but it was also emphasised that the Forum was intended to hold developers to account only, and that developers would still be responsible for engaging with the public on new applications outside of these sessions.

**DECISION:** The Corporate Governance Group:-

- a) Noted the proposed Revised Scheme of Delegation and proposals for Member Engagement as set out within Appendix 1;
- b) Noted the commencement of a 21 day consultation period on the proposals with stakeholders;
- c) Noted that the final Scheme of Delegation would be submitted for approval at Full Council on 7<sup>th</sup> December 2020 as set out in Appendix 1, and as modified as a result of the consultation.

**REASON FOR DECISION:** To provide the Corporate Governance Group with details on the proposed review of the Scheme of Delegation and Member Engagement in the planning process.

The meeting commenced at 12.35pm and closed at 2.31pm.

Councillor R van Dulken  
(Chairman)