

**GENERAL PURPOSES COMMITTEE  
HELD ON 23 MARCH 2006  
(FROM 5.30 PM TO 7.07 PM)**

**PRESENT:** Councillor Mrs Atkinson in the Chair. Councillors Jean Butterfield, de Courcey-Bayley, Fawcett, Grange, Macare, Nash, Webber and Wilson.

**Late Arrivals:** Councillor Macare at 5.32 pm  
Councillor de Courcey-Bayley at 5.37 pm

**Early Departures:** Councillor Nash at 6.45 pm

**In Attendance:** Leader of the Council, Councillor Dr Gardner  
Cabinet Member for Planning, Councillor Cooper  
Chair of Planning Committee, Councillor Simms  
(all for Minute 60/05)

**54/05 - APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:**

An apology for absence had been received from Councillor Elwyn Hinchcliffe. Notification had been received that Councillor Fawcett was to act as substitute for Councillor Heather Adderley.

(5.30 pm)

**55/05 - DECLARATIONS OF INTEREST:** No declarations of interest were made by Members at the meeting.

**56/05 - MINUTES:** The Minutes of the meeting of the Committee held on 2 February 2006 were approved as a correct record and signed by the Chair.

(Five Members voted for the motion and there were two abstentions)

(5.31 pm)

**57/05 - EXEMPT INFORMATION:** There were no exempt information items.

**58/05 - PUBLIC ARRANGEMENTS - QUESTIONS:** There were no questions to consider pursuant to Standing Order 27.

**MATTERS WHICH ARE REFERRED TO COUNCIL FOR CONSIDERATION**

**59/05 - AMENDMENT TO THE CONSTITUTION RELATING TO THE HOUSING**

**ACT 2004:** A report in the name of the Director of Community Services was submitted and the Private Sector Renewal Manager requested that the Constitution be amended so as to delegate authority to the Director the relevant powers in the Housing Act 2004 (including any amendments to the powers by subsequent acts and any secondary legislation) in order be able to discharge the Council's responsibilities in respect of housing standards. The report had also been considered by Cabinet at its meeting held on 8 March 2006 and a copy of its relevant Minute 139/05 was circulated at the meeting for information. Details of the proposed amendments were set out in Appendix 1 to the report.

## **RECOMMENDED (UNANIMOUSLY):**

That the Constitution be amended as set out in Appendix 1 to the report.

(6.30 pm to 6.32 pm)

**60/05 - PLANNING SCHEME OF DELEGATION:** The Head of Planning Services submitted a written report on proposed amendments to the Planning Scheme of Delegation in order to sustain improvements in performance and take all reasonable steps to avoid possible formal intervention or direction by Ministers. The Officer referred to the letter dated 3 March 2006 from the Office of Deputy Prime Minister which had been circulated previously to Members by the Chief Executive, who attended the meeting and reiterated the advice given in his letter. In addition, the Head of Planning Services submitted statistical information at the meeting relating to Planning Committee performance and explained why he believed the proposals to be necessary. The main changes would be to delegate to Officers the determination of applications for new build single dwellings which would help to reduce time spent preparing for and holding Planning Committee meetings and a reduction in the types of applications requiring consultations with the Chair of the Committee. The Chair invited both the Cabinet Member for Planning and the Chair of Planning Committee to speak to the item.

In considering the proposal to delegate to officers approval of single new build dwellings, Members discussed the fact that they were not aware of Officers' recommendations on delegated applications until after they had been determined. The Head of Planning Services believed that to put in place formal procedures to deal with this could significantly affect current performance, but appreciated that some Members did already contact Officers direct on certain applications. He confirmed that if Members did wish to continue to do this on an ad hoc basis, then his staff would be able to notify the Member of the intended recommendation in sufficient time prior to determination, to enable the Member to request that the application be referred up to Committee for determination if necessary. The Head of Legal and Democratic Services advised that this procedure could be included in the Member/Officer Protocol. In answer to a Member's question regarding time for determining applications, the Officer advised that it was not possible to 'stop the clock' when even considerable amendments had been received to the original.

A full discussion ensued on the proposals and it was agreed that they, and issues such as notifying Members of Officer recommendations on applications delegated to Officers, should be considered by the District Development Committee, with the exception of those detailed in recommendations (1) and (2) below which were endorsed at the meeting.

## **RECOMMENDED:**

That (1) the Head of Planning Services be given the delegated power to not confirm Tree Preservation Orders where it is deemed they are no longer necessary in the interests of amenity and there are no outstanding written representations that the Order be confirmed;

(2) the Head of Planning Services be given power under Sections 70A and 70B of the Town and Country Planning Act 1990 (as amended) and Sections 81A and 81B of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to decline to determine applications; and

(3) all other matters in the report and issues raised at this meeting be considered by the District Development Committee.

(Eight Members voted for the motion and there was one abstention)

(5.36 pm to 6.30 pm)

**61/05 - EXPERIMENTAL STANDING ORDERS 2005/2006:** The Head of Legal and Democratic Services submitted a written report on amendments to apply from the Annual Meeting 2006 to the current Standing Orders which have operated on an experimental basis throughout the 2005/06 municipal year. The report had also been considered by Cabinet at its meeting held on 8 March 2006 under its Minute 139/05 and the Officer reported on Cabinet decisions and further suggested amendments. A copy of the Cabinet Minute was circulated at the meeting for information.

The Committee considered the proposed changes to be made to Standing Order 16(1) - Voting detailed at paragraph 2.2.3 of the report and agreed that any Member should have the right to request a vote. It was also agreed that when votes were not counted that the relevant Minute should specify that the motion was carried by an overwhelming majority. Members then considered the proposed changes to Standing Order 27(9) at paragraph 2.2.5 and agreed that the words 'those parts of' background papers should be added. It was noted that such briefing notes may contain information for the Member over and above that required to answer the specific question put.

#### **RECOMMENDED:**

That the following amendments be made to Standing Orders:

1. Standing Order 16 – To add a provision under Standing Order 16(1) – Voting – that the Mayor shall determine whether formal counting and recording of a vote is necessary (other than where a recorded vote has been requested). Any Member has the right to request that a count be taken.

(Five Members voted for the motion and four against)

(5.44 pm)

2. Standing Order 10(6)(b) – Notice of Motion – In the case of Notices of Motion referred to a Committee or Cabinet or Cabinet Member the person reporting back to Council shall present a written response and thereafter, the mover of the motion shall be allowed to speak for up to three minutes on the motion and their response. The Mayor shall then have discretion as to whether any further discussion is required, and its extent and duration before proceeding to a vote.

3. Standing Order 11(13) – That the drafting error reported be corrected and this Standing Order clarified to make suspension possible without notice where it is within the Council's power to do so.
4. That in respect of Standing Order 18 – Variation and Revocation of Standing Orders – the proposal to vary or revoke Standing Orders would, after having being considered and recommended by General Purposes Committee and approved by Council apply from the next ordinary meeting of the Council.
5. Standing Order 27(9) – That the recommendation to make those parts of background papers or briefing notes relied upon by a Member in responding to a public question available on request of that questioner be agreed.
6. Standing Order 28 – The proposed amendment to the rules on presentations to Council by the Executive to make it clear that they should be primarily about the major issues arising within the foreseeable future within the relevant portfolio be approved.
7. To delete Standing Order 13(8)(v) dealing with the consideration of amendments to Motions.
8. In all other respects, the arrangements set out in the Experimental Standing Orders of 2005/06 continue to apply on a permanent basis with effect from the Annual Meeting on 22 May 2006.

(The voting in respect of points 2 to 8 was unanimous)

(6.38 pm to 6.52 pm)

**62/05 - LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - DESCRIPTIONS OF EXEMPT INFORMATION:** The Head of Legal and Democratic Services submitted a written report on the changes made to the descriptions of exempt information relating to proceedings at Committees, information held by the Executive and proceedings of the Standards Committee, which came into effect on 1 March 2006.

**RECOMMENDED (UNANIMOUSLY):**

That (1) the changes to the rules regarding Local Government Access to Information be noted; and

(2) the Head of Legal and Democratic Services be authorised to make all consequential amendments to the Constitution as regards the Access to Information Procedure Rules, the protocol on Ward Member rights and other relevant areas, in order to ensure that it complies with the law.

(6.52 pm to 6.54 pm)

63/05 - **ADDITIONAL PLANNING COMMITTEE - 9 MAY 2006:** The Head of Legal and Democratic Services submitted a written report on the need to hold an additional Planning Committee meeting. The Head of Planning Services also reported on the matter. The Head of Legal and Democratic Services reported that when voting on the matter at Council, no Members must vote against the motion to enable the proposed meeting to take place between the elections and the Annual Meeting and not be subject to political proportionality requirements.

**RECOMMENDED (UNANIMOUSLY):**

That (1) the Council resolve to convene a meeting of the Planning Committee on Tuesday 9 May 2006; and

(2) if necessary, the meeting take place without meeting the political balance requirements under the Local Government and Housing Act 1989 as authorised under Section 17 of that Act.

(6.54 pm to 7.00 pm)