

Agenda Item	20
Report No	HC/50/22

THE HIGHLAND COUNCIL

Committee: HIGHLAND COUNCIL

Date: 8 December 2022

Report Title: PLANNING REVIEW BODY

Report By: Acting Depute Chief Executive and Executive Chief Officer,
Performance and Governance

1. Purpose/Executive Summary

1.1 This report contains proposed amendments to the composition of the Council's Planning Review Body (PRB).

2. Recommendations

2.1 The Council is invited to agree:

- i. An increase in the PRB membership from 6 to 8 elected members (an increase of 1 member from each NPAC and SPAC), each PAC to appoint its additional PRB member at its next meeting; and
- ii. That members of the PRB may determine Notices of Review in their ward (a removal of the automatic restriction currently in place).

3. Implications

- 3.1 Resource - possible modest increase in Member travel expenses (there is the option to attend PRB using MS Teams).
- 3.2 Legal - there are no direct legal implications arising as a consequence of this report, a Review Body requires a minimum of 3 members.
- 3.3 Risk - the purpose of seeking to increase the membership is to address the concern that a meeting may be inquorate with potential reputational risk to the Council. The proposal is considered to be a means to mitigate the risk.
- 3.4 Community (Equality, Poverty, Rural and Island); Gaelic; Climate Change / Carbon Clever - there are no direct implications arising as a consequence of this report.

4. Summary of Proposed Changes

- 4.1 Following the election in May 2022 the PRB has had 6 elected members (3 each from NPAC and SPAC). It is proposed to increase the PRB membership to 8 members (4 each from NPAC and SPAC), therefore an additional representative to sit on PRB is sought from each PAC. All members of the respective PACs will be eligible for nomination subject to the restriction that no single Ward should have two representatives on the PRB.
- 4.2 Since the inception of the Council's Planning Review Body, if a Notice of Review is located within the ward of a PRB member, that member requires to declare an interest and leaves the meeting for the duration of the meeting. It is proposed to remove this restriction.

5. Reasons for Proposed Changes

- 5.1 Competing demands on members' time has resulted in a number of PRB meetings since the election proceeding with only the quorum of three members. The proposal to increase membership should avoid the possibility of meetings of the Review Body being postponed or Notices of Review being deferred on the grounds of member non-availability.
- 5.2 The original restriction on PRB members not participating in the determination of Notices of Review in their ward was to (i) acknowledge that not all wards were represented on the PRB and (ii) avoid local members being lobbied. However, imposing the automatic restriction means that the PRB does not benefit from the local knowledge of the PRB member most familiar with the application site and its surroundings. The proposed change would address this. Lobbying of PRB members by councillors is prohibited by the Code of Conduct (para 6.5, page 18). PRB members lobbied by applicants/interested parties must ensure that they abide by the Code, including advising that they cannot formulate an opinion or support their position if the PRB members are going to take part in decision-making on the matter (para 6.5, page 17).

Designation: Acting Depute Chief Executive and Executive Chief Officer,
Performance and Governance

Author: Karen Lyons, Principal Solicitor (Planning)

Date: 23 November 2022

Background Papers: Report No. HC/7/22 dated 2 June 2022 by the Acting Depute Chief Executive & Executive Chief Officer for Performance and Governance.