

Governance Working Group

| | |
|----------------------|--------|
| Portfolio | Leader |
| Ward(s) Affected: | n/a |

Purpose

To receive a report from the Governance Working Group and to consider recommendations relating to

- (i) the adoption of a Member Training Policy Statement;
- (ii) revisions to the Public Speaking Scheme for Planning Applications Committee;
- (iii) an amendment to the Scheme of Delegation of Functions to Officers in relation to the Planning Applications Committee;
- (iv) revisions to the Planning Code of Practice for Councillors and Officers;
- (v) clarification of wording regarding allocation of seats on scrutiny committees; and
- (vi) amendments to Council Procedure Rules 11 and 11A.

Introduction

1. The Governance Working Group met on 17 February and 31 March 2017.
2. The Working Group has considered a number of issues and made recommendations which are addressed below.

Member Training Policy Statement

3. The Working Group was informed that the Council did not currently have a Protocol for Member training. As a result, there was not a clear policy against which any individual requests from Members for training could be considered.
4. The Group reviewed a draft Protocol which set out a framework for providing training which supported ongoing Member development and assisted councillors with conducting their roles, whilst balancing these needs against a restricted budget.
5. The Working Group also discussed training provided and recognised there was scope to improve and expand the use of e-learning, where suitable. It also agreed to further look at developing a library of online training.
6. The Working Group has recommended the adoption of the Member Training Policy Statement as set out at Annex A.

Public Speaking at Planning Applications Committee

7. The Working Group reviewed the Council's Public Speaking Scheme for the Planning Applications Committee. The Working Group considered the length

of time allocated to each speaker and agreed to recommend that it be a maximum of 4 minutes.

8. The Working Group also considered the arrangements for the circulation of material at meetings of the Planning Applications Committee and recommended an amendment.
9. In addition, the Working Group reviewed the number of representations required to trigger the public speaking scheme, but felt that, on balance, the current levels were equitable and worked well.
10. The Working Group has recommended the amendments to the Public Speaking Scheme for Planning Applications Committee as set out at Annex B.

Scheme of Delegation of Functions to Officers

11. In considering the arrangements for public speaking at meetings of the Planning Applications Committee, the Working Group received information in relation to the number of applications called in by Members, the number of representations made by the public on these applications, and whether there had been public speaking on these items over the previous 12 months. It was noted that on some occasions there was a relatively high number of applications called-in by Members.
12. The Working Group considered that it should only be the prerogative of ward councillors to call-in applications in their ward. As a result the Working Group was of the opinion that the ability to call-in an application should, therefore, be limited to relevant ward councillors, the Chairman and Vice Chairman of the Planning Applications Committee. In addition Members were reminded that the Executive Head of Regulatory could, if she considered it appropriate, refer any application to the Committee for determination. The Working Group also considered that the “calling-in” Member should be required to provide broad planning reasons for the call-in.
13. This proposed change will require an amendment to the Scheme of Delegation of Functions to Officers at Part 3 – Section B of the Constitution and the Working Group has recommended that it be amended.

Planning Code of Practice for Councillors and Officers

14. The Working Group reviewed the Planning Code of Practice for Councillors and Officers. Members were advised that the Probity in Planning Guidelines stated that planning decisions were not quasi-judicial decisions; the Working Group therefore agreed to recommend that such references be removed from the Code. It was also agreed to replace paragraph 3.2 of the Code with wording from the Guidance.
15. Following a discussion on the arrangements for non-committee members’ speaking on an application and their involvement in the debate, it was agreed to apply the time restrictions within Council Procedure Rules to non-committee

members, namely that the first councillor could speak for up to 8 minutes, with subsequent speakers able to address the committee for up to 5 minutes. As a result it would be necessary to amend the Procedural Rules at Part 4, Section D of the Constitution insofar as they relate to the Planning Applications Committee.

16. In relation to the Notification of an Approach form it was considered that this requirement should be removed as it was recognised that Members routinely declared any such approaches at the meeting.
17. The Working Group also recommended a number of minor amendments as shown at Annex C.

Allocation of Seats on Scrutiny Committees

18. The Working Group considered the current wording of Paragraph 2.1 of Part 4 – Section C of the Scrutiny Committee Procedure Rules, which states:

2.1 All councillors except members of the Executive may be members of one or more scrutiny committees. However, no member may scrutinise a decision which she/he has been directly involved in.
19. It was noted that, as detailed in Paragraph 1.1 of the same Section, the Council appointed Members to scrutiny committees. In accordance with Local Government and Housing Act 1989, seats were allocated in proportion to the political composition of the Council on the nomination of the Group Leaders.
20. In relation to “non-grouped” members, a proportion of seats on committees equal to the proportion of non-grouped members on the Council had to be reserved, with appointments to these seats being made by the Council at its discretion. As a result the Council must appoint a non-grouped member to any seat that was not otherwise allocated to the political groups.
21. The Group reviewed the wording of paragraph 2.1 and has recommended that it should be amended.

Council Procedure Rule 11 and 11A

22. The Working Group reviewed the Council Procedure Rules in relation to Rule 11 – Questions by Members. It was felt that, in order to allow the Councillor submitting the question sufficient time to consider the response prior to the meeting, all councillors should be notified of the written question and the response by no later than 2.00pm on the day of the Council meeting.
23. The Working Group recommended that Council Procedural Rules be amended accordingly.
24. The Working Group also reviewed Rule 11A- Portfolio Holder Question Time. It was considered that the scrutiny of Portfolio Holders was covered effectively by the Performance and Finance Scrutiny Committee. It was therefore

proposed that the Portfolio Holder Question Time be changed to the Leader's Question Time.

Recommendation

25. The Council is advised to RESOLVE that

- (i) the Member Training Policy Statement, as attached at Annex A, be adopted;
- (ii) the Public Speaking Procedural Rules at Part 4, Section E of the Constitution, insofar as they refer to Public Speaking at Planning Applications Committee, be amended as set out at Annex B;
- (iii) the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be amended as follows;

Executive Head of Regulatory – Development Management

(Applications which are reserved for decision by the Planning Applications Committee)

“F 3 (b) any planning application, where within 28 days of the publication of the weekly list of planning applications, **the Chairman or Vice Chairman of the Planning Applications Committee or a relevant ward councillor makes a request, supported by broad planning reasons**, asking the Executive Head of Regulatory to refer an application to the next appropriate meeting of the Planning Applications Committee for determination.”

- (iv) the Planning Code of Practice for Councillors and Officers at Part 5 - Section D of the Constitution, be amended as set out at Annex C;
- (v) the Committees, Sub Committees and Others Procedural Rules at Part 4 - Section D of the Constitution, insofar as it relates to the Planning Applications Committee, be amended as follows:

“18.2.2 Any councillor in attendance may speak at the meeting in relation to an item. **In circumstances where members are not members of the Planning Applications Committee, the first councillor may speak for up to 8 minutes, with any subsequent councillors for up to 5 minutes.**”

- (vi) Scrutiny Committee Procedure Rules at Paragraph 2.1 of Part 4, Section C of the Constitution be amended as follows:

“2.1 Only members, who are not members of the Executive, may be appointed to one or more scrutiny committee by the Council in accordance with the political proportionality requirements of the Local Government and Housing Act 1989. However, no member may scrutinise a decision which she/he has been directly involved in.”

(vii) The Council Procedural Rules, at Rule 11.3, Part 4, Section A of the Constitution be amended as follows;

“The question will be put and answered without discussion. An answer given may be given:

- (a) orally;
- (b) by reference to published material of the Council or that which is readily available to the members; or
- (c) in writing.

The question and the written response will be circulated to Councillors by no later than 2.00pm on the day of the Council meeting.”

(viii) The Council Procedural Rules, at Rule 11A, Part 4, Section A of the Constitution be amended so as to remove all references to Portfolio Holder Question Time and replaced with the Leader’s Question Time.

| | |
|---------|--|
| Annexes | Annex A – Public Speaking at Planning Applications Committee Annex B - Public Speaking at Planning Applications Committee Annex C - Planning Code of Practice for Councillors and Officers |
|---------|--|

| | |
|--------------------|------|
| Background Papers: | None |
|--------------------|------|

| | |
|---------|---|
| Author: | Jane Sherman – Democratic & Electoral Services Manager e-mail: jane.sherman@surreyheath.gov.uk |
|---------|---|

| | |
|---------------------------|---|
| Executive Head of Service | Richard Payne – Executive Head of Corporate |
|---------------------------|---|