

Summary of amendments proposed to Constitution October 2023

Page Number/Section	Current Text	Proposed Amendment
Page 42 para 3.42	<p>Applications made under the following statutory provisions shall be referred to Planning Committee for decision or to make observations, as may be required, in the circumstances set out below:</p> <ul style="list-style-type: none"> • where, following consultation in accordance with the codes and protocols – guidance on planning application procedures, the Director – Development and Economic Growth and ward Councillor(s) have different views. • where the application has been submitted by the Council. • where the application has been submitted by the County Council; except minor development relating to existing operational premises (eg school classrooms, fences, etc). 	<p>Applications made under the following statutory provisions shall be referred to Planning Committee for decision or to make observations, as may be required, in the circumstances set out below:</p> <ul style="list-style-type: none"> • where, following consultation in accordance with the codes and protocols on planning application procedures, the Director– Growth and Economic Development and ward Councillor(s) have different views on a matter which is considered by the Director – Growth and Economic Development to constitute a material planning consideration. • where the application has been submitted by the Council, with the exception of applications to secure non-material amendments to schemes, in consultation with the Chair of Planning Committee and Ward Councillor. • where the application has been submitted by the County Council, except for minor development relating to existing operational premises (eg school classrooms, fences, etc) or where the timescales to respond do not allow for referral to the Planning Committee or an extension of time is not agreed, in which case a response will be submitted following consultation with the Chair of Planning Committee and the Ward Councillor(s)

	<ul style="list-style-type: none"> • where the Council is being consulted by an adjoining authority on an application (except where a response is required prior to the next meeting of the Planning Committee). • where the application involves any Councillor or <u>senior officer</u> as applicant or agent in consultation with the Chairman of Planning Committee. • where a ward Councillor declares an interest and has made a request for referral to Planning Committee in accordance with 2 below. 	<ul style="list-style-type: none"> • where the Council is being consulted by an adjoining authority on an application, except where a response is required prior to the next meeting of the Planning Committee, and where a ward Councillor comments upon a planning application and identifies material planning considerations and policy objections to support this view and has made a valid request for referral to Planning Committee • Where a planning permission has expired and an identical or slightly amended scheme is submitted, unless there is a change in material considerations and or policy requirements, ward Councillor(s) should not refer them to the Planning Committee • where the application involves any Councillor or senior officer* as applicant or agent at the discretion of the Director Development and Economic Growth in consultation with the Chair of Planning Committee. • where a ward Councillor declares an interest and has made a request for referral to Planning Committee • where a Section 106 planning agreement is required, unless the agreement relates to standard drainage requirements or the proposed agreement complies with the Council's Supplementary Planning Guidance.
--	--	--

	<ul style="list-style-type: none"> • where a Section 106 planning agreement is required, unless the agreement relates to standard drainage requirements or the proposed agreement complies with the Council’s Supplementary Planning Guidance. 	
<p>Page 42 para 3.43</p>	<p>A valid request that the application be referred to the Plans Committee for determination has been made by a ward Councillor(s) in accordance with this referral procedure.</p> <ul style="list-style-type: none"> • Following a planning application being registered and made valid, officers will write to: <ul style="list-style-type: none"> ○ the ward Councillors of the ward where the application is, ○ ward Councillors where part of the application site is in their ward ○ ward Councillors where the application site is immediately adjacent to or within 15 metres of the boundary of their ward. • Ward Councillors where the application site is wholly or partly within the boundary of their ward may request that the application be referred to Planning Committee which would otherwise have been determined by the Director – Development and Economic Growth under delegated authority. 	<p>A valid request that the application be referred to the Planning Committee for determination has been made by a ward Councillor(s) in accordance with this referral procedure.</p> <ul style="list-style-type: none"> • Following a planning application being registered and made valid, officers will write to: • the ward Councillors of the ward where the application is, • ward Councillors where part of the application site is in their ward • ward Councillors where the application site is immediately adjacent to or within 15 metres of the boundary of their ward. • Ward Councillors where the application site is wholly or partly within the boundary of their ward may request that the application be referred to Planning Committee which would otherwise have been determined by the Director – Growth and Economic Development under delegated authority. Such a request should be made within the statutory consultee timescale of 21 days. Further comments, or indeed amended comments where a Councillor has changed their view, can be made outside of this timeframe where new information has become available.

		<ul style="list-style-type: none"> Where a ward Councillor refers an application to the Planning Committee, they should attend the Committee to present their views, limiting them to relevant material planning considerations, for the Committee to consider before making a decision, unless exceptional circumstances prevent this and agreement is obtained from the Council's Monitoring Officer. In such circumstances, a written representation will be read on their behalf.
Pg 104 4.21	<p>Having your say at Planning Committee?</p> <p>If you are the applicant, an objector or Ward Councillor (Borough Councillor for the ward in which the application is being made), and an application is to be discussed at Planning Committee in which you have an interest, you can present your views directly to the Committee via virtual link. The Planning Committee agenda is available on the website (at the same address as above) a week before the meeting and it lists the applications that will be discussed at the meeting. You will be able to speak directly to the Planning Committee if you are the applicant for the application under consideration or if you are representing objectors to the application for a maximum of five minutes; or if you are the ward Councillor for the ward in which the application is being made you may speak to the Committee for up to five minutes (in multi councillor wards where the views of ward councillors are different, then both viewpoints will be heard). Speakers will be heard by the Committee in the following order: Planning Officer (time unlimited), applicant, objector, and ward Councillor.</p>	<p>If you are the applicant, an objector or Ward Councillor (Borough Councillor for the ward in which the application is being made), and an application is to be discussed at Planning Committee in which you have an interest, you can present your views directly to the Committee via virtual link. The Planning Committee agenda is available on the website (at the same address as above) a week before the meeting and it lists the applications that will be discussed at the meeting. You will be able to speak directly to the Planning Committee if you are the applicant for the application under consideration or if you are representing objectors to the application for a maximum of five minutes; or if you are the ward Councillor for the ward in which the application is being made you may speak to the Committee for up to five minutes (in multi councillor wards where the views of ward councillors are different, then both viewpoints will be heard). Speakers will be heard by the Committee in the following order: Planning Officer (time unlimited), applicant, objector, and ward Councillor. No cross examination of the applicant or objector will be permitted.</p>

	<p>No cross examination of the applicant or objector will be permitted.</p>	<p>If an application is to be discussed at Planning Committee in which you have an interest, you will be able to speak directly to the Planning Committee for a maximum of five minutes if you are:</p> <ul style="list-style-type: none"> • representing objectors to the application • the applicant or representative for the application under consideration • the ward Councillor for the ward in which the application is being made (in multi councillor wards, where the views of ward councillors are different, then both viewpoints will be heard). <p>The Planning Committee agenda is available on the website (at the same address as above) a week before the meeting and it lists the applications that will be discussed at the meeting. Should you wish to register a request to speak, this must be done in accordance with para 4.212. Speakers will be heard by the Committee in the order as set out below in para 4.216</p>
<p>Pg 105 4.216</p>	<p>Then the applications for consideration at this meeting are presented – for each application:</p> <ul style="list-style-type: none"> • the planning officer presents a report containing the recommendation • opportunity for the applicant to speak • opportunity for a representative of any objectors to speak • opportunity for the relevant ward councillor to speak • the Committee members will then discuss the application and take a vote 	<p>For each application for consideration at Planning Committee, a planning officer will present a report containing the recommendation. There will be an opportunity for each of the following to speak for a maximum of five minutes:</p> <ul style="list-style-type: none"> • One representative of any objector • The applicant or applicant’s representative • The ward Councillor where the application is in their ward <p>• The Committee members will then discuss the application and take a vote*</p>

	<ul style="list-style-type: none"> • this process will be repeated until all applications have been considered. 	<ul style="list-style-type: none"> • The Chair of Planning Committee may ask the speakers (including the ward Councillor speakers) questions to provide further clarification if such a matter is raised by a member of planning committee during debate • This process will be repeated until all applications have been considered. * Any member entitled to vote on an application must be present for the entirety of the consideration of that matter in order to take part in the vote on that application. A member can request a short adjournment which can be granted at the discretion of the Chair.
<p>Pg 202 para 5.96</p>	<p>The following principles shall be followed by the Council in dealing with planning applications:</p> <ul style="list-style-type: none"> • Once a planning application has been registered and validated, officers will write to: <ul style="list-style-type: none"> ○ The ward Councillors for the ward in which the application site is located ○ Ward Councillors where a section is immediately adjacent to the boundary of their ward or within 15 metres of the boundary of their ward • Councillors and officers will, wherever possible, avoid indicating the likely decision on an application or otherwise committing the Council during contact with applicants or objectors details of all applications will be sent to local ward Councillors and parish councils with the opportunity to comment. Any comments must be made in writing and returned to the planning 	<p>The following principles shall be followed by the Council in dealing with planning applications:</p> <p>Once a planning application has been registered and validated, officers will write to ward Councillors:</p> <ul style="list-style-type: none"> - For the ward in which the application site is located - Where a section of the application site lies within their ward - Where a section of the application is immediately adjacent to the boundary of their ward or within 15 metres of the boundary of their ward - • Councillors and officers will, wherever possible, avoid indicating the likely decision on an application or otherwise committing the Council during contact with applicants or objectors • Details of applications will be sent to the relevant local ward Councillors and parish councils with the opportunity to

	<p>department no later than 21 days from the date of the consultation in order to best equip the Council to meet government targets for dealing with planning applications. Should a Ward Councillor be unable to respond within 21 days, they should contact the case officer to ask for an extension which may be accommodated if timescales allow. Late representations may also be accepted in case where new information is provided in connection with an application beyond the 21 day deadline</p> <ul style="list-style-type: none"> the Director – Development and Economic Growth will be responsible for determining all applications except those which, in accordance with the Council’s scheme of delegation, must be referred to the Planning Committee for determination. 	<p>comment. Any comments should be made in writing and returned to the planning department no later than 21 days from the date of the consultation.</p> <ul style="list-style-type: none"> the Director – Development and Economic Growth will be responsible for determining all applications except those which, in accordance with the Council’s scheme of delegation, must be referred to the Planning Committee for determination. The Director Development and Economic Growth has discretion to refer an application for consideration at Planning Committee, in consultation with the Chair of Planning Committee.
<p>Pg 202</p>	<p>If a Councillor does find that they no longer retain an open mind on the matter, or that their impartiality has been compromised, then the proper course of action would be to make an open declaration to that effect at the meeting and not vote on the matter. The Councillor may not necessarily have a prejudicial interest in the application under the Councillor Code of Conduct, but if a Councillor has (in legal parlance) “fettered their discretion” or “pre-determined” the issue, their continued involvement in the decision-making process could jeopardise the validity of the final decision and/or lead to a formal complaint being made</p>	<p>If a Councillor does find that they no longer retain an open mind on the matter, or that their impartiality has been compromised, then the proper course of action would be to make an open declaration to that effect at the meeting and not vote on the matter. The Councillor may not necessarily have a prejudicial interest in the application under the Councillor Code of Conduct, but if a Councillor has (in legal parlance) “fettered their discretion” or “pre-determined” the issue, their continued involvement in the decision-making process could jeopardise the validity of the final decision and/or lead to a formal complaint being made</p>

