

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

PLANNING COMMITTEE – NEW REGULATIONS

Reason for this Report

1. To inform Council of new subordinate legislation made by the Welsh Government introducing new rules in relation to the size, composition and proceedings of planning committees, and recommend the requisite amendments be made to the Planning Committee Procedure Rules and Council Constitution.

Background

2. The Planning (Wales) Act 2015 introduced a number of changes to the planning system in Wales. One objective of the changes was the standardisation of planning committee arrangements and procedures across Wales. Subordinate legislation is used to provide the detailed implementation of the changes introduced.
3. The Planning Committee is a standing committee established by full Council to discharge the town and country planning and development control functions of the authority (in accordance with its approved terms of reference, which are set out in the Scheme of Delegations, Appendix 2).
4. The establishment of the Planning Committee, its size and membership are determined by Annual Council; and the conduct of its business is governed by standing orders, the Planning Committee Procedure Rules, contained within Part 4 of the Constitution.

Issues

5. Two new statutory instruments have been made by the Welsh Government introducing new rules for planning committees, both of which came into force on 5th May 2017, namely:
 - (i) The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017; and
 - (ii) The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017.

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

6. These Regulations (made under section 39 of the Planning (Wales) Act 2015), introduce new rules in relation to the size and composition of planning committees specifically:

- (a) A planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number).

Cardiff's Planning Committee has consistently been established at each Annual Council with 12 members, which fully conforms with the new requirements in relation to the size of the committee.

- (b) Where wards have more than one elected Member, only one Member may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests (but this rule is not applicable to authorities comprised solely of multiple Member wards).

This new requirement will need to be borne in mind when considering appointments to the Planning Committee.

7. Failure to comply with the new rules will affect the validity of decisions taken by the planning committee. The Welsh Government therefore advises that the new rules should be incorporated into the relevant section of the Constitution.
8. The Planning Committee Procedure Rules currently provide for the establishment of the planning committee, so these Rules require amendment to reflect the new rules.
9. In considering the establishment of the Planning Committee and the nominations and appointments to this committee (at this Annual Council meeting under Agenda Items 11 and 13 respectively), the Council must have regard to these new rules.

The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017.

10. These Regulations amend the Local Authorities (Standing Orders)(Wales) Regulations 2006, which require local authorities to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings. The Regulations require the Council to amend its standing orders in relation to the planning committee as follows:

- (a) Each meeting of the planning committee must have a quorum of 50% of the membership to make decisions.

The current quorum requirement is one quarter of the whole number of committee members (Planning Committee Procedure Rules, Rule 7). This Rule needs to be amended to reflect the new quorum requirement.

- (b) The use of substitute members in the absence of appointed members is prohibited.

The Planning Committee Procedure Rules currently make no reference to substitute members. In order to comply with the new Regulations, a new rule should be added to prohibit the use of substitute members.

Legal Implications

11. Relevant legal provisions are set out in the body of the report.

Financial Implications

12. There are no financial implications directly arising from this report.

RECOMMENDATIONS

Council is recommended to:

1. note the provisions of the new subordinate legislation relating to planning committees;
2. approve the requisite amendments to the Planning Committee Procedure Rules, as set out in the report; and
3. instruct the Monitoring Officer to make the necessary Constitution amendments.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

19 May 2017

Background Papers

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

SI 2017/459 <http://www.legislation.gov.uk/wsi/2017/459/contents/made>

The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017 SI 2017/460

<http://www.legislation.gov.uk/wsi/2017/460/contents/made>

Welsh Government, Department for Economy, Skills and Natural Resources letter to all local authority Chief Executives and Chief Planning Officers dated 30 March 2017 regarding the above regulations