

LONDON BOROUGH OF CROYDON

REPORT:	GENERAL PURPOSES COMMITTEE	
DATE OF DECISION	5 November 2024	
REPORT TITLE:	PROPOSED CHANGES TO THE CONSTITUTION RELATING TO PLANNING MATTERS	
CORPORATE DIRECTOR / DIRECTOR:	CORPORATE DIRECTOR OF SUSTAINABLE COMMUNITIES, REGENERATION AND ECONOMIC RECOVERY DIRECTOR OF PLANNING AND SUSTAINABLE REGENERATION	
LEAD OFFICER:	NICOLA TOWNSEND HEAD OF DEVELOPMENT MANAGEMENT Email: Nicola.townsend@croydon.gov.uk	
LEAD MEMBER:	CLLR SEAN FITZSIMONS	
AUTHORITY TO TAKE DECISION:	The terms of reference of the General Purposes Committee (see Part 3 of the Constitution, Responsibility for Functions) allow it to conduct periodic reviews of the Constitution and consider changes to the Constitution recommended by the Constitution Working Group and to refer any proposals to Full Council for approval.	
KEY DECISION?	No	REASON: N/A
CONTAINS EXEMPT INFORMATION?	No	Public
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT

- 1.1 This report contains proposed changes to the Constitution of the London Borough of Croydon relating to planning matters. The changes are recommended by the Constitution Working Group (CWG) following their consideration and deliberations on 31 July 2024.

- 1.2 This report recommends changes to Part 3 (Responsibility for Functions); Part 4K (Planning and Planning Sub-Committee Procedure); Part 5D (Planning Code of Good Practice) and other consequential changes.
- 1.3 The purpose of this report is for the General Purposes Committee to consider the proposals and make recommendations to Full Council for final approval.

2 RECOMMENDATIONS

- 2.1 For the reasons set out in the report, the General Purposes Committee is recommended to:
 - 2.1.1 review and comment on the proposed changes to the Constitution contained in section 4 of this report and **Appendices 1, 2 and 3**;
 - 2.1.2 recommend to Full Council the approval of the proposed changes; and
 - 2.1.3 recommend to Full Council that the Monitoring Officer be authorised to make the consequential changes to the Constitution.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To update the Constitution, make improvements and ensure efficient and effective governance and decision-making processes are in operation.

4 BACKGROUND AND DETAILS

- 4.1 Following a review of the Constitution relating to planning matters by CWG on 31 July 2024, this report recommends changes to Part 3 (Responsibility for Functions); Part 4K (Planning and Planning Sub-Committee Procedure), Part 5D (Planning Code of Good Practice) and other consequential changes.
- 4.2 Most significantly, it is proposed that the functions of the Planning Sub-Committee be transferred to the Planning Committee and the Council operate a single planning committee model. Having one planning committee will provide benefits of administration and organisation and provide greater clarity for Members and interested parties.
- 4.3 However, it is also proposed that the size of the Planning Committee be reduced from 10 to 8 Members but to increase the substitution pool to 12. Reducing the size of the Planning Committee will make for more efficient discharge of business at meetings and more effective use of time by reducing the scope for repetition or duplication of comments etc. In other words, ensuring that the current benefits of a 6 Member Planning Sub-Committee are not lost.

- 4.4 Whereas an increased substitution pool affords greater opportunities for Members to participate in planning decision making and greater flexibility if regular Members are unable to attend meetings.
- 4.5 Reducing the size of the Planning Committee would not give rise to any political balance implications: the two largest political groups (Conservative and Labour) would each be allocated 4 seats.
- 4.6 In addition, drawing on practical experience and lessons learned, it is proposed that the Constitution be amended as follows to make corrections, clarifications and drafting and decision-making improvements. Other amendments allow for more options and flexibility. The amendments arising from operating a single committee model have not been made yet. If recommended by this Committee, the report to Full Council will include the necessary tracked changes to Parts 3, 4K and 5D of the Constitution.
- 4.6.1 Extending the guillotine to 10.45pm to allow the Planning Committee and Planning Sub-Committee to conclude an unfinished item of business. In addition, the Planning Sub-Committee arrangements have been aligned with the Planning Committee arrangements for items that are remaining or not started when the guillotine falls. This will allow the Planning Sub-Committee to defer or adjourn these items to another meeting rather than such items being automatically delegated to the Director of Planning & Sustainable Regeneration to determine (see, for example, Part 3, 2.11, 8; 2.12, 7 and Part 4K, 6.10).
- 4.6.2 Re-stating the applications which officers can determine under delegated authority (Part 3, 2.12, 2 and Part 4K, 2.30).
- 4.6.3 Clarifying the rules relating to reserved matters (Part 3, 2.11, 5 and 2.12, 4).
- 4.6.4 Confirming that representations raising planning considerations that are material and related to the application but received after noon on the day of the committee will be reported verbally (see, for example, Part 4K, 2.5 and 5.6).
- 4.6.5 Ensuring there is finality if a Ward Member withdraws their referral to committee (Part 4K, 2.18).
- 4.6.6 Updating the rules in line with established practice (Part 4K, 2.34; 3.6; 3.7 and Part 5D, 7.3).
- 4.6.7 In the context of 'Development Presentations' allowing developers up to 20 minutes (i.e. an extra 5 minutes) to present their scheme (Part 4K, 6.3).
- 4.6.8 Removing the ability of the Chair and Vice Chair of Planning Committee to refer applications to the Planning Committee or Planning Sub-Committee so that all Members have the same right of referral i.e. as Ward Members only (Part 4K, 2.17).
- 4.6.9 Referring explicitly to permissions in principle (Part 3, 2.11, 6 and 2.12, 2). This clarification has been added following the CWG meeting on 31 July 2024 as a supplementary change.

- 4.7 These proposed changes to the Constitution are tracked and set out in the 3 appendices attached to this report.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The benefits of operating a single Planning Committee of 8 Members have been set out in the report. The other proposed changes are intended to update the Constitution, correct drafting slips and improve current decision-making arrangements. Members can, however, opt to retain the status quo or recommend to Full Council the approval of alternative arrangements.

6 CONSULTATION

- 6.1 The Cabinet Member for Planning and Regeneration and the Chair, Vice-Chair and Deputy Chair of the Planning Committee are aware of this review of the Constitution.
- 6.2 The proposals are supported by CWG.

7. IMPLICATIONS

7.1 FINANCIAL IMPLICATIONS

- 7.1.1 There are no financial implications arising from this report.

7.2 LEGAL IMPLICATIONS

- 7.2.1 Adopting changes to the Council's Constitution is a non-executive function reserved to Full Council after the General Purposes Committee has considered the proposed changes and made a recommendation.
- 7.2.2 According to s9P of the Local Government Act 2000 the Council must keep its Constitution up to date.

7.3 EQUALITIES IMPLICATIONS

- 7.3.1 Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3.2 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the Council is properly aware of the effects and has taken them into account, the duty is discharged.

7.3.3 There are no equalities impacts directly arising from the proposed changes.

7.4 HUMAN RESOURCES IMPLICATIONS

7.4.1 There are no human resources impacts directly arising from the proposed changes.

8 APPENDICES

8.1 **Appendix 1: Proposed changes to Part 3 – Responsibility for Functions**

8.2 **Appendix 2: Proposed changes to Part 4K – Planning and Planning Sub-Committee Procedure**

8.3 **Appendix 3: Proposed changes to Part 5D – Planning Code of Good Practice**

9 BACKGROUND DOCUMENTS

9.1 None.