

DEVELOPMENT CONTROL COMMITTEE PROCEDURES

Governance Committee - 21 June 2022

Report of: Monitoring Officer

Status: For consideration

Also considered by: Council - 19 July 2022

Key Decision: No

Executive Summary: This report recommends that the Working Group on Development Control Committee Procedures be reconstituted by the Governance Committee so that further work may be done.

Contact Officer: Martin Goodman, Ext. 7245

Recommendation to Governance Committee: That

- a. the Working Group on Development Control Committee Procedures be reconstituted with the same terms of reference as previously agreed;
- b. the Governance Committee receive the verbal report of the Working Group;
- c. the Working Group be requested to report to the next meeting of Governance Committee with its final written recommendations.

Reason for recommendation: To reconstitute the Working Group so as to allow its business to be completed.

Introduction

- 1 At the last meeting of the Governance Committee it was resolved to form a Working Group to propose amendments (in principle) to Part 7 of the Constitution. This meeting will receive a verbal update on its progress.
- 2 The Working Group duly met and in accordance with the resolution considered the rules for addresses to the Committee (paras 3.27 - 3.37); the rules for site inspections (paras 3.17 - 3.26); and the order of business.
- 3 That Group must now be reconstituted in order to complete its work.

Terms of Reference

- 4 The Working Group was originally founded pursuant to resolutions as follows:

- 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.

Other options Considered and/or rejected

The other option available is to discontinue the Working Group.

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 the Working Group be reconstituted.

Appendices

Appendix A - Part 7 of the Constitution.

Background Papers - none.

Martin Goodman

Monitoring Officer