

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 3 July 2012. Attendances:

Councillor Jones (Chairman)
Councillors Birch, Elkin, Glazier and Tutt

1. Statutory Officer Appointment and Review of Delegations

Formal appointment of the s151 and Chief Financial Officer

1.1 The period of appointment of the interim Director of Corporate Resources has been extended until the end of December 2012. In an effort to ensure robust and effective governance arrangements the Governance Committee is recommending to the County Council that the interim Director of Corporate Resources be formally appointed as the s151 (Local Government Act 1972) and Chief Financial Officer for the County Council.

Scheme of Delegation

1.2 Many of the functions of the Planning Committee can be dealt with by the Director of Economy, Transport and Environment under delegated powers. These functions include determining certain planning applications, dealing with Certificates of Lawfulness and the instigation of enforcement action and legal proceedings. Whilst there are comprehensive delegation arrangements, there are limitations and restrictions to these powers and some matters inevitably have to be dealt with by the Planning Committee.

1.3 The proposed revisions to the delegations are attached at Appendix 1 to this report, circulated separately to all members. Insertions are shown in italics and underlined; deletions are shown with strikethrough. Most of the proposed changes are minor and have been made to (i) reflect changes to Regulations/legislation; (ii) provide greater clarity and ensure that decisions taken under delegated powers are properly authorised; and (iii) recognise the role the Council plays in providing a planning service to the National Park Authority for certain functions for sites which fall within the South Downs National Park.

Local Validation List

1.4 In April 2008 the Government introduced legislative changes which affected the way planning applications were submitted and validated. As well as establishing a core and mandatory national list of information required in order to validate an application, local planning authorities (LPA's) were encouraged to adopt their own local list of validation requirements ("Local Validation List"). The local list would identify what information may need to be submitted with a planning application, alongside the

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national standard requirements. The Government anticipated that the changes would help to provide certainty for applicants as to the information required, and to ensure the necessary information is submitted with all types of applications to enable quicker processing and determination.

1.5 The County Council prepared a draft Local Validation List which was put before the Planning Committee at its meeting on 12 February 2008. The Committee agreed to authorise the Director of Transport and Environment to undertake consultations on the proposed List, and following consideration of responses, in conjunction with the Director of Law and Performance Management, to adopt appropriate validation procedures. The consultation was duly undertaken in 2008 and some responses were received and analysed. However, anticipated changes to the planning system and, additionally, the formation of the South Downs National Park Authority precluded formally adopting the Local Validation List. In March 2010, the Government published updated Guidance on validation, which recognised that some Local Planning Authorities (LPAs) had applied the validation requirements too rigidly which had led to problems including high levels of invalid applications and requests for unnecessary information. LPAs which had an adopted Local Validation List were required to review it in accordance with the updated Guidance, and those without one were encouraged to prepare one. This was further formalised in the recently published National Planning Policy Framework (March 2012), which confirms at Paragraph 193:

“Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”.

1.6 Accordingly, the draft Local Validation List has been reviewed and updated in accordance with Government Guidance, including identifying drivers for each item/requirement on the list, with a view to now formalising and adopting it, and publishing it on the Council's website. It should be noted that any List adopted will only relate to planning applications dealt with by the County Council which lie outside the South Downs National Park (SDNP). Applications received which lie within the SDNP will be subject to a List adopted by the National Park Authority. Given the changed context as indicated by Government, it is proposed that the Council carries out further public consultation on the revised List prior to adopting it. This is in line with the Government Guidance. The Committee is therefore recommending to Council that authority be delegated to the Director of Economy, Transport and Environment to update the Local Validation List and undertake consultation on the revised List and, following consideration of any responses and in consultation with the Assistant Director, Legal and Democratic Services, to adopt the appropriate validation procedures and requirements as set out in the List and to authorise the Director of Economy, Transport and Environment to maintain the Local Validation List, reflecting any amendments introduced by changes to Government Guidance/Policy or Development Plan policies.

1.7 The issues were considered and supported by the Planning Committee on 20 June 2012.

1.8 The Committee **recommends** the County Council to

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- ☆ (1) appoint the interim Director of Corporate Resources as the s151 and Chief Financial Officer for the County Council;
- (2) agree to the proposed changes to the Scheme of Delegation as set out in Appendix 1;
- (3) delegate authority to the Director of Economy, Transport and Environment to update the Local Validation List and undertake consultation on the revised List and, following consideration of any responses and in consultation with the Assistant Director, Legal and Democratic Services, to adopt the appropriate validation procedures and requirements as set out in the List; and
- (4) delegate authority to the Director of Economy, Transport and Environment to maintain the Local Validation List, reflecting any amendments introduced by changes to Government Guidance/Policy or Development Plan policies.

2 Code of Conduct for Councillors and Local Standards Framework

2.1 On 15 May 2012 the County Council considered a report by the Governance Committee in relation to the Code of Conduct for Councillors and the Local Standards Framework. The Council agreed with all the recommendations of the Governance Committee including the adoption of a new Code of Conduct (the report to Council containing the recommendations is set out in Appendix 2 which has been circulated separately to all members). Since that meeting regulations have been made which implement the parts the Localism Act 2011 relating to the adoption of a new code and which set out what constitutes a Disclosable Pecuniary Interest.

2.2 As a result of the wording of the Regulations regarding the adoption of a new Code it is prudent, to avoid any doubt, for the Council to re-confirm their decision which they made at the meeting on 15 May 2012.

2.3 The regulations also set out what constitutes a Disclosable Pecuniary Interest and these are set out in Appendix 3 (circulated separately to all members). As you will be aware members are required to inform the Monitoring Officer of these interests, and Democratic Services will be in contact Members regarding this. Communities and Local Government have indicated that they will shortly be producing a guide which will be circulated to Members.

2.4 The Committee **recommends** the County Council to

- ☆ (1) re-confirm the decision taken on 15 May 2012 as set out in Appendix 2; and
- (2) note the list of Disclosable Pecuniary Interests set out in Appendix 3 of this report

3 July 2012

PETER JONES
Chairman

