



OFFICER REPORT TO COUNCIL

AMENDMENTS TO THE CONSTITUTION – REPORT OF THE PLANNING & REGULATORY COMMITTEE

KEY ISSUE/DECISION:

It is the Council's responsibility to approve changes to the Council's Constitution.

This report sets out proposed changes to the Surrey Code of Best Practice in Planning Procedures (Part 6(11)). Consequential changes to Standing Orders (Part 4) in relation to public speaking at Planning & Regulatory Committee are also required. These are brought to Council for formal approval in accordance with Article 4.04(b) and Article 13.01 of the Council's Constitution.

BACKGROUND:

1. CONTEXT AND SCOPE

- 1.1 At its meeting on 26 July 2023, the Planning & Regulatory Committee considered a report on the outcome of a review of the Committee by the Planning Advisory Service (PAS). Several of the recommendations arising from the review involve amending the operating procedures of the Committee, which can only be achieved by amending the Council's Constitution – specifically the Surrey Code of Best Practice in Planning Procedures (Part 6(11) and Standing Orders (Part 4).
- 1.2 At its meeting on 27 September 2023, the Planning & Regulatory Committee approved the proposed changes and agreed to recommend them to Council.

2. THE SURREY CODE OF BEST PRACTICE IN PLANNING PROCEDURES

- 2.1 The Surrey Code of Best Practice in Planning Procedures forms Part (11) of the Council's Constitution. The amendments to the Code are set out in Annex 1 to this report and are summarised below.

2.2 Annual Planning & Regulatory Committee Monitoring Visit

The PAS review recommended that councillors visit a sample of implemented planning permissions on an annual basis to assess the quality of their decisions to help improve the quality and consistency of decision making, strengthen public confidence in the planning system, and help with reviews of planning policy. This has been added to the Code of Best Practice.

2.3 Speaking at Committee Process

The PAS review recommended that the applicant to be allowed to speak regardless of whether there are objectors/supporters and to consider whether 10 speakers for 30 minutes as a maximum is the appropriate number. The consensus at the July P&R meeting was that 6 speakers (3 for and 3 against) would be appropriate given the proposed changes to the committee running order. Changes are proposed to Standing Orders and are set out in paragraph 3 below.

2.4 Running Order at Planning & Regulatory Committee

The PAS review recommended that the running order of the Planning and Regulatory Committee follows the proposed order as follows:

- (i) Chairman introduces the item
- (ii) Introduction of item by officer(s)
- (iii) Representations by objector(s)
- (iv) Points of clarification from Members
- (v) Representations from supporter(s)
- (vi) Points of clarification from Members
- (vii) Representations by applicant or agent
- (viii) Points of clarification from Members
- (ix) Representation by local Member(s)
- (x) Points of clarification from Members
- (xi) Consideration of application by committee

The Code of Best Practice has been amended to reflect this new running order.

2.5 Site Visit Conduct and Reporting

The PAS review recommended that the importance of site visits should be emphasised and there should be a procedure protocol as to how site visits should be conducted. This has been added to the Code of Best Practice. A further recommendation that a report of the site visit should be added as an addendum to the Planning & Regulatory Committee papers to include who attended, what particular things were pointed out to Members, questions raised and answers given, is not being taken forward at the present time. As it is made clear in the Code of Best Practice, site visits are not a formal part of the decision making

process and therefore this degree of recording is not considered appropriate.

More broadly, the County Council's Code of Best Practice Planning was adopted in 2014 and has been under review since late 2021. This was paused to await the outcome of the PAS review. There are a number of additional amendments that have been proposed by officers arising from that Code of Best Practice Review that have also been incorporated into the revised version. These are primarily by way of clarification.

3. AMENDMENTS TO STANDING ORDERS

3.1 The proposed amendments to Standing Orders all relate to the procedures for Public Speaking at Planning & Regulatory Committee and are attached as Annex 2 to this report and summarised below:

3.2 Standing Order 86.3

It is proposed that this Standing Order is amended to reflect the recommendation in the PAS report that it be made clear that members of the public should only speak on matters raised in their written representations and should not make new points when addressing the committee.

3.3 Standing Order 86.5

It is proposed that this Standing Order is amended to state that a maximum total number of six speakers (three supporters and three objectors) be allowed to speak. This reflects the recommendation in the PAS report that there be a clearer explanation of how the time allowed for public speaking is allocated between supporters and objectors. Committee Members were of the view that allowing five supporters and five objectors over 30 minutes could sometimes result in information overload, and therefore the overall maximum number of speakers allowed should be reduced.

3.4 Standing Order 86.6

Further to the above, a reduction in the maximum amount of time allocated to speakers is proposed, allowing 9 minutes in total for supporters and 9 minutes in total for objectors.

3.5 Standing Order 86.7

It is proposed that this Standing Order is amended to reflect the recommendation in the PAS report that the applicant or agent be allowed to speak on applications where no objectors have registered to speak.

- 3.6 Officers will continue to work in conjunction with the Committee Chairman, Planning officers and Democratic Services officers to implement the remaining changes recommended by the PAS review that do not require Council approval.
- 3.7 The Planning & Regulatory Committee resolved at its meeting on 27 September 2023, that if approved by Council, the operation of these changes will be reviewed after six meetings.

RECOMMENDATIONS:

- A. The amendments to the Surrey Code of Best Practice in Planning Procedures and Standing Orders as set out in Annexes 1 and 2 be approved.
- B. That the Planning & Regulatory Committee reviews the operation of these changes after six meetings.

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Annexes:

Annex 1 - Proposed amendments to the Surrey Code of Best Practice in Planning Procedures
Annex 2 - Proposed amendments to Standing Orders

Sources/background papers:

Constitution of the Council
Report to the Planning & Regulatory Committee, 26 July 2023
Report to the Planning & Regulatory Committee, 27 September 2023
