

<b>Report to:</b>	<b>Full Council</b>
<b>Date:</b>	<b>20 July 2022</b>
<b>Title:</b>	<b>Conservation Area Advisory Group - Proposed changes to Terms of Reference</b>
<b>Report of:</b>	<b>Simon Russell, Head of Democratic Services</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To propose a further expansion of the remit to CAAG in order to enhance and better reflect its role and contribution to the Council.</b>
<b>Officer recommendation(s):</b>	<p><b>(1) To agree the revised Terms of Reference (ToR) in respect of remit and membership, set out at Appendix 1;</b></p> <p><b>(2) To authorise the Head of Democratic Services and Deputy Monitoring Officer to make the necessary changes to the Council’s Constitution in order to give effect to these changes.</b></p> <p><b>(3) To authorise the Head of Democratic Services and Deputy Monitoring Officer to appoint to any outstanding vacancies (including that of Vice-Chair), in consultation with the relevant Group Leader, for the remaining municipal year.</b></p>
<b>Reasons for recommendations:</b>	<b>To reflect the expanded remit for CAAG, enabling more discussion and a broader input into the decision-making process in respect of matters affecting Conservation Areas, Listed Buildings and Heritage Assets.</b>
<b>Contact Officer(s):</b>	<p><b>Name: Simon Russell</b></p> <p><b>Post title: Head of Democratic Services (and Deputy Monitoring Officer)</b></p> <p><b>E-mail: <a href="mailto:simon.russell@lewes-eastbourne.gov.uk">simon.russell@lewes-eastbourne.gov.uk</a></b></p> <p><b>Telephone number: 01323 415021</b></p>

## **1 Introduction**

- 1.1 A review of the remit of the Conservation Area Advisory Group (CAAG) was undertaken in 2020. Following this review, a report was presented to CAAG and then onto Full Council.
- 1.2 At its meeting on 18 November 2020, Full Council agreed changes to the Terms of Reference for the Group.

- 1.3 The changes agreed have enabled a wider use of the Group's 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.
- 1.4 Meetings of CAAG have remained open for members of the public to attend and observe. Further details on meetings can be viewed on the Council's website or by contacting the Council via the various channels of communication.
- 1.5 In recognising the importance of all heritage assets around the Borough, including street furniture, it has been requested that it be considered expanding the Group's remit further.

## 2 Proposal

- 2.1 Following discussion with the Chair of the Group, the changes proposed and set out at Appendix 1, would enable the Group to comment and advise, with regards to planning applications and scheduled works, affecting heritage assets. This would bring into scope heritage assets that are not just within conservation areas or classed as listed buildings.
- 2.2 The mechanism for how matters affecting heritage assets would be reported to CAAG and discussed, would be determined by the Chair of CAAG, in consultation with officers. This would take place following the completion of an audit of heritage assets. Certain works, particularly affecting street furniture assets would potentially fall within the remit of East Sussex County Council who were carrying out said works and they would need to be consulted, along with other stakeholders, where appropriate.
- 2.3 In recognising the expanded remit of the Group, the Chair also requested that it be considered that the Group be renamed the **Conservation Advisory Group** and that the Group's membership be expanded to up to 5 Councillors. Within the current composition of the Council, this would equate to 3 Councillors from the Controlling Group and 2 Councillors from the Opposition Group. As a result of the increased membership, it is proposed that the quorum for the Group be amended to 3 Councillors and 1 co-opted advisor.
- 2.4 Currently, the Chair of CAAG is appointed at the Annual Council meeting. It is also proposed that the Vice-Chair is appointed through the same process from the next municipal year. As the recent Annual Council has been held in May 2022, it is also proposed to delegate authority to the Head of Democratic Services and Deputy Monitoring Officer, to appoint to any outstanding vacancies (including that of Vice-Chair) for the remaining municipal year, in liaison with the relevant Group Leader, should the increased membership be approved.
- 2.5 As this proposal for expansion of remit and membership would necessitate a change to CAAG's Terms of Reference, as set out in the Council's Constitution, it will require Full Council approval. The proposed amended ToR is set out in Appendix 1.

### **3 Consultation**

- 3.1 Officers have been consulted on the report and no objections have been received. The Conservation Area Advisory Group were consulted at its meeting on 5 July 2022. Whilst there was consensus in support of most of the proposed changes, there was not unanimity in favour of an increased size of membership. As mentioned above, any changes to membership and Terms of Reference must be determined by Full Council.

### **4 Financial appraisal**

- 4.1 There are no additional financial and resource implications as a result of this report.

### **5 Legal implications**

- 5.1 The Council's Legal Team have 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 representation from CAAG is a material consideration that should be taken into account in deciding a planning application although the weight to attach to the advice is a matter for the decision maker. In reaching their representations, CAAG must seek to maintain transparency and fairness in their decision-making, with all members being required to declare and resolve any personal and prejudicial interests in the items under discussion.

Legal Implications provided 15.06.22 - CAAG Report - July 2022 011190-EBC-JCS

### **6 Risk management implications**

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

### **7 Equality analysis**

- 7.1 The wider remit will provide an opportunity for greater input into matters affecting conservation areas, listed buildings and heritage assets.

### **8 Environmental sustainability implications**

- 8.1 The proposed amendments to CAAG's Terms of Reference will continue to 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 and heritage assets.

### **9 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.

## **10 Background papers**

The background papers used in compiling this report were as follows:

- [Full Council Report – 18 November 2020](#)
- [CAAG Report – 5 July 2022](#)