

GOVERNANCE & AUDIT & STANDARDS COMMITTEE

MINUTES OF THE MEETING of the Governance & Audit & Standards Committee held on Thursday, 27 October 2022 at 11.30 am at the Council Chamber - The Guildhall, Portsmouth

(NB These minutes should be read in conjunction with the agenda for the meeting which can be found at www.portsmouth.gov.uk.)

Present

Councillor Leo Madden (in the chair)

Councillor Dave Ashmore
Councillor Stuart Brown
Councillor Daniel Wemyss

Officers

Peter Baulf, City Solicitor
Ian Maguire, Assistant Director, Planning & Economic Growth

42. Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Judith Smyth and Councillor Benedict Swann.

Councillor Scott Payter-Harris was in attendance as a Standing Deputy.

43. Declarations of Members' Interests (AI 2)

Whilst not interests, Councillor Scott Payter-Harris, Councillor Leo Madden and Councillor Stuart Brown made it known that they had sat on the Scrutiny Management Panel which had considered the call-in of the decision taken by the Cabinet Member for Planning Policy & City Development on 27 July 2022.

44. Referral by the Cabinet member for Planning Policy & City Development "Options for increasing Planning Committee Capacity" (AI 3)

The Chair explained that at the request of the Cabinet Member for Planning Policy & City Development, the Governance & Audit & Standards Committee was invited to consider and make comments on the process and principles of the decisions taken by him on 26 July 2022 in respect of the report "Options for increasing Planning Committee Capacity" which were subsequently 'called-in'.

As the item was not a matter for the committee to determine, the Chair advised that the usual deputation process did not apply. However, as Chair he allowed Cabinet Member to address the committee and answer any questions that members had.

Councillor Lee Hunt addressed the committee as the Cabinet Member for Planning Policy & City Development.

Cllr Hunt explained that when he became the Cabinet Member in May 2022, he had been very aware of the long standing complaints about the length of time it took for planning applications to be determined. Since becoming cabinet member had had worked with officers to see how the situation could be improved.

The deletion of paragraph 53 of Part 2 Section 5B (Director of Regeneration) of the constitution would result in applications over 10,000sq/ft not automatically needing to be determined by the Planning Committee. In 2021, as Chair of the Planning Committee he had increased the frequency of Planning Committee meetings from every four weeks to every three. He had looked at increasing the frequency further to every two weeks, however this would incur additional staffing costs for which there was no budget.

When making his decision to amend paragraph 57 of Part 2 Section 5B (Director of Regeneration) of the constitution to increase the threshold of adverse representations required for Planning Committee determination he had known the previous cabinet member had referred the matter to the Governance & Audit & Standards Committee first. However, as the Scrutiny Management Panel had acknowledged, this was a grey area in the constitution and on balance he had felt the need to reduce the backlog of planning applications outweighed any adverse impact of not referring the matter to the Governance & Audit & Standards Committee first.

He closed by stating that he had also been under pressure to amend paragraph 51 of Part 2 Section 5B (Director of Regeneration) of the constitution to increase the threshold for the number of councillors required to request planning committee determination of an application from one to three. He believed that this would be a more substantial constitutional change that would require debate amongst councillors, but he was minded not to implement such a change which would fetter councillors' ability to bring forward an application to the Planning Committee.

The Chair believed that in accordance with the Constitution, amendments to the Constitution were required to be first considered by the Governance & Audit & Standards Committee prior to referral to Full Council. In response the City Solicitor confirmed that this was a judgement call, but he acknowledged that the process for changes such as these was unclear in the constitution and therefore required looking at.

The committee was of the view that the matter should be looked at by the Constitution Working Group in order that the wording in the relevant sections of the constitution be strengthened.

In response to a question the committee was advised that the amendment of paragraph 57 of Part 2 Section 5B (Director of Regeneration) of the constitution to six adverse objections from three would, at the time of drafting

the report in July 2022, approximately halved the backlog of planning applications awaiting committee determination.

Whilst the need to expedite the decision and reduce the backlog of planning applications was appreciated, the committee believed that any such future decisions should first be considered by the Governance & Audit & Standards Committee.

Having considered the matter, the committee believed that the Cabinet Member should have availed himself of the opportunity to consult the Governance & Audit & Standards Committee prior to making the decisions.

In addition, one member of the committee also expressed an opinion that, in respect of opportunities to amend paragraph 57 of Part 2 Section 5B (Director of Regeneration) of the constitution, the threshold applied to a requirement for Committee determination should be retained as being three or more adverse representations.

RESOLVED that the matters raised during the debate be recorded in the minutes.

The meeting concluded at 12.00 pm.

Councillor Leo Madden
Chair