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| Item No. 6 | Classification: Open | Date: 8 June 2022 | Meeting: Planning Committee |
| Report title: | | Southwark Planning Code of Practice and Guillotine rule adoption | |
| Ward(s) or groups affected: | | All | |
| From: | | Proper Constitutional Officer | |

RECOMMENDATIONS

1. That planning committee note and approve the planned Southwark Code of Practice (Appendix 1).
2. That planning committee consider whether to adopt a guillotine rule for planning committee and sub-committee meetings as detailed in paragraph 4 of this report.

BACKGROUND INFORMATION

Background to the Guillotine rule

3. Southwark Council has legal and moral obligations to provide effective and robust committee meetings which allow time and scope for a broad range of applications and objections to be considered within a timely manner.
4. The guillotine rule is proposed as a measure to manage and curate efficient planning committee meetings by setting planning committee and sub-committee meetings to 3 hours in duration with a possible extension of a further 30 minutes following a vote and majority consent. The use of a Guillotine rule was benchmarked across various Councils in London in June 2021 (see below). A guillotine rule is widely practised by many Councils throughout London.

| Name of Council | Details in constitution | Guillotine | Comments |
|------------------------|--|-------------------|--|
| Lambeth | Guillotine procedure for planning applications | Yes | Meeting duration: 2 hours with start time at 7pm (unless there is a vote by the chair to proceed with business on the agenda). |
| Lewisham | Standing Orders: Part IV procedure rules | Yes | Duration of planning business: 2 hours, until 10.00pm. |

| Name of Council | Details in constitution | Guillotine | Comments |
|------------------------|---|-----------------|---|
| Camden | Email response from Principal Committee Officer at Camden | Yes | Camden have a 3-hour limit but with the agreement of the Committee, they can extend to a further 30 minutes. |
| Brent | Constitution: Guillotine procedure | Yes | Every ordinary meeting of full council (including committees and sub-committees) terminate after 3 hours or no later than 10.00pm (whichever is earlier). |
| Islington | Constitution: Section 51.1 quote - termination of the meeting (all committees) | Yes | Note: If the business of the meeting has not concluded by 10.30pm, the member then speaking must stop. The Chair shall put the matter then under discussion to the vote, without any further debate. |
| Westminster | Constitution | To be confirmed | For council and committee meetings (does not specify planning meetings): Standing Order quote: Summary: If there is less than 1 hour 50 minutes available prior to 10.00pm the chairman will reduce the debating time proportionately. |
| Kensington and Chelsea | To be confirmed | No | "We do not have a guillotine for our Planning meetings and some have been known to finish quite late. On the whole though we usually finish before 10pm". |
| Barnet | Constitution | Yes | Note: No business shall be transacted after 10pm. But with agreement from the chair extend time until 10.30pm |

Background to the proposed Planning Code of Practice

5. A Planning Code of Practice is proposed to be implemented as a tool to further equip councillors with formal guidance in regard to practices and procedures at Planning Committee and Sub-committee meetings.

6. The Planning Code of Practice has been proposed to formalise a response to various issues that have arisen and provide procedural guidance.

KEY ISSUES FOR CONSIDERATION

7. The main issues to be considered in respect of both proposals are:
 - Efficacy of time restrictions with respect to large and complex applications
 - The socio-economic factors shouldered by the public and the effect this will have on the ability to attend and make objections / express approval while managing external commitments
 - Method of implementation of the Southwark code of practice such as inclusion with a code of conduct material and training workshops.

Policy framework implications

8. This report is not considered to have direct policy implications.

Community, equalities (including socio-economic) and health impacts

9. Careful consideration should be given to potential impacts of any proposals in terms of equality and diversity issues in order to identify and analyse what, if any, potential impact the proposals may have on any residents and users of the services within the protected groups.
10. The recommendations in this report ensure the public and the local community have access to council decision-making and maintain their health and safety. Meetings will continue to be held in line with good governance (participation, openness, transparency, efficiency and accountability).

Climate change implications

11. There are no immediate climate change implications arising from this report.

Legal implications

12. Legal comments are incorporated within the report.

Financial implications

13. There are no immediate resource implications arising from this report.

Consultation

14. Consultation has been undertaken with the chairs and members of planning committee and planning sub-committees, the monitoring office

and, planning officers.

15. The following comments/suggestions were received as part of the consultation:
16. If a guillotine is adopted, a Chair can call a vote to extend the duration of a committee meeting if they feel further debate and decisions must be made. However suggest that this is not limited to 30 minutes, but the vote is at the discretion of the committee members who will be able to judge if applications absolutely must be heard on a particular date. Further consideration ought to be given to any challenging ramifications for appeals.
 1. Consideration should be given to:
 - a) The welfare of members, residents and officers having to deal with extremely long meetings
 - b) The diminishing returns of good decision-making at meetings that last for 4+ hours
 - c) The ability for members, residents and applicants to have a full say on decisions
 - d) The capacity to turn around a high enough volume of decisions
 2. The number of Planning Committee dates booked throughout the year could be increased to accommodate the potential of additional committees required to consider applications that may be deferred as a result of invoking the guillotine rule.
 3. Effort must be made to mitigate any bottlenecking within our own processes as the committee considers large and complex applications, which may need more time.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

16. The powers to consider planning business are set out in Part 3F of the Council Constitution which describes the role and functions of the Planning Committees which are required to take place in public. For a period of 12 months a relaxation was allowed by the Government for these to be held virtually. However, this expired after the lockdown provisions were relaxed with the consequence that they must be conducted in person. As before the lockdown periods, they are also live streamed.
17. A number of these meetings receive considerable public scrutiny and it is therefore most important that they are conducted in a fair and transparent manner and that the Committee take into account the various issues raised in the relevant reports together with any Human Rights implications and also the provisions of the Equality Act 2010.

18. The report explains that the Planning Procedure is being suggested in order to assist Members in their decision making. Coupled with this is a time guillotine so Members are not considering these issues too late into an evening.
19. There are no particular legal issues arising from the change in practice but they do need to be confirmed either by a resolution of the Planning Committee or by a change in the Constitution.

Strategic Director of Finance and Governance

20. None in the context of this report.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|-------------------|---------|---------|
| None | | |

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | Members' Planning Code of Practice (Draft) |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Lead Officer | Chidilim Agada, Head of Constitutional Services | |
| Report Author | Gregory Weaver, Constitutional Officer Margaret Foley, Senior Planning Lawyer | |
| Version | Draft | |
| Dated | February 2022 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Director of Law and Governance | Yes | Yes |
| Strategic Director of Finance and Governance | No | No |
| Cabinet Member | Yes | Yes |
| Date final report sent to Constitutional Team | | |