

Report to:	Full Council
Date:	18 November 2020
Title:	Conservation Area Advisory Group (CAAG) - Proposed changes to Terms of Reference and Status
Report of:	Head of Democratic Services
Ward(s):	All
Purpose of report:	To propose an expansion of remit and change of status to the CAAG in order to enhance and better reflect its role and contribution to the Council.
Officer recommendation(s):	<p>(1) That Council approves the revised Terms of Reference (ToR) in respect of remit and membership, set out in Appendix 1;</p> <p>(2) That Council approves the change in status of CAAG from ‘Formal Committee’ to ‘Informal Forum’ as set out in section 4 of this report; and</p> <p>(3) That the Head of Democratic Services be authorised to make the necessary changes to the Council’s Constitution in order to give effect to these changes.</p>
Reasons for recommendations:	To propose an enhanced remit and working arrangement for the CAAG enabling more flexible discussion and a broader input of knowledge into the decision-making process in respect of matters affecting Conservation Areas and Listed Buildings.
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1 Introduction

- 1.1 Councils are required, from a ‘Best Practice’ point of view, to have consultative arrangements for planning applications in Conservation Areas. Guidance for such arrangements is non-specific, but this Council’s practice is currently for these consultative arrangements to be covered by a formal public committee, namely the Conservation Area Advisory Group (CAAG).
- 1.2 The current remit of the CAAG is specifically to comment and make recommendations in respect of planning applications in Conservation Areas and on listed buildings where there is a material impact. Following a request from the Chair of CAAG, Officers undertook a review of this remit to enable a wider use of

this resource and its experience and expertise, to provide input into any major policy, strategy or project that has a material effect on Conservation Areas or listed buildings.

2 Proposal

- 2.1 A proposed expanded remit for CAAG is set out in Appendix 1. This retains the existing remit in respect of expressing views on material planning applications in Conservation Areas but now enables CAAG to be consulted on wider matters that have a material impact on Conservation Areas. CAAG would remain strictly as a Consultative Forum only, receiving and commenting on matters led by other decision-making bodies. However, whereas its current remit makes it a 'client consultee' specifically for the Planning Committee and the South Downs National Park Authority, the proposed expansion of remit would allow for CAAG's views to be sought also in response to strategic policy and projects from the Cabinet where there is a material effect on Conservation Areas.
- 2.2 As this proposal for expansion of remit would necessitate a change to CAAG's Terms of Reference, as set out in the Council's Constitution, it requires Full Council approval. The proposed amended ToR is set out in Appendix 1.

3 Introducing specification guidance for the Co-opted Advisors

- 3.1 Currently, the Group's Terms of Reference for membership refers simply to the addition of co-opted advisors, without being specific as to who those advisors are or how they are selected.
- 3.2 Introducing some structure for the recruitment of co-opted advisors will provide an opportunity for a more transparent and disciplined approach towards recruiting the best possible balance and breadth of representation on the Group, allowing for both professional and non-professional views relating to Conservation Areas to be heard.
- 3.3 Following discussion with the Chair, the proposal is that co-opted advisors should specify inclusion of the Council's Heritage Champion and up to three others, at least two of which should be external. These would be reviewed annually and appointments made by the Head of Planning in liaison with the Chair of CAAG.
- 3.4 To instigate this change, we propose to amend the Terms of Reference membership details in the Constitution. Again, this is set out in Appendix 1.

4 Proposed Future Status of CAAG

- 4.1 CAAG is not a body required by statute in the formal committee structure. It exists to fulfil the role of consultee to the Council in matters affecting Conservation Areas. As such, it is a collective of Officers, members and external representatives and its function is purely technical/professional rather than democratic/political which is the purpose of the decision-making body. As such, CAAG's standing as a formal committee of the Council is somewhat incongruous

and has led to a number of issues in recent times where the Group has sought to instigate debates on matters beyond their purpose.

- 4.2 As a formal public committee, statutory rules have to be applied to CAAG in respect of fixed meetings, agendas, attendees, public accessibility, and debating rules. As an Informal Forum, which is what is being proposed here, the Group would have more freedom in how it discusses matters but would still retain its core purpose as a consultee to the Council. In effect, it would function similarly to the Downland Forum (albeit meeting much more frequently in order to respond to matters in accordance with statutory deadlines) and, indeed, all such other consultative bodies of the Council. Anything the CAAG passes views on in their consultative capacity would still be put before Planning Committee or Cabinet as appropriate and taken into account where, of course, all decisions are made according to democratic governance rules in an environment open to public attendance and participation.
- 4.3 In proposing this change, Officers have researched practice elsewhere and it appears that a CAAG-type body operating as a formal committee is rather an anomaly unique to a very small handful of Councils. The vast majority of Councils fulfil their statutory obligation of Conservation Area consultation either solely via their professional Conservation Officers or via informal/independent arms-length panels or outside bodies. Indeed, looking for other examples of Councils having statutory conservation committees comparable to Eastbourne, across the entire country, we have only found three others (Newcastle, Enfield and Bristol).
- 4.4 Thus, the proposal is that the CAAG be re-cast as a Forum rather than continue as a part of the formal committee structure. It would still contain elected members and externally invited representatives, still be directly supported by the Council's Conservation Officer, and would still submit views on all matters with material effect on the Conservation Areas. However, as a Forum, it would be free of the many statutory rules as to how/where/when it meets and conducts its business.

5 Consultation

- 5.1 Proposals in respect of the expansion of remit and firming up of the arrangements in respect of co-opted advisors were the subject of a report to CAAG on 10 February 2020. These proposals were unanimously supported.
- 5.2 There was also debate on a proposal as to whether the remit could be expanded further to enable CAAG to undertake proactive reviews and recommendations to Cabinet in respect of Conservation Areas. However, the Committee was advised that it existed specifically to be a specialist consultee and its role was to consider and input on proposals instigated by the responsible decision-making bodies rather than to instigate its own proposals. As a result, CAAG decided not to support this proposal.

- 5.3 Subsequent to that Committee meeting, the proposal to change the status of CAAG from 'Formal Committee' to 'Informal Forum' was put to the Chair of CAAG and both Group Leaders. The Chair of CAAG and the Leader of the Council support this proposed change. The Leader of the Opposition reiterated the desire for an expanded remit for CAAG, but has submitted no views in respect of the proposed change of status of the Group.
- 5.4 Following a request from CAAG, all members of the Group were invited to comment on the proposed status change of the group. At the time of finalising this report, no comments have been received.
- 5.5 Finally, consultation on all the proposal elements was undertaken with key Officers, specifically the Corporate Management Team, the Head of Planning, Specialist Advisors for Conservation, the Committee and Civic Services Manager, and Senior Committee Officer. No objections were received.

6 Financial appraisal

- 6.1 The Council's Finance Team has been consulted. However, there are no financial implications arising from the recommendations in this report.

7 Legal implications

- 7.1 The Council's Legal Team has been consulted and provided the following comment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include the effect on listed building and Conservation Areas.

8 Risk management implications

- 8.1 There are no new risks arising from the proposals in this report.

9 Equality analysis

- 9.1 The revised proposal for recruiting co-opted advisors will enable broad and creative representation on the Group and the wider remit will provide an opportunity for greater input into matters affecting Conservation Areas.

10 Environmental sustainability implications

- 10.1 The proposed amendments to CAAG's Terms of Reference will help promote wider, more informed views, and can only enhance responsible development and quality decision making, in keeping with the desire to preserve and enhance Conservation Areas.

11 Appendices

Appendix 1 - Recommended changes to CAAG's Terms of Reference as set out in the Council's Constitution, in accordance with the recommendations in this report.

12 Background papers

No background papers were used in compiling this report.