

ESTABLISHMENT AND COMPOSITION OF THE PLANNING SUB-COMMITTEE FOR THE MUNICIPAL YEAR 2021/22

EXTRAORDINARY CORPORATE COMMITTEE MEETING 27 April 2021	CLASSIFICATION: Open
WARD(S) AFFECTED N/A	
Tim Shields, Chief Executive	

1. INTRODUCTION

- 1.1 This report requests that the Corporate Committee establish its Planning Sub-Committee for the municipal year 2021/2022 as set out in Appendices 1 and 2 to this report.
- 1.2 The terms of reference of Planning Sub-Committees is as set out in Part 3 of the Council's Constitution.

2. RECOMMENDATION

- 2.1 It is recommended that the Corporate Committee:
 - i) Approve the establishment and membership of the Planning Sub Committee as set out in Appendices 1 & 2 for the Municipal Year 2021/22; and
 - ii) that any further changes to the Membership of the Planning Sub Committee during the Municipal Year 2021/22 be reported to the Corporate Committee for consideration.

3. BACKGROUND

- 3.1 The terms of reference of the Corporate Committee (attached at appendix 1) requires it to establish and agree the membership of a Planning Sub-Committee. A special meeting of the Corporate Committee has been convened on the rise of the Council AGM in order to do this. The first Planning Sub-Committee meeting is scheduled to take place on 5 May 2021.
- 3.2 The Planning Sub-Committee will continue to operate as defined within its terms of reference, and will adhere to its agreed protocols and procedures.
- 3.3 The Planning Sub-Committee also allows the appointment of substitute members. These nominations are detailed in Appendix 1.
- 3.4 Given the quasi-judicial nature of the Sub-Committee all members and substitutes appointed are required to undergo training in regard to all aspects of planning law, and their duties in the determination of planning applications.
- 3.5 The Chair and Vice Chair of the Planning Sub-Committee are to be appointed by Full Council at its Annual General Meeting on 27th April 2021. (to be confirmed)
- 3.6 The allocation of seats to achieve a political balance is applicable to the Planning Sub-Committee and has been based on the following formula:

Labour	49	92%
Conservative	4	8%

Therefore there is an allocation of 16 Labour seats and 1 Conservative.

- 3.8 Any changes or variations to the membership of the Planning Sub-Committee during the Municipal Year 2021/22 would require Corporate Committee approval.

4 COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 4.1 There are no additional budgetary implications arising from the information outlined in this report. All costs are contained within the current approved budget.

5 COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 5.1 Under Article 3.3.4 of the Council's Constitution the Corporate Committee is responsible for maintaining oversight of the Council's regulatory functions, planning, elections and human resources. The Corporate Committee is responsible for appointing a Planning Sub-Committee and approve its terms of reference, procedure and protocols.
- 5.2 The current Planning Sub Committee terms of reference can be found under Article 3.3.5 of the Council's Constitution as set out in the Appendix 1 of this report.
- 5.3. Article 9.1.3 provides authority for the Corporate Committee to establish a Planning Sub committee for the purposes of determining planning applications

in accordance with the Planning Sub-Committee terms of reference, which is also the responsibility of the Corporate Committee.

APPENDICES

Appendix 1 - Terms of reference of Corporate/Planning Sub-Committee Committee 2021/22

Appendix 2 - Proposed Membership of the Planning Sub-Committee

BACKGROUND PAPERS

None.

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Appendix 1

Terms of Reference of the Corporate Committee and Planning Sub-Committee

Corporate Committee

The Corporate Committee is responsible for the functions set out below:

Regulatory Framework:

1. To discharge all non-executive functions not allocated to the Council or another Committee.
2. To appoint a Planning Sub-Committee and approve its terms of reference, procedures and protocols including the adoption of a Planning Code of Practice.
3. To appoint any Sub-Committees within its remit deemed necessary to perform its functions and approve their terms of reference, procedures and protocols.
4. To develop, review, monitor and maintain a strategic overview of the Council's regulatory function.
5. To consider the functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
6. To consider Polling District and Place Reviews undertaken in accordance with the Representation of People Act 1983.
7. To develop, monitor, review and make recommendations to Full Council on the adoption of byelaws.
8. To consider recommendations to other bodies of the Council on policy development and responses to Government consultations within the remit of the Committee or its Sub-Committees.
9. To approve any Member training deemed necessary for the Committee or its Sub-Committees.

Human Resources

1. To maintain a strategic overview of Human Resources matters, including adopting any proposed changes to current policies which may affect the terms and conditions of staff employed by the Council.

The quorum for the Corporate Committee shall be 4 elected Councillors.

Planning Sub-Committee

In these terms of reference, the following expressions shall have the following meanings:

Major Applications - any application in excess of 2,000 sq. m or more than 15 residential units save for any Section 73 Application.

Non-Major Applications – any application that does not fall within the definition of Major Applications, and which for the avoidance of doubt includes residential schemes of up to 15 units requiring affordable housing which comply with policy and / or educational contributions according to agreed planning formulae and / or car free developments/green travel plans; non-residential proposals of less than 2,000 sq. m. requiring a legal agreement under S.278 of the Highways Act 1980.

Section 73 Applications – any application made under Section 73 of the Town and Country Planning Act 1990 (as amended).

1. The Planning Sub-Committee will consider the following categories that are recommended for approval (categories 1-5) or refusal or as a consultation response or endorsement or notification (as applicable) (categories 1(d), 1(e), 2), 4), 5), and 7) below under any legislative provisions that can relate to development (“the Planning Acts”) subject to the exemptions in 6).

- a) Major Applications;
- b) Involve a significant departure from the approved Hackney Development Plan;
- c) Any application requiring a legal agreement with the exception of the following:
 - i) Legal agreements for any Non-Major Applications or Section 73 Applications (where the original condition was not specifically imposed by Members of the Sub-Committee in response to objectors).
 - ii) Variation of legal agreements relating to the applications in (c)(i) or where it does not substantially vary the nature of the proposed development.
- d) Any application submitted by or on behalf of a Councillor or Officer of the Council (or their spouse or partner or dependent).
- e) Any other planning matter which at the discretion of the Head of Planning should be considered by the Planning Sub-Committee, paying particular regard to applications which have received substantial public response, a substantial number of objections or in circumstances where an application has been appealed to the Planning Inspectorate or called in by any body and the Head of Planning considers that the Planning Sub-Committee should endorse a decision/course of action.

2. Responses to consultation by authorities on applications with significant cross borough impacts

3. Involving the total or partial (substantial) demolition of any listed building, which is not accompanied by an application for redevelopment

4. Any 'Council's own' application involving more than 100 sq. m of floor space, a change of use, more than 5 residential units, (or) which have received any individual letters of objection or a petition raising material planning issues

5. Any application upon the written request of at least 5 members of the Planning Sub-Committee or 10 or more members of the Council, stating the planning reasons for this call-in and which request is received by the Head of Planning prior to the expiry of the publicity time period for such an application

6. The following are where applicable (subject to any of the above categories applying or Planning Sub-Committee resolving otherwise in regards to a particular matter) not to be determined / considered by the Planning Sub Committee (being dealt with instead under delegated powers):
 - i) Section 73 Applications unless approval is being sought to amend a condition specifically imposed by Members of sub-committee in response to objections of the original application;
 - ii) Non-Major Applications;
 - iii) Any minor alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as originally approved by Planning Sub Committee (and if applicable to authorise any such changes requested by the GLA or other government / statutory body) after consultation with the Chair of PSC (or in their absence the Vice-Chair);
 - iv) All other planning matters, including all enforcement matters, whether recommended for approval or refusal, as set out under the Planning Acts, to be delegated to the Group Director, Neighbourhoods and Housing.

7. The Planning Sub-Committee may meet to consider pre application planning proposals in accordance with any pre application meeting terms of reference. No decisions will/can be taken at the pre-application meeting with the consideration/determination of any consequent application subject to these Planning Sub-Committee terms of reference.

The quorum for the Planning Sub-Committee shall be 3 elected Councillors.

Composition of the Planning Sub Committees 2021/2022

Chair - Cllr Vincent Stops
Vice Chair – Cllr Katie Hanson
Cllr Brian Bell
Cllr Ajay Chauhan
Cllr Sophie Conway
Cllr Humaira Garasia
Cllr Clare Joseph
Cllr Michael Levy
Cllr Clare Potter
Cllr Steve Race

Substitute Members

Cllr M Can Ozsen
Cllr Anna Lynch
Cllr Benzion Papier
Vacancy (Labour)
Vacancy (Labour)
Vacancy (Labour)