



POLICY AND RESOURCES COMMITTEE: 21 JUNE 2007  
AUDIT AND SCRUTINY COMMITTEE: 21 JUNE 2007

## **REVIEW OF SCHEME OF ADMINISTRATION - PLANNING ISSUES/DISCUSSION FORUM**

Report by Chief Executive

**PURPOSE OF REPORT** To present to the Audit and Scrutiny Committee options in relation to development management and development control within the context of the Scheme of Administration.

To request what the Policy and Resources Committee consider the establishment of a panel drawn from the membership of the Comhairle without decision making powers.

### **COMPETENCE**

- 1.1 This Report is concerned entirely with constitutional matters.

### **SUMMARY**

- 2.1 When the review of the Scheme of Administration was considered by the Comhairle at its meeting on 29 March 2007, it was agreed to refer two outstanding issues to the new Comhairle – options in relation to development management and development control within the Comhairle's decision making structures and the possible formation of a "Strategy Panel" to consider complex matters in detail prior to reporting to appropriate Committees.
- 2.2 This Report details the issues in relation to planning and the case for development management and development control being considered by the Audit and Scrutiny Committee is asked to consider whether existing decision making structures should be amended in advance of the full implementation of the Planning (Scotland) Act 2006.
- 2.3 Options for a discussion forum to consider matters of detail in relation to finance and any other matters which the Comhairle may from time to time deem appropriate are also outlined in the body of the Report. As none of these options propose that such a forum should have decision making powers, constitutionally it would not form part of the Scheme of Administration and is therefore referred to the Policy and Resources Committee.

### **RECOMMENDATIONS**

- 3.1 **It is recommended that the Comhairle:**
- (a) **Agree that development management and development control should be addressed in the Scheme of Administration; and**
  - (b) **consider whether and in what form to establish a discussion forum to consider such matters as the Comhairle may determine.**

### **PLANNING**

- 4.1 There is a justification for transferring the reporting lines for Development Planning to Environment and Protective Services committee from Sustainable Development Committee in terms of aligning the consideration of land use policy matters with decision making on

planning applications. This would be in line with the findings of the Scottish Executive Planning Audit reported to Comhairle in November 2005. The auditors note that their audit reports *are submitted to the authority for consideration and appropriate action*. The reports indicated that the Scottish Executive will make a review of progress. In addition, most other Planning Authorities in Scotland arrange their decision making processes to allow for the core of the planning service (Development Plans and Development Management) to be considered by a single committee. The logic behind such an approach is to enable a coherent approach to the setting of planning policy and then the implementation of that policy through planning application decisions. It also allows the same Committee to have a better understanding of the policy if and when that Committee wished to set the policy aside for any specific reason.

The functions were however allocated to separate committees approximately 10 years ago, also on the advice of the (then) Scottish Office and members may take the view that the forward or strategic planning function falls naturally within the development remit and should therefore be retained within Sustainable Development Committee.

- 4.2 There is however no case for changing the reporting lines on other elements of the Strategic Planning and Projects team's on matters relating to Archaeology, Countryside Access, Biodiversity and Research.
- 4.3 The outcome of a change in Committee responsibilities with regard to planning would result in matters of land use planning policy (the Development Plan) and decisions on development applications being considered by the same Committee. However, it would remain the concern of Sustainable Development committee to oversee planning related regeneration project work like the Stornoway Townscape Heritage Initiative, or the Stornoway Regeneration Action Plan.

#### **"STRATEGY PANEL"**

- 5.1 Initial consideration was given to the formation of a "Strategy Panel" by the Comhairle in March 2007 as a forum where Members could discuss the detail of e.g. the setting of the revenue budgets and efficiency savings and any other matters of corporate strategy or policy as the Comhairle may request prior to reporting back to the Comhairle and its Sub-Committees. The Comhairle requested that the new Comhairle be invited to consider this approach and the options for such a Panel.
- 5.2 Members are asked to consider the following options. It should be noted that under any of the options a panel would have no decision making powers.

#### **FINANCE WORKING PARTY MODEL**

- (a) a Finance Sub-Committee operated with delegated powers in relation to some financial matters. This Sub-Committee also met as a working party to consider the detail of the revenue budget setting process. All financial matters are now referred directly to Policy and Resources but in 2003 a Finance Working Party was set up with the following remit:

the establishment of a short life working group to consider proposals for use of said uncommitted balances, and to review the scoring of the PIR system and report back to the August series.

When the Working Party reported back it was agreed to extend its remit to cover detailed consideration of the revenue budget setting and such other matters as the Comhairle may specifically refer e.g. efficiency savings. The work of Finance Working Party has been complemented by Members' Seminars.

Finance Working Party operated less formally than a Committee but while officers were permitted to participate it was not as informal as a Member/Officer Working Group. The agenda frontispiece was circulated to all Members of the Comhairle who could attend and participate with the Chairman's permission. Members were appointed on the recommendation of the Policy and Resources Committee. In the last Comhairle all Members of Finance Working Party were members of Policy and Resources Committee but were Members minded to adopt this model it is suggested there need not be any limitation on membership other than limiting the number to no more than eight Members to enable it to work effectively. In particular members of Audit and Scrutiny Committee should be permitted to serve.

#### **CHAIRMEN'S COMMITTEE MODEL**

- (b) The other principal model which Members may wish to consider is something akin to the chairman's Committee which operated some time ago within the Comhairle. This involved Chairman, the Chief Executive and Directors meeting together. It is suggested that such an arrangement has some characteristics of a "cabinet" structure which the Comhairle has consistently indicated is not appropriate for an independent council, and is therefore not recommended for adoption by the Committee.

However, such a body would again have no decision making powers and all decisions would be made by the Comhairle. The membership would by its nature involve Chairman and while other Members could be appointed this may result in an impractical forum to discuss matters of detail.

Appendices:           None

Contact Officer:      Chief Executive Ext. 500

Background Papers: