

Democracy Commission

Wednesday 7 December 2011

7.00 pm

Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1
2QH

Supplemental Agenda No.2

List of Contents

Item No.	Title	Page No.
5.	Shaping the Recommendations	1 - 6

Appendix D is included in this agenda

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Date: 5 December 2011

Item No. 5.	Classification: Open	Date: 7 December 2011	Meeting Name: Democracy Commission
Report title:		Planning Sub-committee Options	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities Law & Governance	

RECOMMENDATION

1. To consider the information in the report on planning subcommittee models and how they might work in practice.

BACKGROUND INFORMATION

2. At the meeting of the commission held on 14 November 2011 members considered emerging recommendations and discussed options for planning including the implementation of a subcommittee model. Members raised questions relating to the proportionality of subcommittees, the frequency of meetings, local member representation on subcommittees and the thresholds for decisions. This paper outlines some of the options.

KEY ISSUES FOR CONSIDERATION

3. The Democracy Commission has been tasked with making recommendations on the role and powers of community councils with the aim of identifying savings of £344,000. In terms of the planning function there are options available for the commission to consider:
4. These options will deliver savings of varying degrees; some will deliver no savings at all. The estimated savings are set out in the table below.

Potential savings		Retain planning at community councils	Delete planning from community councils	Sub-committee model 1	Sub-committee models 2 or 3
Security Services (Van hire etc)	£16,610	✗	✓	✓	✓
Hire of rooms/halls	£5,885	✗	✓	✓	✓
Legal Services for planning	£30,200	✗	✓	Partially £25,670	Partially £19,932
Printing and postage	£14,740	✗	✓	Partially £12,300	Partially £9,951
Staffing costs	£48,000	✗	✓	✓	✗
Departmental support costs - planning	£71,000	✗	✓	Partially £60,350	Partially £46,860
Total		£0	£186,435	£120,815	£99,238

Subcommittee models

5. Officers have outlined some potential planning sub-committee models as follows:
- Model 1 – 1 strategic planning committee and 1 sub-committee (minor applications) with a fixed membership
 - Model 2 - 1 strategic planning committee and 2 sub-committees with a fixed membership
 - Model 3 - 1 strategic planning committee and 2 sub-committees with a pooled membership
6. Members agreed that a fixed membership was the most practical option so options 1 and 2 are explored in more detail.

Size and membership

7. Officers recommend sub-committees of 7 as this is consistent with the size of the main planning committee. Sub-committees are required to be proportional currently seats would be allocated to political groups on the following basis: Labour: 4 seats, Liberal Democrats 3 seats and Conservatives 0 seats. However, the commission has considered recommending to council assembly to waive proportionality rules for any planning sub-committees so that all political groups are represented.
8. Proportionality requirements can be waived for a particular committee if council assembly passes a resolution with no members voting against. This would allow all political groups representation in the sub-committee model. Council Assembly would need to agree the seat allocation of the sub-committee(s) if this resolution was passed.
9. At the meeting in November members also discussed local representation in a sub-committee model. It was suggested that chairs of community councils form the membership of the subcommittees. This could be agreed informally by group

whips but it is not recommended that this is a formal membership requirement as it may not be practical for community council chair to sit on planning sub-committees and may not always be feasible depending on election results in terms of proportionality. In addition, the most efficient way for members to be appointed to committees is through group nominations to council assembly, as is the case for most committees of the council. Lewisham have a requirement that no more than one member from each Council ward can sit on a planning sub-committee. It is important to note that the sub-committee models enhance members' ability to represent local issues/interests.

10. The commission also considered appointing lead planning members for each community council to be the liaison point between the planning process and the community councils.
11. It is recommended that substitute members be appointed as with the main planning committee. There is nothing to stop members sitting on both the strategic planning committee and a sub-committee.

Frequency of meetings

12. It is suggested that in both models subcommittees meet on a regular cycle (excluding the August break). Savings are based on all meetings being held at Tooley Street.

Thresholds

13. The thresholds for decision will need to be reviewed to implement a workable planning sub-committee model. Currently community councils take planning decisions where the development proposed involves the creation of fewer than 50 housing units or less than 3500m² or commercial floor space or a mixed use development with less than 3500m² of floor space. Community councils deal with a wide breadth of planning applications including majors, minors, and others. However, the large majority of applications heard by community councils fall into the minors and other categories of applications. The community councils also have consultative/non decision-making roles in areas such as s106 funding and conservation area adoption.
14. As illustrated in Appendix 1, different local authorities have different thresholds for considering planning applications and there is little consistency across London Boroughs.
15. The nature of the developments in Southwark is different to other authorities therefore it would not be appropriate to simply duplicate other models but they do provide useful information on the alternative systems. The commission has expressed a desire for certain planning decisions to remain with councillors therefore a balance needs to be achieved in determining a threshold which allows applications with significant local interest to be considered by councillors whilst avoiding sub-committees being dominated by small applications with a small number of objections.
16. Officers are currently investigating options for the threshold of decisions in a planning sub-committee model. The commission does not have the power to make constitutional amendments but can make recommendations for Council Assembly through the Constitutional Steering Panel.

Community councils and planning

17. The role of community councils and planning in a sub-committee model was explored in July by the commission. It is suggested that the consultative/non decision making functions as set out in part 3H of the constitution remain with community councils. This includes commenting on the release of section 106 monies to planning committee and receiving regular reports on enforcement issues.
18. Officers are also investigating the impact of the Localism Act particularly in terms of community councils' role in pre-application consultation and neighbourhood planning. The impact of the Act and the potential role of community councils is not yet clear as government guidance has not been published.

Special responsibility allowance

19. Community Councils chairs and vice chairs currently receive an SRA band 1b £8,357 and the chair of planning an SRA band 2a £14,451. As with constitutional amendments the commission can not make changes but may wish to make recommendations as to the appropriate level of SRA for chairs of planning subcommittee. If the number of community councils were to be reduced then there would be a saving of £8,357 per community council area reduced, however this saving would be limited depending on the level of SRA paid to planning subcommittee chair if such a planning model were introduced. Any changes to SRAs would need to be found from savings arising from changes to community councils; the level of SRAs introduced may have an impact on the total savings generated by the review.

Policy implications

20. The Democracy Commission is being conducted within the context of current council policies, plans and strategies. Any constitutional amendments required by the recommendations will be referred to the Constitutional Steering Council to make recommendations to Council Assembly.

Community impact statement

21. The report is a discussion paper and any specific proposals will be included in the final report of the Democracy Commission

Resource implications

22. The task of the Commission is to make recommendations to deliver a saving of £344,000 across the community council budgets to take effect from 1 April 2012 as agreed in the council's Policy and Resources Strategy 2011-2014.
23. This report identifies a potential saving of £186,435 from the community council budget by deleting the planning function from community councils and explains these potential savings would be negated to a large extent by introducing a sub-committee model.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Democracy Commission Information Pack	Constitutional Team 160 Tooley Street	Tim Murtagh Tim.murtagh@southwark.gov.uk 020 7525 7187

APPENDICES

No.	Title
Appendix 1	Comparative threshold information

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities Law & Governance	
Report Author	Stephen Douglass, Head of Community Engagement	
Version	Final	
Dated	5 December 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
Head of Planning and Transport	Yes	Yes
Head of Development Management	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	5 December 2011	

APPENDIX 1

Borough	Percentage of delegated officer decisions	Triggers for referring delegated cases to a committee of councillors
Brent	95%	If the planning committee specifically indicate they wish to consider a particular application. If requested by 3 Councillors 3 objections were officers are recommending approval
Lambeth	85-90%	At the request of the Head of Development Control. At the written request of 1 Councillor
Kens & Chelsea		Complex system – consisting of a committee for major developments and a planning application committee. At the request of a Director At the request of the planning application committee
Hackney		At the request of the Head of planning with particular regard for applications which have received substantial public response Written request of at least 5 members of the planning committee Written request of 10 members of the council.
Bark & Dag	88%	5 or more objections 1 councillor request, subject to the agreement of the chair of the planning committee At the request of the Director, based on scale, impact on the environment or level of public interest, subject to the agreement of the chair of the planning committee.
Waltham Forest	95%	Requested by 1 councillor Significant public interest Requested by the Director.
Westminster	90%	The planning committee specifically indicate they wish to consider the application Refer by Director or Head of Service Chair or 2 Councillors request the item and set out reasonable grounds

Information on the percentage of officer delegated decisions provided by Association of London Borough Planning Officers in 2010.

Democracy Commission Distribution List

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Councillor Abdul Mohamed (Chair)	1
Councillor Mark Glover	1
Councillor Helen Morrissey	1
Councillor Columba Blango	1
Councillor Michael Mitchell	1
Councillor Paul Noblet	1
Councillor Cleo Soanes	1

Council Officers

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