

FAREHAM

BOROUGH COUNCIL

Minutes of the Audit and Governance Committee (to be confirmed at the next meeting)

Date: Monday, 9 February 2015

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor T G Knight (Chairman)

Councillor G Fazackarley (Vice-Chairman)

Councillors: L Keeble (deputising for P J Davies), Miss T G Harper,
D L Steadman, N R Gregory and D J Norris (deputising for P W
Whittle, JP)

Also Present: Councillors T M Cartwright, MBE (item 6) and N J Walker.



1. APOLOGIES

Apologies of absence were received from Councillors P J Davies and P W Whittle, JP.

2. MINUTES

RESOLVED that the minutes of the Audit and Governance meeting held on 24 November 2014 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked all the members who had attended the meeting, especially given the short notice of it. He explained that the purpose of this special meeting is to ensure full consideration of proposals referred from the Planning Committee to change the Scheme of Delegation to Officers in respect of the Planning Committee and the Planning Committee Deputation Scheme. The existing schedule of meetings had the next A&G Committee on 16 March 2015, meaning that the proposed changes would not be able to be considered by Council until 23 April 2015. This would have meant that the three Planning Committee meetings would not have been able to adopt the new proposals.

As both the Scheme of Delegations and the Deputation Scheme are included in part 4 of the Council's Constitution, the proposed changes must be considered by the Audit and Governance Committee before being recommended to Council for approval.

The Chairman announced that further to his announcement at the last meeting on 24 November 2014, that there had been a suspected breach of the Member's Code of Conduct and he could now provide the following update to members:

A complaint was received on 14 October 2014 by the Council's Monitoring Officer in relation to the conduct of a Council Member at the Planning Committee meeting of 24 September 2014.

The complaint concerned the allegation that a member of the Committee, when considering an application, was discussing and raising objection issues with a representative opposed to the application after all formal representations had been made. This was seen by the complainant as undermining natural justice as the Councillor appeared to be favouring the representative opposing the application.

A full investigation by the Monitoring Officer, including consultations with the Solicitor to the Council, concluded that a breach of the Members' Code of Conduct had occurred.

A formal letter of censure was sent by the Monitoring Officer to the Councillor in question, who admitted that an error constituting a breach of the code had occurred. The Councillor was requested to attend further training on probity in planning when this could be arranged.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. PROPOSED CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS IN RESPECT OF THE PLANNING COMMITTEE AND THE PLANNING COMMITTEE DEPUTATION SCHEME

The Committee considered a report by the Monitoring Officer on the proposed changes to the scheme of delegation to officers in respect of the Planning Committee and the Planning Committee Deputation Scheme.

The report was presented by the Head of Development Management. He explained to the Committee that Appendix A is a copy of the report that was presented to the Planning Committee on 28 January 2015, and that the Committee's proposed amendments to the report have been listed in paragraph 5 of this report.

Councillor Gregory expressed concern over the number of notification letters that are sent out regarding a planning application and asked what would happen if less than 5 were issued due to the area containing only a few properties, and even if all objected there would not be enough to reach the required 5 letters of representation to bring the application before the Planning Committee. The Head of Development Management confirmed that this is unlikely to be a common problem, but reminded Members that Ward Councillors still have the right to call an application to the Committee and recommends should such a situation occur that this the Ward Councillor takes this action.

Councillor Gregory then enquired as to whether information would be provided on the Council's website to encourage residents to contact their Ward Councillor with any issues or concerns they may have with a planning application. The Head of Development Management informed the Committee that this information is already included with the notification letters sent out to residents and that they will continue to provide this information in the future.

Councillor Knight addressed the Committee regarding the proposal in that Members of the Planning Committee can (through the Chairman) ask for clarification on proposals or comments, and stated that it does not include Ward Councillor's in the list of people members could ask clarification from. Councillor Keeble informed the Committee that under the current scheme the Chairman of Planning Committee does offer Ward Members the opportunity to speak and where needed asks them for clarification on points. Councillor Walker confirmed this was correct and he would continue to do so.

At the invitation of the Chairman, Councillor Cartwright addressed the Panel on this item.

RESOLVED that the Committee:-

- (a) notes the comments of the Planning Committee; and
- (b) recommends to Council that proposed changes to the Scheme of Delegation to Officers in respect of the Planning Committee and the Planning Committee Deputation Scheme as set out in paragraphs 38 and 48 of the report at Appendix A, along with the minor amendments and clarifications recommended by the Planning Committee in paragraph 5 of the report be agreed.

7. REVIEW OF THE CONSTITUTION

The Committee considered a report by the Monitoring Officer on a review of the Constitution.

The report was presented by the Head of Democratic Services who explained that the purpose of the report was to agree on a way forward to the updating and reviewing of the Council's Constitution. She explained that they are keen for members to have an input into these changes at an early stage and therefore recommends that a Member Officer Working Group be formed.

Councillor Keeble asked if this review of the Constitution would take place after all departments have been through the Vanguard Intervention as this could lead to several further changes needed. The Head of Democratic Services explained that the review of the Constitution is a work in progress and can only be done in small stages and therefore will be able to incorporate any changes brought about by the Vanguard Interventions.

Councillor Knight addressed the Committee, and stated that whilst he is aware that Group Leaders will be nominating members for the Working Group, he had received a request from Councillor Davies who has requested to be included on the Working Group. He also suggested that Councillor Keeble and himself be considered for this Working Group.

RESOLVED that the Committee:-

- (a) agrees with the proposal to set up a Member and Officer Working Group to assist with the review and update of the Council's Constitution before consideration by the Scrutiny Board and the Executive and approval by Council;
- (b) recommends to Council that a Member Officer Working Group be established and that the Group Leaders be requested to nominate members to the group; and
- (c) also suggests that the following members be nominated for the working group; Councillors T G Knight, L Keeble and P J Davies.

(The meeting started at 6.00 pm
and ended at 6.30 pm).