

## **Proposed changes to the Constitution in respect of Planning and Licensing Committee**

Report to: **Planning and Licensing Committee**

Date: **13 December 2016**

Title: **Proposed changes to the Constitution in respect of Planning and Licensing Committee**

Portfolio Area: **Customer First – Cllr J Moody**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny (Internal) Committee**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:  
**Recommendation to Council February 2017, to take effect after Annual Council May 2017**

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### **RECOMMENDATIONS:**

**That the Planning and Licensing Committee RECOMMEND to Council that the West Devon Borough Council Constitution be amended as set out below to reflect the recommendations of the Political Structures Working Group, and to take effect from the Annual Council meeting in May 2017:**

- 1. That West Devon Borough Council continue to have a Planning and Licensing Committee of ten Members who will determine both planning and licensing applications;**
- 2. That the Constitution be amended to allow for a sub-committee of five Members (drawn from the ten appointed Planning and Licensing Committee Members) to be convened to determine taxi driver licence applications and other miscellaneous licences, in addition to the current sub-committee of three Members convened to determine alcohol and gambling licences; and**

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### **3. The Planning and Licensing Committee be renamed with effect from the Annual Council meeting in May 2017, to the Development Management and Licensing Committee**

#### **1. Executive summary**

- 1.1 The report sets out the recommendations of the Political Structures Working Group, which met following a request from the Planning and Licensing Committee at their meeting on 26 July 2016 (Minute P&L14 refers).
- 1.2 The recommendations suggest changes to the current Constitution in the way that the Planning and Licensing Committee works.

#### **2. Background**

- 2.1 At the meeting of the Planning and Licensing Committee on 26 July 2016, the Planning Peer Challenge Action Plan was presented for Member's consideration (Minute P&L14 refers).
- 2.2 The Committee agreed with the recommendations and actions set out within the presented Action Plan, and added a further action, as follows:

*'That the Political Structures Working Group be tasked with giving consideration to:*

- *changing the name of the Planning and Licensing Committee to the 'Development Management Committee'; and*
- *establishing a separate stand-alone Licensing Committee.*

*with the Working Group recommendations being presented to the Council for determination, with any subsequent changes coming into effect from the Annual Council meeting in May 2017.'*

- 2.3 A meeting of the Political Structures Working Group was convened for 8 November 2016. The meeting was chaired by Cllr McInnes and attended by Cllrs Sanders, Baldwin and Musgrave.
- 2.4 The Group discussed the two elements as requested, and their recommendations are shown later in this report.

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### **3. Outcomes/outputs**

- 3.1 Firstly, the Group considered establishing a separate stand-alone Licensing Committee. Whilst it was accepted that most authorities now had separate Planning and Licensing Committees, the Members felt that the size of West Devon Borough Council, along with the current workload of the Planning and Licensing Committee, did not justify two distinct committees, or the associated potential cost implications of two Special Responsibility Allowances for two chairmen.
- 3.2 The Members then discussed how the Committee currently worked, particularly in respect of various licensing applications. The Senior Specialist Environmental Health had proposed a more effective way of working for the Group to consider which expanded the current use of sub-committees.
- 3.3 The Constitution currently allowed for a sub-committee to be set up to hear licensing applications for alcohol and gambling determinations. This sub-committee, currently drawn from the P&L Committee Members, was made up of three Members. The Group then discussed a sub-committee to determine taxi driver licence applications and other miscellaneous licences. It was suggested that this sub-committee consist of five Members, again to be drawn from the P&L Committee.
- 3.4 Licensing applications are subject to a number of administrative restrictions, and one of these is reflected in the deadlines that apply throughout the process. These deadlines do not always sit well within the statutory publication deadlines associated with the Council's published calendar of meetings. The use of sub-committees would allow a flexibility that would enable officers to better meet those deadlines and provide a more effective service for applicants.
- 3.5 The use of sub-committees did not preclude the P&L Committee from having licensing related items presented to them. For example, it may be appropriate for the committee to receive an annual report on the number of licences granted, and it would be appropriate for the full committee to make recommendations in respect of fees to the Council.
- 3.6 The Group then considered the possible change of name of the Committee. The Group felt that it would be appropriate to change the name of the Committee to the Development Management and Licensing Committee, as this would better reflect the responsibilities of the Committee in respect of the planning determinations it was required to make.

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### **4. Options available and consideration of risk**

- 4.1 The Political Structures Working Group is a constituted Group of West Devon Borough Council, able to make recommendations to full Council.
- 4.2 In considering the proposals put before them, the Group also looked at the associated risks. Whilst the majority of authorities operated with separate Planning and Licensing Committees, the Group considered that a single Committee was appropriate for the size and workload of West Devon Borough Council.
- 4.3 Members selected to sit on the proposed sub committee would be drawn from the existing Planning and Licensing Committee, and therefore full and ongoing training on both planning and licensing matters would have been (and continue to be) received.

### **5. Proposed Way Forward**

5.1 The recommendations put forward by the Group are:

- that the Council proceed with a single committee to determine planning and licensing applications
- that sub-committees of the P&L Committee be convened to determine taxi driver and miscellaneous licences
- that the name of the P&L Committee be changed with effect from Annual Council May 2017 to Development Management and Licensing Committee.

### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Political Structures Working Group is a constituted Group of West Devon Borough Council that is able to make recommendations on matters that affect the Constitution and the decision-making governance of the Council. Any recommendations are ultimately considered by full Council, which is the only Council body able to authorise Constitutional amendments.

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Financial	Y	There are no financial implications directly related to the recommendations within this report.
Risk	Y	
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no equality and diversity implications directly related to this report.
Safeguarding	N	There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder	N	There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing	N	There are no health, safety and wellbeing implications directly related to this report.
Other implications	N	N/A

### **Supporting Information**

#### **Appendices:**

None

#### **Background Papers:**

Report to P&L Committee 26 July 2016 – Planning Peer Challenge Action Plan 2016/17  
Minutes of P&L Committee 26 July 2016