

COUNCIL

11th March 2024

SUPPLEMENTARY RECOMMENDATIONS

7. PLANNING RELATED CHANGES TO LOCAL PLANNING PROTOCOL AND SCHEME OF DELEGATION

At the meeting of the Development Control Committee on 5th March 2024 the Committee approved the proposed changes to the Local Planning Protocol and Code of Conduct and the Scheme of Delegation to Officers as set out in the report of the Director of Housing, Planning, Property and Regeneration. The Committee proposed a number of additional changes (*shown in italics*) for Council to consider as follows -

- (a) That Paragraph 1A.2 of the Local Planning Protocol be amended as set out below:
 “Substitute Members at planning committee meetings should be impartial and no more than two Members sitting on a committee should be representing any particular ward at any time. This does not include visiting Members who cannot vote. *For the avoidance of doubt, the fact that a Member has called in an application to committee which appears on the agenda of a planning committee meeting shall not by itself preclude such a Member from serving as a substitute Member of that planning committee meeting or from fully participating in the meeting on the same terms as ordinary Members of that Committee.*”
- (b) That Section 9 of the Local Planning Protocol also be amended to state that due weight should be given to Members’ local knowledge. The following additional bullet point at paragraph 9.5 is proposed -
 “ - *Members of the committee may be able to draw on local knowledge to assist in the determination of a planning application but should ensure that this is a material planning consideration and that they are representing the Borough as a whole in the wider public interest and not just their ward.*”
- (c) That a five-minute time period be introduced for visiting Councillors and that the committee should have the opportunity to ask questions of visiting Councillors – paragraphs 6.10 and 6.11 to be updated as follows –
 “6.10 Visiting Ward Councillors should notify the Democratic Services Team of their intention to speak at committee prior to 5:00pm the day before the meeting. Visiting Councillors are required to keep their presentation to within 5 minutes and will be reminded when this time is expiring by the Chairman. Any representations must be limited to material planning

considerations *and can be asked questions by committee members immediately after their speech.* Visiting Members must not sit with members of the committee or sub-committee after they have finished addressing the committee and must not take part in the subsequent debate so it is clear that they are not part of the formal committee membership.

6.11 If a Ward Councillor is unable to attend the meeting but wishes to make representations to the committee, a statement (maximum 5 minutes long) can be read out by an attending committee member or officer.”

- (d) That the readability of Section 16.5(c) of the Scheme of Delegation to Officers regarding call-in of enforcement cases be reviewed to ensure it was accessible. The following text with two numbers added is proposed –

“Except in the case of any matter identified by officers as a breach of planning control where: (1) Ward Councillors have been formally notified of officer intention to either issue a formal notice or close the case with no further action and (2) a Ward Councillor formally requests in writing within 5 working days of being informed, using the online call-in request form and giving a planning reason, that the decision whether to take enforcement action and the extent of that enforcement action is referred to Members for a decision.”

The following additional changes have been proposed by the Chairman and other Members since the Development Control Committee’s meeting –

- (a) Where applicants bring a team with them to a meeting for a major application it should be acceptable for any member of the team to answer questions from Members as appropriate. The following additional text is proposed -

“6.9 Members of the Committee (but not visiting Ward Members) may ask speakers *questions to assist in their decision making. If members of the committee have technical questions which cannot be answered by the applicant’s representative who has addressed the committee, then the Chairman may permit other representatives of the applicant to answer questions as this will assist the committee in making a decision.* Otherwise, once members of the public have spoken, no further intervention will be permitted.”

- (b) The Protocol should clarify that Members may ask questions of visiting Members – the following additional text is proposed in paragraph 6.10 –

“6.10 Visiting Ward Councillors should notify the Democratic Services Team of their intention to speak at committee prior to 5:00pm the day before the meeting. Visiting Councillors are required to keep their presentation to within 5 minutes and will be reminded when this time is expiring by the Chairman. Any representations must be limited to material planning considerations. *Visiting Members can be asked questions by committee members*

immediately after their speech. Visiting Members must not sit with members of the committee or sub-committee after they have finished addressing the committee and must not take part in the subsequent debate so it is clear that they are not part of the formal committee membership.”

- (c) It is proposed that the powers of the Development Control Committee and Plans Sub-Committees as set out in section 1 of their terms of reference in Chapter 5 of the Constitution should be clarified in respect of lawful development certificates and applications for advertisement consent due to some unclear wording in the Functions Regulations on which this part of the scheme of delegation relies. This is not controversial and just makes clear the Committee and Sub-Committee’s powers.

“Development Control Committee

1. **Planning and Conservation and Building Control.** All the Council’s powers and duties relating to town and country planning and development control and building control as specified in Schedule 1 of the Functions Regulations, including, where appropriate, determining cases relating to individual sites and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (Call-in still applies), *the granting or refusing of Advertisement Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the granting or refusal of lawful development certificates under Section 191 and 192 of the Town and Country Planning Act 1990.*”

(Similar wording to apply for Plans Sub-Committees.)