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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>CONSTITUTION WORKING PARTY</b>
<b>DATE:</b>	<b>22 JULY 2019</b>
<b>REPORT OF THE:</b>	<b>DEMOCRATIC SERVICES MANAGER SIMON COPLEY</b>
<b>TITLE OF REPORT:</b>	<b>RESPONSIBILITY FOR PLANNING POLICY</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To advise the Constitution Working Party of the changes to the Constitution which would be required if responsibility for planning policy were moved from Planning Committee to Policy and Resources Committee.

### **2.0 RECOMMENDATION(S)**

- 2.1 To decide whether to recommend to Council that the responsibility for planning policy be moved from Planning Committee to Policy and Resources Committee, with the associated changes to the Constitution required to do this as set out in this report.

### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 At its meeting on 20 June 2019, the Constitution Working Party requested a report setting out what changes would be required to the Constitution if the responsibility for planning policy were moved from Planning Committee to Policy and Resources Committee.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no direct risks with advising on the changes that would be required to the Constitution.
- 4.2 There may be potential risks to consider in making a decision about where the responsibility for planning policy sits. Planning Committee has experience of using planning policy and the associated detailed knowledge of planning matters (although Policy and Resources Committee could receive further training in this area). Policy and Resources Committee could however look at planning policy alongside economic, housing and environmental policy and provide a separation between the policy and regulatory functions. Given that Planning is a facilitator and enabler of the

Council's/District's growth aspirations, Policy and Resources Committee can be seen as the appropriate place to ensure the synergies with other key areas are made, especially as the Local Plan review process commences, which has to be anchored by joined-up thinking across the Council and could be facilitated through Policy and Resources Committee.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Planning policy historically sat with the Policy and Resources Committee but was moved to Planning Committee in March 2013. The reasons given for the move in the officer report at that time are as follows:

*The Planning Committee is primarily responsible the determination of planning applications. The transfer of responsibility for the Council's Planning Policy function to the same group of Members (who have received specialist Planning training) will assist in the development of emerging policy and assist in the consistent delivery of planning policy through individual planning decisions made by the same committee.*

*The Council's Planning Committee is comprised of 15 Members and is the largest of the Council's committees. The transfer of responsibility for the Planning Policy function to this committee will enable more Members to be involved in the debate concerning planning policy recommendations to Full Council.*

- 5.2 The Planning Committee is now the same size as the Policy and Resources Committee, both having 10 Members, so the second of these points no longer applies.

- 5.3 This report outlined the risks as follows:

*There are no significant risks associated with this re-allocation of responsibilities. Policies and proposals will still be subject to the same level of rigorous debate and any new policy will still be referred to Council as the final decision maker.*

- 5.4 If responsibility is transferred back to the Policy and Resources Committee, it will continue to be the case that any new policy will still be referred to Council as the final decision maker.

- 5.5 In other fourth option (committee system) councils in North Yorkshire, such as Richmondshire and Craven, responsibility for planning policy sits with their equivalent of the Policy and Resources Committee.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 Article 7 of the Constitution relates to the Policy and Resources, Planning and Licensing Committees. The first two paragraphs read:

#### **7.1 The Policy and Resources Committee**

*The Council will appoint a Policy and Resources Committee responsible for policy including budget formulation, Community related issues, Economy and the Environment. The functions attributed to those Committees are set out in Part 3 of this Constitution entitled "Responsibility for Functions".*

## 7.2 **The Planning Committee**

*The Council will appoint a Planning Committee which will be responsible for dealing with planning applications and related matters and Planning Policy. The functions of the Committee are set out in Part 3 of this Constitution entitled "Responsibility for Functions".*

- 6.2 Therefore an amendment would be required to move the reference to planning policy from paragraph 7.2 to 7.1.
- 6.3 The terms of reference for Planning Committee are set out in Part 3 of the Constitution. These include the following section:

### **Planning Committee (Policy)**

3. (a) *To make recommendations to Council in relation to the approval or adoption of a plan or strategy comprising plans or alterations which together constitutes the Development Plan.*
- (b) *To determine all matters in the following stages of the production of Development Plan Documents in the Local Plan:*
- (i) *Preparation Stage – the evidence base and arrangements for community involvement; publication of preparatory draft documents and associated public consultation.*
- (c) *To advise and make recommendations to Council upon the following stages of production of Development Plan Documents:*
- (i) *Approval of any full draft development plan document for initial consultation.*
- (ii) *Approval of any Proposed Submission Document prior to submission to the Secretary of State.*
- (iii) *Adoption of Development Plan Documents following the Inspector's report and recommended modifications after the Examination.*
- (d) *In relation to the Neighbourhood Planning documents and the CIL charging schedule:*
- (i) *To determine all matters as relevant in the preparation, production, publication of Neighbourhood Planning documents and to advise Council as to the subsequent adoption of Neighbourhood Planning documents as covered by the Neighbourhood Planning Regulations 2012 (Neighbourhood Areas; Neighbourhood Forums; Community Right to Build Organisations; Neighbourhood Development Plans; Neighbourhood Development Orders and Community Right to Build Orders).*
- (ii) *To advise and make recommendations to Council in respect of the preparation, consultation and production of the CIL preliminary draft charging schedule.*

- (iii) *To advise and make recommendations to Council in respect of the preparation, production, consultation and approval of the draft CIL charging schedule to be submitted for examination and thereafter subsequent adoption.*
- (e) *To consider and make recommendations to Council on the adoption of Supplementary Planning Documents.*
- (f) *To determine matters upon related projects and studies to the Local Plan or to make recommendations to Council.*
- (g) *To consider and comment on behalf of the Council in respect of the Regional Strategy Local Development Frameworks, Neighbourhood Planning documents and other relevant plans or consultation exercises by Government, local authorities or other relevant bodies.*
- (h) *To give detailed consideration and to make recommendations to Council in respect of all other planning policy matters such as the designation of Conservation Areas and amendments to their boundaries and the designation of locally listed buildings.”*

6.4 An amendment would be required to move this section to the terms of reference for the Policy and Resources Committee.

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

- a) Financial  
None.
- b) Legal  
None.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)  
None.

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**Background Papers:**  
The Constitution.

**Background Papers are available for inspection at:**  
[www.ryedale.gov.uk](http://www.ryedale.gov.uk)