

Governance Committee	
20 January 2020	Part I
Planning and Rights of Way Committees – options for cost savings	
Report by Director of Law and Assurance	
Electoral Division(s): Not applicable.	

Summary
<p>The Committee has been asked to consider possible options for the future of the Planning and Rights of Way Committees, to find ways of offsetting some of the costs of establishing the Fire & Rescue Service Scrutiny Committee agreed by Council in December 2019. In many county councils across the country, planning and rights of way functions are determined by a single committee.</p>
Recommendation
<p>The Committee is asked to consider the options set out for the future of the Planning and Rights of Way Committees in the light of the need to make savings as a result of establishing a Fire & Rescue Service Scrutiny Committee.</p>

Proposal

1. Background and Context

- 1.1 At its last meeting, the Committee agreed to recommend the establishment of a new Fire & Rescue Service Scrutiny Committee to the County Council. This was agreed by the Council on 17 December 2019.
- 1.2 The Committee was mindful of the financial impact of this decision on the Democratic Services budget, as a new chairmanship would lead to an additional special responsibility of £9,296 for the new Chairman. The new Committee has also had a financial implication of £48,500 to cover additional staffing costs to support the committee and its associated governance.
- 1.3 Because of the financial impact of its proposal the Committee asked that consideration be given to whether any savings can be achieved and cited one option as the merger of the Planning and Rights of Way Committees. The Democratic Services budget covers the staffing costs associated with servicing the committees, but also the costs of member expenses and the budget for member allowances, including the special responsibility allowance for committee chairmanship.
- 1.4 The Planning Committee is responsible for considering matters which need to be determined by the County Council as the planning authority. These include waste and minerals planning. It also determines applications which

the County Council is allowed to make for the development on its own land and advises the Cabinet on Minerals and Waste local plans.

- 1.5 The Rights of Way Committee is responsible for the County Council's 'non-executive' functions in relation to public rights of way and the registration of common land and village greens.
- 1.6 While the roles are distinct, both follow a similar quasi-judicial process, with reports prepared by officers presented to a Committee, rights of public speaking both for and against an officer recommendation on applications and decision-making following careful consideration of all material matters raised. Site visits are usually made ahead of Committee meetings.
- 1.7 The Committee has considered a merger twice before, firstly in 2011 and then again in 2016, both times being driven by the need to identify savings from the Democratic functions of the County Council. On both occasions, the Committee had some sympathy for the proposal as these functions are delivered by a single committee in several other county councils, but was persuaded that the current arrangements worked well for West Sussex.

2. Proposal

- 2.1 The Committee is asked to consider options for the future of the Planning and Rights of Way Committees.
- 2.2 **Option 1:** Merge the Planning and Rights of Way Committees. The Committee members would need to be aware of the distinctions in decision-making, but this can be managed through member training and officer advice. There would be a saving in the chairmanship allowance of one committee and in the member expenses of attendance at perhaps two or three meetings per year. There would be a negligible saving in costs in servicing the same number of meetings in terms of minuting and attendance.
- 2.3 These functions are delivered by the same committee in several nearby county councils including East Sussex, Hampshire and Surrey. Looking at other two-tier county councils, it has been found that Gloucestershire, Hertfordshire Oxfordshire, Somerset, Suffolk, Norfolk, Warwickshire and Worcestershire county councils also have a single committee to perform these functions, so there is a strong precedent for this.
- 2.4 **Option 2:** Merge the Chairmanship of the Planning and Rights of Way Committees. A single Chairman for the two committees would help to achieve a saving of £9,296 to offset the special responsibility allowance cost of a Chairman of the Fire & Rescue Service Scrutiny Committee. This would make for a heavier workload for an individual but has been achieved in other local authorities. There would be no saving in the work of Democratic services nor in the expenses associated with member attendance at committees.
- 2.5 **Option 3:** Make no changes and consider other savings options for the Democratic Services budget. The proposal to establish a new Fire and Rescue Scrutiny Committee will bring additional work to Democratic Services which the service will endeavour to manage whilst minimising the impact on the service budget. Overall workload from the scrutiny committees has been

increasing. There is currently little prospect of being able to find savings whilst needing to meet the additional demands of the new committee.

3. Resources

- 3.1 There is a desire to make savings in this area of member governance to offset the costs of setting up the new Scrutiny Committee. Following options 1 or 2 would enable the Democratic Services budget to reduce the risk of overspends through delivering a saving of £9,296 through the deletion of one special responsibility allowance to accommodate the new allowance required for the new scrutiny committee.
- 3.2 As Rights of Way Committee only meets about twice a year on average, this Committee is supported by the same Democratic Services Officer who supports the Planning Committee, which can meet up to 10 times. On average, the combined number of meetings of the two committees is around 8 times per year (2017/18 saw 8 meetings, 2018/19 saw 9 meetings and 2019/20 will have a maximum of 7 meetings). A merger is unlikely to affect this average as both Planning and Rights of Way matters would still be taken through officer consideration at a similar rate. There is therefore no expected officer saving to be realised, while a small reduction in member travel expenses claims may be achieved if business can be combined two or three times a year. These possible savings are all more than offset by the additional costs associated with servicing the additional scrutiny committee.

Factors taken into account

4. Consultation

- 4.1 The Committee is asked to consider whether all members or other stakeholders should be consulted about any proposals.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
If the two committees are merged, this would create a risk of unsound planning or rights of way decisions being taken if members are not sufficiently trained on the two functions.	Training can be provided for all members of a new merged committee. Officers would continue to prepare reports on the distinct items, containing relevant advice to help the committee to make sound decisions.

6. Other Options Considered

- 6.1 If no changes are to be made to the Planning and Rights of Way Committees, other options for savings should be considered in a review of Democratic Services.

7. Equality Duty

7.1 Not applicable as this report deals with an internal decision-making matter.

8. Social Value

8.1 Not applicable.

9. Crime and Disorder Act Implications

9.1 Not applicable.

10. Human Rights Implications

10.1 Not applicable.

Tony Kershaw

Director of Law and Assurance

Contact: Charles Gauntlett 033022 22524

Background Papers: None.