

Tuesday, 14 May 2024

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DEVELOPMENT CONTROL COMMITTEE

You are summoned to a meeting of the Development Control Committee which will be held in Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB on **Wednesday, 22 May 2024 at 2.30 pm.**



Giles Hughes
Chief Executive

To: Members of the Development Control Committee (to be appointed at the Annual Council meeting on 22 May 2024).

Recording of Proceedings – The law allows the public proceedings of Council, Executive, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

AGENDA

1. **Election of Chair**

Purpose:

To appoint a Chair for the Civic Year 2024/25.

Recommendation:

That a Chair of the Development Control Committee be elected for the Civic Year 2024/25.

2. **Appointment of Vice Chair**

Purpose:

To appoint a Vice-Chair for the Civic Year 2024/25.

Recommendation:

That a Vice-Chair of the Development Control Committee be elected for the Civic Year 2024/25.

3. **Apologies for Absence**

To receive any apologies for absence.

4. **Appointment of Sub Committees Lowlands and Uplands (Pages 5 - 10)**

Purpose:

To invite the Development Control Committee to appoint members to the Lowlands Sub-Committee and the Uplands Sub-Committee for the 2024/25 municipal year.

Recommendations:

That the Development Control Committee resolves to:

1. Agree that seats on the Lowlands Sub-Committee and the Uplands Sub-Committee will be allocated based on ward rather than political balance, in accordance with Section 17 of the Local Government and Housing Act 1989;
2. Appoint the Chair of the Development Control Committee to the Lowlands Sub-Committee and the Uplands Sub-Committee;
3. Appoint Members of the Development Control Committee who represent wards in the Lowlands area of the district to the Lowlands Sub-Committee as set out in Annex B; To Follow.
4. Appoint Members of the Development Control Committee who represent wards in the Uplands area of the district to the Uplands Sub-Committee as set out in Annex B; To Follow.
5. Agree that the Vice Chair of the Development Control Committee will attend meetings of the Sub-Committee they are not appointed to as a non-voting member;
6. Note that any Member of a Member's political group, having undertaken planning training, is permitted to substitute for a Member of a planning sub-committee, in accordance with the wishes of the Member being substituted;

7. Note that the provisions for substitutions on planning committees and sub-committees will be considered by the Constitution Working Group, including specifically whether substitutions should be allowed from outside of a Member's political group.

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|  <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p> | <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p> |
| <p>Name and date of Committee</p> | <p>DEVELOPMENT CONTROL - 22 MAY 2024</p> |
| <p>Subject</p> | <p>APPOINTMENT OF PLANNING SUB-COMMITTEES</p> |
| <p>Wards affected</p> | <p>None</p> |
| <p>Accountable member</p> | <p>Chair of the Development Control Committee</p> |
| <p>Accountable officer</p> | <p>Andrew Brown – Democratic Services Business Manager. Email: andrew.brown@publicagroup.gov.uk</p> |
| <p>Report author</p> | <p>Anne Learmonth – Democratic Services Officer. Email: anne.learmonth@westoxon.gov.uk</p> |
| <p>Summary/Purpose</p> | <p>To invite the Development Control Committee to appoint members to the Lowlands Sub-Committee and the Uplands Sub-Committee for the 2024/25 municipal year.</p> |
| <p>Annexes</p> | <p>A. Political Balance on Planning Sub-Committees; To follow B. Nominated Members. To follow</p> |
| <p>Recommendation(s)</p> | <p>That the Development Control Committee resolves to:</p> <ol style="list-style-type: none"> 1. Agree that seats on the Lowlands Sub-Committee and the Uplands Sub-Committee will be allocated based on ward rather than political balance, in accordance with Section 17 of the Local Government and Housing Act 1989; 2. Appoint the Chair of the Development Control Committee to the Lowlands Sub-Committee and the Uplands Sub-Committee; 3. Appoint Members of the Development Control Committee who represent wards in the Lowlands area of the district to the Lowlands Sub-Committee as set out in Annex B; 4. Appoint Members of the Development Control Committee who represent wards in the Uplands area of the district to the Uplands Sub-Committee as set out in Annex B; 5. Agree that the Vice Chair of the Development Control Committee will attend meetings of the Sub-Committee they are not appointed to as a non-voting member; |

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| | <p>6. Note that any Member of a Member's political group, having undertaken planning training, is permitted to substitute for a Member of a planning sub-committee, in accordance with the wishes of the Member being substituted;</p> <p>7. Note that the provisions for substitutions on planning committees and sub-committees will be considered by the Constitution Working Group, including specifically whether substitutions should be allowed from outside of a Member's political group.</p> |
| Corporate priorities | <ul style="list-style-type: none"> • Working Together for West Oxfordshire |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | Political groups that are entitled to seats on the sub-committee have been asked to nominate members. |

1. BACKGROUND

- 1.1** The Council's Constitution provides that the Development Control Committee will appoint a Lowlands Sub-Committee and an Uplands Sub-Committee.
- 1.2** The power to appoint members to sub-committees lies with the "parent" committee i.e. the Development Control Committee.

2. LOWLANDS SUB-COMMITTEE

- 2.1** The Lowlands Sub-Committee is responsible for determining certain planning applications, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy, in respect of the 16 wards comprising the Lowlands area of the district:
 - Hailey, Minster Lovell & Leaffield (except for the Leaffield parish area)
 - Witney Central
 - Witney North
 - North Leigh
 - Brize Norton & Shilton (except for the Asthal parish area and the Swinbrook and Widford parish area)
 - Witney West
 - Witney East
 - Eynsham & Cassington
 - Witney South
 - Carterton North West
 - Carterton North East
 - Carterton South
 - Ducklington
 - Alvescot & Filkins
 - Bampton & Clanfield
 - Standlake, Aston & Stanton Harcourt
 - 2.2** The provisions of the Local Government Act 1972 relating to sub-committees apply to the Lowlands Sub-Committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), in accordance with political proportionality. Members of the Sub-Committee must be members of the Development Control Committee and must have undertaken planning training prior to participating in the determination of any application.
 - 2.3** The political balance for the Lowlands Sub-Committee is set out in Annex A.
- ## **3. UPLANDS SUB-COMMITTEE**
- 3.1** The Uplands Sub-Committee is responsible for determining certain planning applications, the terms of planning agreements and such other matters as are considered appropriate

from time to time, excluding matters relating to policy, in respect of the 11 wards comprising the Uplands area of the district:

- Kingham, Rollright & Enstone
- Chipping Norton
- The Bartons
- Stonesfield & Tackley
- Chadlington & Churchill
- Ascott & Shipton
- Charlbury & Finstock
- Woodstock & Bladon
- Milton-under-Wychwood
- Burford
- Freeland & Hanborough
- Brize Norton and Shilton (Asthal parish area and Swinbrook and Widford parish area only)
- Hailey, Minster Lovell and Leaford (Leafield parish area only)

3.2 The provisions of the Local Government Act 1972 relating to sub-committees apply to the Uplands Sub-Committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), in accordance with political proportionality. Members of the Sub-Committee must be members of the Development Control Committee and must have undertaken planning training prior to participating in the determination of any application.

3.3 The political balance for the Uplands Sub-Committee is set out in Annex A.

4. APPOINTMENT BASED ON WARD REPRESENTATION

4.1 The Local Government and Housing Act 1989 (Section 17) provides provisions whereby political balance requirements do not apply if a different provision is made by the appointing body with no member voting against (a “nem con” vote). The Committee is recommended to appoint the Chair of the Development Control Committee to both sub-committees and to appoint members of the Development Control Committee to the remaining seats on the two sub-committees based on ward representation rather than political balance, as per the practice in previous years. The list of nominees the Committee is recommended to appoint is set out in Annex B.

4.2 Both planning sub-committees must have a minimum of 11 members. There are two wards that cross the Lowlands and Uplands boundary. These are Hailey, Minster Lovell and Leafield ward and Brize Norton and Shilton ward. In these cases the ward member may be appointed to either sub-committee.

5. SUBSTITUTE MEMBERS

- 5.1** The Constitution provides that any Member of a Member's political group, with the requisite training, is permitted to substitute for a Member of the Lowlands Sub-Committee or the Uplands Sub-Committee, in accordance with the wishes of the Member being substituted.
- 5.2** At a recent meeting of the Council's political group leaders, it was suggested that consideration should be given to allowing substitutions from outside of a Member's political group. This has been added to the work plan of the Constitution Working Group, which will consider the matter and make any recommendation to full Council.

6. FINANCIAL IMPLICATIONS

- 6.1** There are no financial implications arising directly from the recommendations in this report.

7. LEGAL IMPLICATIONS

- 7.1** The legal issues relating to the appointment of sub-committees are detailed in the body of the report.

8. RISK ASSESSMENT

- 8.1** Appointing sub-committees in accordance with the provisions of the law and the Constitution will help to ensure that planning applications can be determined in a timely fashion and will reduce the risk of decisions being successfully challenged.

9. EQUALITIES IMPACT

- 9.1** The Committee is advised to have due regard to the need to promote equality when appointing Sub-Committees.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 10.1** There are no climate or ecological implications arising directly from the recommendations in this report.

11. ALTERNATIVE OPTIONS

- 11.1** If the Development Control Committee wishes to change the size of the planning sub-committees it could pass a resolution requesting that officers bring a report to a future meeting with alternative proposals.

12. BACKGROUND PAPERS

- 12.1** None

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