

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 31<sup>st</sup> January 2017  
**CONTACT OFFICER:** Catherine Meek, Head of Democratic Services  
**(For all Enquiries)** (01753) 875011  
**WARD(S):** All

### **PART I** **FOR DECISION**

#### **REVIEW OF CONSTITUTION AND RELATED MATTERS**

1. **Purpose of Report**

To report the recommendations of the Member Panel on the Constitution (MPOC) on the Review of the Constitution and seek approval for the recommendations as set out below.

2. **Recommendations**

The Council is requested to resolve:

- (a) That the Developer's briefings to Planning Committee Protocol as set out at Appendix A be approved and incorporated into the Constitution.
- (b) That the amendments to Part 5.2 of the Constitution - Code of Conduct for Councillors and Officers in relation to Planning and Licensing matters as set out in Appendix B be approved.
- (c) That Part 3.6 of the Constitution – Scheme of Delegation to Officers – Proper Officer Functions – Public Health (Control of Disease) Act 1984 be amended as set out in Appendix C.

3. **Community Strategy Priorities**

None as this report is administrative in nature.

4. **Other Implications**

The Constitution meets the Council's requirements and incorporates all necessary legal requirements.

5. **Supporting Information**

**Background**

- 5.1 Members are appointed to the Member Panel on the Constitution (MPOC) at the commencement of each municipal year, to undertake a review of constitutional matters where necessary. All Members were given the opportunity to raise any matters relating to the Constitution that they wished to be reviewed. The MPOC met

on 21<sup>st</sup> September 2016 to discuss a number of items and recommended a number of amendments to the Council that were agreed. The Panel met again on 20<sup>th</sup> December 2016 to consider further elements of the Constitution and recommended that the Council approve the following amendments:

## **6. Recommendations for revisions to the Constitution**

### **Member Involvement During Formal Pre-Application Submissions To The Local Planning Authority (Lpa).**

6.1 The Panel considered proposed amendments to Part 5.2 of the Constitution - Code of Conduct for Councillors and Officers in relation to Planning and Licensing matters - to:

- enable Planning Committee / relevant Ward Members to participate in pre-application submissions of the planning process
- give applicants the opportunity to participate during Planning Committee meetings.

6.2 The proposals had been presented to the Planning Committee and the Committee had supported the proposals and requested that the right balance be achieved between the time allocated to the applicant and objectors. The draft protocol presented to the Panel set out the time limits for each party. Members were advised that the scheme of delegation and the suggested improvement to the pre application process would ensure that good quality sustainable developments were delivered in Slough whilst ensuring the interests of residents were protected.

6.3 During discussion of the proposals the Panel was advised:

- that the Protocol only applied to proposed large scale development;
- that the normal pre application discussion with officers would remain unchanged;
- that the proposals were likely to reduce the lobbying of planning committee members ;
- that early member involvement would avoid any possible miss-alignment of opinions with less likelihood of applications being deferred by committee;
- the proposals would demonstrate that Slough was truly 'open for business' by positively engaging with applicants and developers.

6.4 Panel members discussed the proposals and in particular the provisions for ward members to address the committee. The Panel agreed a number of amendments to the Protocol and the amended Protocol is set out at Appendix A for the Council's agreement.

6.5 Additional training would be provided to members before the new protocol was introduced.

### **Applicant addressing Planning Committee**

6.6 The Council Constitution presently includes a 'Public Participation Scheme' which sets of the right of objectors and other individuals to address the Planning Committee. In the section 'What is the order of speaking for each application', it is stated that the Chair will invite the applicant or agent to respond after an objector has spoken. It is further clarified under 'Rules, Procedures and Guidelines for

Public Speaking at Planning Committee' that "an objector, a representative or the Parish Council and the applicant (where an objector has registered to speak) may each speak on a planning application". As Members are aware some very large developments do sometimes not attract any opposition from residents and therefore the applicant does not have the opportunity to address the Planning Committee. This approach is outdated and not consistent with current Government guidance and with procedures of other planning authorities. This, in combination with the lack of Member involvement in the pre-application process, means that the Planning Committee is not fully engage in the application process.

- 6.7 It is therefore recommended that applicants be given the opportunity to address the Planning Committee, even where no objectors have registered to speak against the proposed development. This would require very minor amendments to Ethical Framework - Part 5.2 of the Constitution as indicated in Appendix B.

### **Proper Officer Appointment - Public Health (Control of Disease) Act 1984**

- 6.8 The Panel considered proposed amendments to Part 3.6 of the Constitution – Scheme of Delegation to Officers – Proper Officer Function – to reflect updates legislation.
- 6.9 The proposed amendments reflected the updated legislation and that Public Health England had requested that the Council appoint any one in their organisation who is appointed to one of two defined job titles as the Council's Proper Officer as this allowed flexibility in terms of staff changes and covering emergency rotas etc.
- 6.10 The Panel recommended that Part 3.6 of the Constitution – Scheme of Delegation to Officers – Proper Officer Functions – be amended as set out in Appendix B.

## **7. Appendices**

Appendix A - Developer's briefings to Planning Committee Protocol

Appendix B - Part 5.2 - Code of Conduct for Councillors and Officers in relation to Planning and Licensing matters

Appendix C - Proper Officer Appointment - Public Health (Control of Disease) Act 1984

## **8. Background Papers**

A full copy of the Constitution can be accessed on the Council's website.