

## **Governance Committee**

**7 September 2020**

### **Planning and Rights of Way Committees – options for cost savings**

#### **Report by Director of Law and Assurance**

**Electoral divisions: N/A**

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## **Summary**

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.

Customer service on rights of way matters would stand to be improved by a merger of committees and customers on planning matters would not see any adverse impact. In many county councils across the country, planning and rights of way functions are determined by a single committee.

## **Recommendations**

- (1) That the County Council be recommended to approve a merger of the Planning and Rights of Way Committees in the light of the improved customer service it would deliver to rights of way customers and the need to make savings as a result of establishing a Fire & Rescue Service Scrutiny Committee; and
  - (2) That the Director of Law and Assurance be authorised to prepare the necessary revisions to constitutional documents for the County Council on 6 November 2020, to take effect from after the election in May 2021.
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## **Proposal**

### **1. Background and Context**

- 1.1 In November 2019, 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 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 It should be noted that rights of way maintenance is an executive matter which is the responsibility of the Cabinet Member for Environment. The Rights of Way Committee does not deal with these functions and merging the committees would not have any impact on rights of way maintenance.
- 1.7 While the roles of the committees 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.
- 1.8 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 details**

- 2.1 It is proposed that the Planning and Rights of Way Committees be merged with effect from May 2021. 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 time and 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.
- 2.2 Service Officers are of the view that planning applications would not be adversely affected as they are reactive and go to the next scheduled meeting when they are ready, which remains difficult to predict. Service Officers advise that there would be a benefit on rights of way matters if the committees were to merge, as these could potentially come to more frequent meetings, rather than seeing a four-month delay. It would also mean that if

a rights of way application was deferred, it could come back to the committee much quicker than at present.

- 2.3 These functions are delivered by the same committee in several nearby county councils including East Sussex, Hampshire and Surrey. Of the 24 two-tier county councils remaining (excluding Buckinghamshire and Northamptonshire County Councils which are moving to unitary status), 16 have a single committee to perform these functions, so there is a strong precedent for this from comparator authorities.
- 2.4 If the Committee is minded to recommend that the committees be merged, it is asked to consider the different approaches to site visits and to authorise the Director of Law and Assurance to prepare the necessary revisions to constitutional documents for submission to the County Council in November 2020, with a recommendation that it takes effect from May 2021.

### **3. Resources**

- 3.1 There is a need to make savings in the Democratic Services budget to offset the costs of setting up the new Scrutiny Committee. Merging the two committees 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. Because other in-year savings have been achieved through virtual meetings in 2020/21 because of the public health emergency, it is recommended that this decision should take effect from 2021, to help manage next year's budget.
- 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 had 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 Chairmen of the Planning and Rights of Way Committees addressed the Governance Committee on this matter on 20 January 2020. The Chairman of the Rights of Way Committee explained that he believed the role to be onerous, with lots of research time required. The Chairman of the Planning Committee felt that combining the roles might create a difficult workload.
- 4.2 Neighbouring County Councils with merged committee functions were consulted. Hampshire County Council state that their committee usually considers planning matters in the morning, followed by rights of way

matters. Site visits can take in both planning and rights of way matters as necessary and combined training sessions are given with input from appropriate officers in both services. The meeting runs well and have done for some time with this arrangement.

- 4.3 Officers from the Planning, Rights of Way and Legal Services were consulted. Their view was that having a single committee meeting up to 10 times a year would bring a customer benefit on rights of way matters. Any item which becomes ready for determination should be able to be considered more quickly than at present and any item deferred could return much sooner than is currently possible.
- 4.4 No public consultation has been done as applicants and other stakeholders would not see any change in customer service other than shorter waiting times for formal consideration of rights of way matters.

## 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 Another option would be to have a single chairman of the two existing committees, but this option is not recommended as it would not realise the customer benefits of a merger.

## 7. Policy alignment and compliance

- 7.1 The equality duty is not applicable as this report deals with an internal decision-making matter. There are no social value, crime and disorder or human rights implications.

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### Background Papers:

None