

Harborough District Council

Report to Constitutional Review Committee



Meeting of

Title:	Voting Procedure at Planning Committee
Status:	Public
Report Authors:	David Atkinson, Director of Planning & Mark Patterson, Strategic Growth Manager (Development Management)
Portfolio Holder:	Cllr Simon Galton (Portfolio Holder for Planning)
Appendices:	None

Summary

- i. The Constitution Review Committee (“CRC”) is responsible for overseeing the provision of clear and transparent voting procedures in the Council’s Constitution.
- ii. A lack of clarity in voting procedures for Planning Committee arose at a Committee meeting and the Planning Committee was content to enable the CRC to consider necessary changes to the current voting procedure following a report from officers on the matter.

Recommendations

That the Committee:

1. **Note the report and consider the Options set out below.**
2. **Recommend to Council that the Constitution is amended to reflect the voting procedure for Planning Committee outlined in Option 1 set out in paragraph 3.6 below.**

Reasons for Recommendations

- i. It is appropriate that the Constitutional Review Committee recommends that Council amends the voting procedure for Planning Committee to ensure it provides a clear, proportionate and transparent procedure which enables the efficient and effective operation of the Planning Committee.

1. Purpose of Report

- 1.1 For Members to consider amendments to the voting procedure for Planning Committee to ensure decisions continue to be made in an open and transparent manner.

2. Background

- 2.1 At the meeting of the Planning Committee of 14th May 2024 the Committee decided to vote on the applications for development permission being considered by the Committee by recorded vote.
- 2.2 At the meeting of Annual Council on 20th May 2024 a further debate was held about this issue and the need to ensure that the votes cast at Planning Committee and the result obtained are clear to all.
- 2.3 It was agreed that an options paper would be brought to the next available meeting of the Planning Committee (11th June 2024) for the Committee to consider and potentially make recommendations to the next available meeting of the Constitutional Review Committee, depending on the option favoured. The Director of Planning presented a paper, and the Planning Committee resolved to refer the matter to the next available CRC for consideration.

3. Details

- 3.1 Following consultation with the Chair of the Planning Committee and the Council's Corporate Management Team (CMT) three potential options were identified for the consideration of the Planning Committee on the 11th June 2024. These were:
 - Option 1 – to continue as voting was administered prior to the 14th May 2024 Planning Committee meeting. That Committee members raise their hands to indicate their voting intentions following the proposing and seconding of a proposal concerning an application for development permission. Members of the committee could seek a recorded vote on a particular application, by exception, provided such a motion was proposed, seconded, and supported by at least 5 other members of the Committee in accordance with the provisions laid out in the Council's constitution (this way of operating has mainly worked well in the past and Planning Committee may consider there is not a need to change it: if Committee do wish to consider a change Options 2 and 3 are presented for Committee's consideration).
 - Option 2 – to continue as above with the addition of a Planning Committee Voting Record Sheet, which would be administered by the Democratic Services officer at the meeting. This sheet is appended to this paper as Appendix A for members information. This recording sheet would be an administrative tool to enable Democratic Services and the Chair of the Committee to improve the recording of votes on applications for development permission. (if Planning Committee consider a change is needed, then this option is favoured by officers and the Chair of Planning Committee). Note: The vote recording sheet is included as a Background Paper in Section 6 below.
 - Option 3 – for Planning Committee to make a recommendation to the next available Constitutional Review Committee to make an amendment to the Council's Constitution to enable a recorded vote to be taken concerning every

application for development permission considered by the Planning Committee (this latter option is not considered necessary or appropriate by officers as the scale of many applications for development permission do not merit such an approach, and such an approach could be seen to be an administrative overburden to the work of the Committee).

- 3.2 After discussion, a motion was put forward for Option 3, for a recorded vote to be taken when voting on every application for development permission considered by the Planning Committee. Four Members voted for option 3 and four Members voted against option 3. The Chair used her casting vote to refuse option 3. This motion fell away.
- 3.3 A second motion was put forward for Option 1, to continue with Committee Members raising their hands to indicate their voting intentions following the proposal and seconding of a proposal concerning an application for development permission. Three Members voted for option 1 and five Members voted against option 1. This motion fell away.
- 3.4 A third motion was put forward for Option 2, to continue with raised hands with the addition of a voting record sheet, administered by the Clerk at the meeting, until the October Planning Committee meeting. In the meantime, a report would be written presented to the Constitution Review Committee to consider the options and make any recommendations to Council. Seven Members voted for this proposal and one Member abstained from voting. This motion was carried.
- 3.5 Officers are of the opinion that a simplified set of recommendations are required for the Constitutional Review Committee to consider. As such, the previous suite of options have been reduced to two, with a clear recommendation from Officers as to the preferred option.
- 3.6 **Option 1:** to continue predominantly as voting was administered prior to the 14th May 2024 Planning Committee meeting. That Committee members ensure they indicate their vote *clearly* and maintain that clarity until the point the vote has been recorded by the clerk, following the proposing and seconding of a proposal or recommendation under consideration. For example, this could include members clearly raising their hands above their heads. Members are required to maintain the clarity of their voting intention until such time that the Committee Clerk confirms that votes have been counted and that voting is over. Members of the Committee could seek a recorded vote on a particular application, by exception, provided such a motion was proposed, seconded, and supported by at least 3 (currently 5) other members of the Committee.
- 3.7 **Option 2:** For a Recorded Vote to be taken following the proposing and seconding of a proposal concerning an application for development permission. This procedure would apply to all Planning Reports being considered by the Planning Committee.
- 3.8 Officers are of the opinion that Option 1, which provides for some relatively minor amendments to the existing procedure, will provide for a clear and transparent procedure which is proportionate and appropriate to enabling the efficient and effective operation of the Planning Committee. By ensuring that Members clearly indicate their vote until the Committee Clerk confirms that votes have been counted, there should be no ambiguity over which way a member has voted, and the process is open and transparent for those watching in the gallery and online. Furthermore, by reducing the number of Members who are required to support a motion for a recorded vote from 5 currently to 3 will ensure that

the majority of the Committee agree with the motion without requiring a significant majority as per the current procedure.

- 3.9 Officers are of the opinion that Option 2 – whilst being even more transparent in that the vote of a particular Member on any motion will be recorded in written form in perpetuity – would be onerous and resource heavy in relation to the time required to take a recorded vote on every recommendation considered by the Planning Committee. Officers consider that this option would not be proportionate or appropriate to the efficient and effective operation of the Planning Committee. Many applications considered by the Planning Committee are not of a sufficient scale to warrant such an approach.

4. Implications

Corporate Priorities

- 4.1 It is important to ensure that the Council's Planning Committee operates effectively and efficiently and this meets two KPIs of the Councils Corporate Plan. Both fall under the Place category, DM 01 - Number of major planning applications approved within time scale and DM 02 – Percentage of minor and other applications determined within 8 weeks or other agreed time. The effective operation of the Councils planning committee ensures that planning applications are processed as efficiently as possible thereby contributing to the delivery of both these KPIs.

Consultation

- 4.2 In preparing this report, no statutory consultation has been required. The report is informed by the views of the Planning Committee as discussed at the meeting of the 11th June 2024 and their comments have been incorporated into this report.

Financial

- 4.3 There are no direct financial implications as a consequence of this report.

Legal

- 4.4 Section 9P (1) of the Local Government Act 2000 (LGA 2000) **requires a local authority to prepare and keep up to date a constitution**, The requirement is also contained within section 20 of the Local Government and Housing Act 1989 and supplemented by the Local Authorities (Standing Orders) (England) Regulations 2001 as amended. The refreshed Constitution is now a more user friendly and compliant document, which is future proofed as far as possible and is available for inspection during reasonable hours to the general public.

Environmental Implications

- 4.5 The Council has declared a climate emergency. This report does not specifically address climate issues however regard has been had in the preparation and the engagement with the Planning Committee to minimising environmental impacts such as by conducting as much of the review as possible electronically and as part of existing agendas. Where documents are required to be printed, the Council will do this double sided and in black

REC. = Recommendation