

Meeting	Audit and Governance Committee
Date	3 September 2025
Present	Councillors J Burton (Vice-Chair), Fisher, Merrett, Rose, Watson and Whitcroft (Substitute)
Officers in Attendance	Bryn Roberts - Director of Governance and Monitoring Officer Debbie Mitchell - Director of Finance  David Walker - Customer Finance Risk & Insurance  Sara Storey - Corporate Director – Adult Social Care and Integration Becky Eades - Head of Planning and Development Services
In Attendance	Councillor Pavlovic – Executive Member for Housing, Planning and Safer Communities
Apologies	Councillor Coles and Independent Member Mr Binney

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## **Part B Minute – Matters Referred to Council**

### **22. CONSTITUTION CHANGES (18:18)**

The Director of Governance first introduced the Contract Procedure Rules changes which were presented for noting, prior to consideration at Full Council. It was confirmed that the changes to the Contract Procedure Rules were within the delegated powers of the Director of Finance, having been made to reflect changes in legislation.

The Head of Planning and Development Services outlined the proposed Planning Committee changes. She noted that the proposed changes would aim to deliver robust planning procedures while speeding up the planning process. It was also confirmed that officers had reviewed procedures at other Councils to ensure the Council would be in line with best practice in its planning procedures. Members asked why the

Council was seeking to make changes to its planning procedures prior to Government changes to planning. Officers stated that these changes would ensure the Council addressed a range of issues in its current planning procedures including the Council's capacity to process applications and provide cost savings to the Council. Officers confirmed that they did not expect these changes to be out of line with Government proposals.

Officers confirmed that currently 96% of all planning applications were considered by Council officers. From March 2024 to March 2025, it was confirmed 54 applications had gone before a Planning Committee; 19 of these were from call-ins, and in only 4 of those 19 applications did Members not follow the officer recommendation for approval or rejection. Two of these applications were approved by Members, and two were refused; of the two refused applications, one has since been overturned, with the second currently under appeal.

The Committee asked about the proposed exemptions on the ability to call-in planning applications and why these exemptions were being proposed. Officers outlined that they had reviewed the Council's previous call-ins and proposed exemptions for things that currently were not going to Committee. The proposals would also assist in creating more support to ensure call-ins include clear planning reasons within their proposal. Members also enquired as to why they would not expect to have Reserved Matters applications at Planning Committee. Officers confirmed that Reserved Matters applications could still be called in, however, Committee time would be better focused on outline applications where they would be considering the principles of any development.

Members enquired as to whether due to the proposed changes, if the period for Ward Councillors to call-in an application could be extended to 14 days. Officers and the Executive Member for Housing, Planning and Safer Communities supported this proposed change to the call-in process.

The Committee asked whether the planning process could be sped up by having more items at each committee meeting or more meetings scheduled. Officers noted that large applications were frequently taking as long as five hours at Committee and therefore it was not possible to schedule lots of items on individual meetings. Officers also noted that there would be

significant challenges to officer time to try and schedule lots more meetings to meet the Council's workload, and would risk not meeting deadlines related to applications.

Members enquired as to whether the Council had consulted externally on the proposed changes with Parish Councils, other organisations, or the public. Officers noted that the Council had not held any consultation on the proposed changes and was not required to do so; they confirmed that it was the Council's role to review and amend its Constitution and determine how it dealt with administrative applications in the Council's operating procedures. Members asked if this was in line with the Council's Parish Charter, and it was confirmed that the Parish Charter did not require the Council to consult them on these proposed changes. Members also asked about whether Parish Councils would have the automatic right to speak at planning applications in their area. It was confirmed that Parish Councils, and their planning panels', abilities to engage with the planning process would not change, there was currently no reserved space for Parish Councils to speak on applications at Committee and this would not change, they would be able to continue to register to speak on an application as was currently the case.

The Committee discussed the procedures relating to public participation including the number of speakers per item. It was noted that the proposals would provide the opportunity for 3 speakers in favour and 3 against alongside Ward Councillors, there would also be the opportunity for pooling of time. It was also confirmed that the chair would maintain the power of discretion as to how public participation would be administered.

Members asked about the threshold of 40 dwellings before an application would routinely be considered at a Planning Committee meeting. It was confirmed that 40 was the current outlined number for consideration at Planning A Committee meetings and had not been proposed to be changed. Councillors asked whether the Council could be taken advantage of by applicants that could attempt to submit smaller applications several times on a site to avoid requiring a committee meeting. Officers noted that Planning Officers would be expected to identify such issues and address these appropriately, as they currently do. As an example, it was noted that if an applicant wanted to build 30 houses on a site capable of building 60, the Council would be expected to challenge that

application on grounds such as not meeting required density for a site of that size.

Members debated the proposed Planning Committee changes. Those in favour of the changes noted that they believed, as outlined by officers, that the proposed changes would allow the Council to address issues relating to planning, such as the time taken to consider applications, while maintaining democratic oversight of important applications at Planning Committee and the ability to call-in applications. They noted that the Council already had 96% of applications considered by planning officers. They highlighted that with the Council now having approved its Local Plan it was important that applications are dealt with in a more efficient manner. It was also proposed that the Committee should request that a review of any changes if approved by Full Council be brought to the Audit and Governance Committee after a year to consider their effectiveness.

Other Members noted their concerns relating to the proposed changes. These concerns included a reduction in Member led decision making on planning applications with more applications delegated to officers for decision, they noted that Members were experts in their local area and ensured applications meet the needs of the city. They highlighted concerns that the changes could lessen public support in the city's planning processes. They stated that speeding up consideration of planning applications would not increase the speed of house building in the city, as this was determined more by market factors rather than if enough sites have approval. They noted that they felt that the Council should await the Government's changes to planning legislation before making changes to York's procedures.

The Committee therefore noted the changes to the Contract Procedure Rules that would be presented to Full Council.

The Committee also voted in favour (4 in favour and 3 against) of recommending to Full Council the proposed Planning Committee changes with an additional amendment to the Call-in procedure to be extended to 14 days, and that a review of the changes, if approved at Council, be brought to the Audit and Governance Committee in a year.

Breakdown of vote relating to recommending to Full Council the proposed Planning Committee changes, including the associated amendments to the Scheme of Delegation.	
In Favour	Against
Cllr J Burton	Cllr Hollyer
Cllr Rose	Cllr Fisher
Cllr Merrett	Cllr Watson
Cllr Whitcroft	

Recommended to Council:

- i. Approval of the amended Contract procedure Rules;
- ii. Approval of the proposed changes to Planning Committees, including the associated amendments to the Scheme of Delegation, with the additional inclusion of extending the call-in deadline to 14 days and that a review of the changes, if approved at Council, be brought to the Audit and Governance Committee one year after the implementation of any changes.

Reason: To allow the Council to determine the proposed Constitutional changes.

## 23. **EXECUTIVE / SCRUTINY PROTOCOL FOR CITY OF YORK COUNCIL (20:15)**

The Director of Governance introduced the report containing proposed revisions to Article 8 of the Council's Constitution to incorporate the Executive / Scrutiny Protocol for City of York Council. The Committee noted the proposed changes and agreed to recommend them to Full Council.

Recommended:

- i. That Council approve the proposed revision to Article 8 of the Council's Constitution to incorporate the Executive / Scrutiny Protocol for City of York Council.

Reason: To strengthen the scrutiny function and to fulfil the recommendation endorsed by Council in March 2025 in relation to a refreshed Executive / Scrutiny Protocol.

Cllr Hollyer, Chair

[The meeting started at 5.30 pm and finished at 8.24 pm].