Borough of Pendle

REPORT FROM:	**CORPORATE DIRECTOR**
TO:	**COUNCIL**
DATE:	**19ᵗʰ MAY, 2016**

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COMMITTEE STRUCTURE

PURPOSE OF REPORT

To consider sending major planning applications straight to Development Management Committee and to consider another way of delivering Scrutiny.

RECOMMENDATIONS

(1) That, with immediate effect, all major planning applications be dealt with by the Development Management Committee and that the terms of reference of the Committee and Area Committees be amended accordingly.

(2) That substitutes not be allowed on the Development Management Committee.

(2) That no changes be made to the delivery of the Scrutiny function and the existing arrangements of appointing a Scrutiny Management Team and a Health and Social Care Scrutiny Panel remain.

REASONS FOR RECOMMENDATIONS

(1) To bring about a more strategic and speedier decision making process and to reduce the risk of costs to the Council on appeal.
(2) The existing arrangements are an effective way of carrying out the Scrutiny functions.

ISSUES

1. At its meeting on 26ᵗʰ February, 2016 the all-party Governance Working Group requested that a report be submitted to Annual Council on:

- the possibility of major planning applications going straight to Development Management Committee.
- the way in which Scrutiny could be delivered in the future.

Development Management

2. As Members will know currently all planning matters are dealt with in the first instance by the relevant Area Committee. Where an Area Committee is minded to take a decision which represents a significant departure from policy or a significant risk of costs on appeal, the matter is referred to Development Management Committee for decision.

3. The Governance Working Group felt that recent changes in the planning system, coupled with increased pressure on the Council to facilitate more house building and provide land for economic development, means that major applications should be considered from a borough wide point of view rather than a local one.

4. The recent Peer Review report similarly recommended that the Council needs to place more emphasis on a borough wide approach.

5. There is also, as recently reported to the Executive, a growing concern that the Council's poor performance on speed of decision making on major applications may lead to the Council becoming a Standards Authority with planning powers being extended to the Planning Inspectorate.

6. Most Councils have a central Planning Committee. Using Development Management in this way for major applications would lead to more strategic decision making with less local pressure.

7. Major applications would be defined in line with the statutory definitions in the General Development Orders.

8. If felt appropriate Area Committees could be consulted on such applications when they are received, though care must be taken in avoiding deferrals.

9. Member and public speaking arrangements on such applications at Area Committees and at Development Management would remain the same.

10. It is suggested that the rule that Development Management members should not be substituted reinstated. It is also suggested that political groups work together to ensure that membership is representative of all areas of the Borough. Not to do this could simply result in Area Committee Members attending Development Management meetings.

11. It is proposed that an early training session for the appointed members be held.

12. Experience shows that there are approximately 30 major applications a year. The vast majority of other applications would still be dealt with by Area Committees and under officer delegation.

Scrutiny

13. As the Council operates Executive arrangements, legislation requires the appointment of one or more committees to carry out its overview and scrutiny functions.

14. The present arrangement of a Scrutiny Management Team and a Health and Social Care Scrutiny Panel seems to be an effective way of doing this with available resources and therefore no changes to this are suggested.

IMPLICATIONS

Policy: None arising directly from the report.

Financial: None arising directly from the report.

Legal: These are set out in the body of the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES

None

LIST OF BACKGROUND PAPERS

None