
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: REVIEW OF PLANNING COMMITTEE STANDING ORDERS

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Purpose

This paper presents a review of the Planning Committee Standing Orders for consideration by the Board. The paper follows agreement of revised Standing Orders for the Cairngorms National Park Authority at the Board meeting of 14 June 2019, and action agreed at that meeting to undertake a review of Planning Standing Orders to ensure they are in keeping with the Board's revised Standing Orders.

Recommendations

The Board is asked to:

- a) **Rescind the Board's agreed action of March 2019 to increase the quorum for Planning Committee to 13 to be set out in the Committee's Standing Orders;**
- b) **Subject to any further amendments agreed by the Board, approve the Planning Committee Standing Orders set out with this paper;**
- c) **Delegate authority to the Board Convener and Planning Committee Convener to sign off incorporation of any further amendments agreed by the Board at its meeting, prior to updated standing orders being brought into use.**

Executive Summary

1. The Board agreed revised Standing Orders for operation of the Cairngorms National Park Authority Board and its Committees at its meeting on 14 June 2019.
<https://cairngorms.co.uk/resource/docs/boardpapers/14062019/190614CNPABdPaper4AnnexIBoardStandingOrders.pdf>
2. Members agreed in June that a review of Planning Committee Standing Orders was required in order to ensure effective governance and consistency in operations between the Board and Planning Committee Standing Orders. Accordingly, a review of the Planning Committee Standing Orders was presented to the Planning Committee at its meeting of 13 September 2019. Papers supporting this discussion may be accessed at:
<https://cairngorms.co.uk/meeting/planning-2019-09-13/>

3. This paper presents the recommended Planning Committee's Standing Orders following consideration by the Committee on 13 September. The proposed amended Planning Committee Standing Orders are presented in Annex 1 to this paper.
4. The Committee is invited to consider the updated Planning Committee Standing Orders; to consider whether any further amendments are required; and to adopt the Standing Orders for use by the Planning Committee subject to any agreed amendments being incorporated. Should any further amendments be agreed at the Board, it is suggested that the Board delegates authority to the Board Convener and the Planning Committee Convenor to sign off those amendments prior to the updated Standing orders being brought into use.

Summary of Amendments to Current Standing Orders

5. This section details the suggested amendments made to the standing orders, with explanations of changes where appropriate. These changes incorporate all changes agreed by the Planning Committee at its meeting of 13 September. Changes made are also highlighted in track changes in Annex 1.
 - a) Para 2: clarification that the Committee will be responsible for agreeing its provisional meeting dates and venues.
 - b) Para 5: correcting presentation only.
 - c) Para 7: significant change to deal with capacity of Planning Committee to suspend the Standing Orders endorsed by the Board. Limits the suspension of standing orders to matters of quorum for consideration of specific items of business, with agreed quorum of 10 members still required to take decision to effectively reduce quorum for specific items of business. Changes include a suggested required minimum of seven members to remain present for any individual item of business. Note, these revised provisions may be broken into a number of paragraphs for clarity of reading in the final version. However, to avoid confusion in cross-referencing with changes in paragraph numbering, the amendments have all been included in a single paragraph for the Board's consideration.
 - d) Para 9 and 10: clarification of treatment of any written representations made to members rather than to planning officials, following discussion an Planning Committee of 13 September.
 - e) Paras 11 to 12: change reference point of eligibility for making oral representations from the date of call-in to the relevant Committee date. Subsequent clarification agreed by Planning Committee meeting on eligible timetable for submitting requests, and also that each individual request for an oral representation is to be considered on its own merits by the Committee.
 - f) Para 13: is now restated as the current (2014) standing orders given the Committee's agreement to remove the proposed amendment.
 - g) Para 25: Sets out that a written recommendation establishes an "original motion" as discussed by Planning Committee 13 September. Provides for potential for a member to request or Convenor to decide an adjournment is required to seek professional and / or legal assistance on the wording or competence of a potential motion, together with explicit provision for meeting adjournment in cases where wording of a motion or amendment requires to be written down and agreed.

- h) Para 26: amended to reflect that any proposal contrary to an officer recommendation is now an amendment.
 - i) Para 31: clarification of the precedence in terminology of “original motion” where proposed minute or recommendation is moved and seconded. This is retained despite the adjustment around written officer recommendations being deemed the “original motion” as there may be eventualities where there is no specific written recommendation.
 - j) Para 32: was considered potentially redundant given the clarification that written officer recommendations would automatically represent the motion to a meeting. On further reflection, there could be instances where reports to Committee do not carry specific recommendations and therefore action such as set out in this paragraph of the Standing Orders may still be required.
 - k) Para 33: clarification and explicit statement of process of speaking to and voting on amendments and “original motions”.
 - l) Para 35: clarification of process should an item of business be “put to a motion” by members.
 - m) Para 40: clarification that operational decision-making by the officer group is not covered by the requirement to establish a scheme of delegation, and of the typical activities which are deemed operational in nature. (See paragraph 8 of this paper for further explanation on this point.)
 - n) Para 41 (deleted): suggested removal of this paragraph as suspension of standing orders is now limited to quorum matters and this is provided for elsewhere.
6. The Board is requested to specifically note that the proposed standing orders retains the quorum of the Committee at 10 members. The Board had agreed in March that the quorum should increase to 13 members (minute 20(m) of meeting held 29 March 2019). However, the proposed standing orders has adopted alternate control measures, such as making explicit that standing orders may be suspended only for reasons of considering quorum for items of business in the interests of efficiency of public service, and retaining a minimum of 7 members to be present in the event of any motion to suspend standing orders. The Planning Committee believes the proposed standing orders, inclusive of a standard quorum of 10 members, is appropriate for good governance and efficient delivery of public business.
7. The Board is invited to consider the appropriateness and adequacy of these amendments and whether any further changes to standing orders are required.

Next Steps / Further Action

8. The Planning Committee Standing Orders as now proposed deletes the reference to a scheme of delegation to officers. On further reflection, operation through a written scheme of delegation affords a high risk of error “by omission”: it is very difficult to seek to ensure every possible operation or action by officers is appropriately covered in a scheme of delegation. Therefore, the Director of Corporate Services proposes this aspect of operations is better covered through establishing a Terms of Reference for the Planning Committee which will set out reserved matters of responsibility for the Committee. The terms of reference will be considered by the Planning Committee prior to submission to the Board for approval.

9. Discussion at Planning Committee also recognised the need to consider appropriate response by members should they receive representations on items of planning business. While the proposed Standing orders now includes brief coverage of this (paragraph 9 of standing orders in Annex I), a guidance note under the terms of the Authority's Code of Conduct will also be drawn up to outline required responses in such circumstances.

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