

7. CHANGES TO STANDING ORDERS AND SCHEME OF ADMINISTRATION FOR DEVELOPMENT MANAGEMENT COMMITTEE AND LOCAL REVIEW BODY

The Council considered a report (copies of which had been circulated) by the Chief Executive seeking approval of changes to Standing Orders arising from the consideration by Development Management Committee and the Local Review Body of repeat or duplicate planning and/or review applications.

The Chief Executive explained that Development Management Committee (DMC) determined applications for planning permission other than those dealt with under delegated powers and those within the remit of the West Lothian Planning Committee. The Local Review Body (LRB) determined applications for review of planning decisions taken by officers under delegated powers. Each committee had nine members, with eight of those councillors sitting on both committees.

Whilst there was almost no cross-over of business between the two committees on rare occasions an application dealt with by one of them may be resubmitted and find its way, along a different decision-making path, to the other committee.

On these rare occasions members were required to consider their position under the Councillors' Code of Conduct as members were required to ensure a fair hearing of all applications. They were also required to approach each case before them with an open mind and determine it on its own merits. They may well conclude that in all the circumstances their participation was not affected; equally they may feel that the appropriate thing to do was to declare and withdraw.

Where sufficient members felt constrained to withdraw it may not be possible to have a quorum of members present. Without a quorum the item of business could not be determined.

A number of options had been considered to address this problem. These were summarised as follows :-

- Allow substitutes to attend;
- Adjust membership numbers and/or members appointed to each;
- Referral of affected cases to the West Lothian Planning Committee;
- Full delegation to officers to determine those repeat cases; and
- A small pool of additional "auxiliary" members was appointed to both committees to be called upon.

After consideration and consultation the last of the options referred above was being recommended. The facility would only be utilised when one of these exceptional cases had been on an agenda for one of the two

committees and had not been determined due to a lack of a quorum. The appendix attached to the report demonstrated the changes required to Standing Orders to give effect to this new arrangement.

It was recommended that Council :-

1. Notes the issues raised by committee consideration of repeat/duplicate planning applications and/or review applications;
2. Agrees the changes to Standing Orders and the Scheme of Administration set out in the appendix to enable those applications to be determined;
3. Makes appointments required as a result of any changes approved; and
4. Agrees that those changes should take effect on 3 December 2018 to ensure they applied to the next meeting of the two committees concerned and allow training to take place where required.

Motion

“To agree the recommendations of the report and agree to appoint a small group of auxiliary members consisting of two Labour Members, 2 SNP Members and 1 Conservative Member with the 2 Labour members being Councillors Tom Conn and Dave King.”

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Amendment

“To retain the status quo”

- Moved by Councillor Willie Boyle and seconded by Councillor Stuart Borrowman”.

A roll call vote was taken. The result was as follows:-

Motion

Alison Adamson
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Chris Horne
Charles Kennedy
Tom Kerr
Dave King
John McGinty
Andrew McGuire
Dom McGuire

Amendment

Frank Anderson
Stuart Borrowman
William Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Andrew Miller
Moira Shemilt
David Tait

George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote the motion was successful by 17 votes to 13, with 3 members absent, and it was agreed accordingly.