

Council



Listening Learning Leading

Report of Head of Legal and Democratic

Author: Steven Corrigan

Telephone: 07717 274704

Textphone: 18001 07717 274704

E-mail: steven.corrigan@southandvale.gov.uk

To: COUNCIL

DATE: 16 July 2020

Virtual meeting procedure rules and scheme of delegation

Recommendations

That Council:

1. adopts the revised Virtual Meeting Procedure Rules attached at appendix one to this report which provide for public participation at virtual formal council meetings, to apply from the date of this meeting;
2. agrees corrected wording for the head of planning's delegation 1.1 a ii in the council's constitution to clarify call-in of planning applications by ward councillors as set out in appendix two to this report, to apply from the date of this meeting;
3. notes the intention to resume Planning Committee site visits but authorises the head of planning, in consultation with the chair of the Planning Committee, to suspend them if at any time it becomes unsafe to do so;
4. authorises the head of legal and democratic to make the necessary changes to the constitution and to make any minor or consequential amendments to the constitution and the rules for consistency and to reflect the council's style guide.

Purpose of Report

1. To consider proposed amendments to the Virtual Meeting Procedure Rules, the scheme of delegation to the head of planning and to note that site visits will be resumed by the Planning Committee.

Strategic Objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives and reflects the council's duty to respond to the Covid-19 pandemic to deliver its statutory functions.

Background

3. On 18 May 2020 the chief executive, under emergency powers, agreed for the council to hold virtual meetings, including the adoption of virtual meeting procedure rules, temporary changes to the delegations to the head of planning to allow alternative arrangements for the determination of applications that would ordinarily be determined by the council's planning committee and the temporary cessation of planning committee site visits.
4. These changes were introduced in response to the government's announced lockdown due to Covid-19 on 23 March and new powers handed to local authorities under the Coronavirus Act 2020 and associated regulations to hold virtual public meetings through video or telephone conferencing technology from 4 April 2020.

Virtual Meeting Procedure Rules

5. The Virtual Meeting Procedure Rules, agreed by the chief executive on 18 May 2020, provided for members of the public to submit statements or questions in writing for circulation at a virtual meeting. In respect of meetings of the Planning Committee, the public, who have already registered an interest in the planning application, can submit a concise written statement by 12 noon two working days before the committee meeting. Written statements received by the deadline are circulated to the committee members in advance of the meeting and published to the council's website.
6. The reason for the lack of public participation was due to the software the council uses for virtual meetings which meant the council couldn't initially include invitations to external parties like towns and parishes although many have submitted written statements.
7. The council undertook to review this arrangement after six months, whilst keeping the operation under review with the ambition to return to public speaking at meetings as soon as possible. Officers have tested a number of options and will undertake a live test at the Joint Audit and Governance Committee on 13 July. Assuming this test is successful (an update will be provided at the meeting), officers recommend that public participation is provided for at all council meetings. Revised Virtual Meeting Procedure Rules are attached at appendix one to reflect this change.

Planning scheme of delegation to officers

8. Under emergency powers, the chief executive agreed temporary changes to the delegations to the head of planning in the council's constitution to allow alternative arrangements for the determination of applications that would ordinarily be determined by the council's planning committee. This change was brought in as a response to the challenges presented by the pandemic to reduce the number of applications referred to committee whilst strengthening the links between council planning officers, ward councillors and parish councils. The temporary changes will be reviewed after six months.
9. In operating the scheme, it has become apparent that the wording of the head of planning's delegation 1.1 a is unclear as to who makes the final decision on the referral by a ward councillor of a planning application to the planning committee. In line with other delegations to the head of planning it is the intention that he determine this in consultation with the chair/vice-chair and local ward councillor(s). Attached at appendix two is a revised schedule to reflect this.

Planning Committee Site visits

10. At the time the chief executive agreed changes under emergency powers, it was not practical and in accordance with government advice on social distancing to hold planning committee site visits. However, the government has announced an easing of lock down measures from 4 July with a reduction in social distancing and the ability to meet in small groups.
11. Whilst there is no legal requirement to hold planning committee site visits, they are considered good professional practice and enable councillors assessing an application to consider all material matters such as topography, noise, odour and relationship to neighbouring properties which cannot easily be assessed through photographs and videos.
12. Officers have undertaken a risk assessment in line with the latest government guidance and produced a protocol on the running of committee site visits. Based on this and in consultation with the chair of the Planning Committee, officers are satisfied that safe committee site visits can now be undertaken. It should be noted, however, that if circumstances change making it unsafe to do so then the practice would need to be suspended. Council is asked to authorise the head of planning to do this, in consultation with the chair of the Planning Committee, should it prove necessary for safety reasons.

Financial Implications

13. There are no direct financial implications arising from this report.

Legal Implications

14. The Coronavirus Act 2020 and associated regulations provided for councils to hold virtual public meetings through video or telephone conferencing technology from 4 April 2020 until 6 May 2021. The chief executive acting under his emergency powers agreed to adopt the Virtual Meetings Procedure Rules without public participation to allow meetings to go ahead and planning decisions to be made, to make temporary changes to the scheme of delegation to the head of planning and

suspend site visits. The procedure rules can now be updated by Council to allow public participation.

15. The arrangements for ward councillors to refer applications to the Planning Committee need to be corrected to provide clarity. The delegation needs to be to the head of planning in consultation with relevant councillors as decision-making powers cannot be granted to the chair or vice-chair of the Planning Committee or ward councillors.

Conclusion

16. This report sets out proposed changes to the council's Virtual Meeting Procedure Rules to allow for public participation at meetings, to correct administrative errors to the scheme of delegation to the head of planning and to note the resumption of site visits for the Planning Committee as long as it remains safe to do so.

Background Papers

- Decision taken by the chief executive under emergency powers dated 18 May 2020