



**REPORT of
CORPORATE GOVERNANCE WORKING GROUP**

**to
STATUTORY ANNUAL COUNCIL
16 MAY 2019**

**MEMBER TRAINING ON PLANNING MATTERS – IMPACT ON COUNCIL
COMMITTEES.**

1. PURPOSE OF THE REPORT

- 1.1 To consider the implications of the proposed ‘mandatory’ effect of Member training on planning matters and to determine any issues arising.

2. RECOMMENDATIONS

- (i) That the Council appoints a District Planning Committee with effect from the start of the 2019 municipal year, the Committee to consist of all 31 Members of the Council, to deal with the determination of the following planning applications and related matters:
- Referred by, or otherwise beyond the remit of the Area Planning Committees, including reference by the Director under existing provisions;
 - Where the site area involves more than one Committee;
 - Where the proposal involves development of strategic interest as defined in the terms of reference of the Area Planning Committees.
- (ii) That if the Council agrees (i) above, the Chairmanship of this Committee is dealt with later in the meeting during the adjournment for special meetings of the Committees to be held.
- (iii) That the Director of Strategy, Performance and Governance is authorised to make all necessary consequential revisions to the current constitutional documentation, and to schedule any necessary or provisional meeting dates in place of extraordinary planning meetings of the Council.;

3. AREA FOR DECISION / ACTION

- 3.1 The Council has in place a provision within Procedure Rule 13(1) that when considering a planning application or related matter, if a Member has not undergone fundamental induction training once a programme has been introduced he/she shall not vote on the matter.

- 3.2 For clarity, the intention is that the fundamental induction training will be that which was provided for existing Members last year and is proposed to be held on 14 May 2019 for new Members and those who did not attend last year. It is felt that while more detailed training (including refreshers and updates) may be identified and provided, the fundamental induction training should hold good for around three years. Officers will report further to Members at a future date.
- 3.3 It is the further intention that the ‘mandatory’ effect of planning training will be operative from the start of the new municipal year and the life of the new Council. Since the fundamental induction training will be provided before the first round of Area Planning Committee meetings, the position as to which Members have received the training will be known in terms of their ability to vote on planning matters. The Corporate Governance Working Group has been updated on this and has also considered the suggestion arising from a recent meeting of the Planning Committee Chairmen that the mandatory effect of Planning training should relate to not only voting but actual participation.
- 3.4 An issue has however been identified around how this restriction will have effect. The immediate effect will apply to all Members who are ‘appointed’ to serve on an Area Planning Committee. While Members are not specifically appointed to serve on an Area Planning Committee in the same way as with other Committees, i.e. upon nomination, and being voted upon, the Council as part of the process at its Annual Meeting for the appointment of Members to serve on Committees, endorses the breakdown of Area Planning Committee membership.
- 3.5 There is an important legal and constitutional principle here. When the Council appoints a Member to serve on a committee designed to exercise delegated powers, it expects that Member to be able to participate and vote in the transaction of business (save for when a Member has an interest). In relation to the Area Planning Committees, the effect of a restriction on both participation and voting will be that a Member cannot take his or her place on a Committee without having received the training.
- 3.6 With the restriction on voting coming in from May, this raises a separate issue in relation to extraordinary meetings of the Council convened to deal with a particular category of applications. The restriction set out in Procedure Rule 13(1) must similarly apply since it relates to “the consideration of a planning application or related matter”. Taking the same principle as identified in 3.5 above, Members are elected to serve on the Council, as distinct from being appointed by the Council to serve on a Committee operating under delegated powers, and therefore participating and voting at Council meetings is a fundamental right.
- 3.7 The only way it is seen that this restriction can be legitimate is that Council agrees to establish within its Constitution a mechanism for the Council meeting as a Planning Committee, in other words appointing a separate Planning Committee consisting of 31 Members to deal with a specific category of applications outside the remit of the Area Planning Committees.
- 3.8 The Corporate Governance Working Group will be recommending to the Council in June that any restriction on participation should only be implemented as part of the new committee structure from October onwards. In terms of the issues arising from

the impending restriction on voting, the Corporate Governance Working Group endorses and recommends the way forward as set out in 3.7 above.

4. IMPACT ON STRATEGIC THEMES

- 4.1 The updating of the corporate governance and associated arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the Corporate Plan Outcome, to be an open and transparent organisation.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council’s procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None
- (v) **Impact on Resources (human)** – None
- (vi) **Impact on the Environment** – None.

Background Papers: None.

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