



Oversight and Governance

Chief Executive's Department
Plymouth City Council
Ballard House
Plymouth PL1 3BJ

Please ask for Claire Daniells
T 01752 305155
E Senior Governance Advisor
www.plymouth.gov.uk
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CITY COUNCIL

Monday 16 December 2019
3.00 pm
Council House, Plymouth

Members:

Councillor Ball, Chair

Councillor Mrs Beer, Vice Chair

Councillors Allen, Mrs Aspinall, Bowyer, Mrs Bowyer, Mrs Bridgeman, Buchan, Carson, Churchill, Coker, Cook, Corvid, Dann, Darcy, Sam Davey, Deacon, Derrick, Downie, Drear, Evans OBE, Goslin, Haydon, Hendy, James, Mrs Johnson, Jordan, Kelly, Laing, Michael Leaves, Samantha Leaves, Loveridge, Lowry, Mavin, McDonald, Morris, Murphy, Neil, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Riley, Singh, P Smith, R Smith, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Ms Watkin, Wheeler, Wiggins and Winter.

Members are invited to attend the above meeting to consider the items of business overleaf.

This meeting will be webcast and available on-line after the meeting. By entering the Council Chamber, councillors are consenting to being filmed during the meeting and to the use of the recording for the webcast.

The Council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with authority's published policy.

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Tracey Lee

Chief Executive

City Council

Agenda

1. Apologies

To receive apologies for absence submitted by councillors.

2. Minutes

(Pages 1 - 12)

To approve and sign the minutes of the meeting held on 16 September 2019 as a correct record.

3. Declarations of Interest

(Pages 13 - 14)

Members will be asked to make any declarations of interest in respect of items on this agenda. A flowchart providing guidance on interests is attached to assist councillors.

4. Appointments to Committees, Outside Bodies etc

The Assistant Chief Executive will submit a schedule of vacancies on committees, outside bodies etc and of changes notified to us.

5. Questions by the Public

To receive questions from and provide answers to the public in relation to matters which are about something the council is responsible for or something that directly affects people in the city, in accordance with Part B, paragraph 11 of the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ, or email to democraticsupport@plymouth.gov.uk. Any questions must be received at least five complete working days before the meeting.

6. Announcements

(a) To receive announcements from the Lord Mayor, Chief Executive, Service Director for Finance or Head of Legal Services;

(b) To receive announcements from the Leader, Cabinet Members or Committee Chairs.

7. Declaration on Climate Emergency (to follow)

8. Quarter 2 Financial Monitoring Report (to follow)

9. **Heart of the South West Joint Committee Governance Review (to follow)**
10. **Planning Committee Code of Good Practice and Terms of Reference (Pages 15 - 56)**

11. **Motions on notice (to follow)**

To consider motions from councillors in accordance with Part B, paragraph 14 of the Constitution.

12. **Questions by Councillors**

Questions to the Leader, Cabinet Members and Committee Chairs covering aspects for their areas of responsibility or concern by councillors in accordance with Part B, paragraph 12 of the constitution.

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City Council

Monday 16 September 2019

PRESENT:

Councillor Ball, in the Chair.

Councillor Mrs Beer, Vice Chair.

Councillors Allen, Mrs Aspinall, Bowyer, Mrs Bowyer, Mrs Bridgeman, Buchan, Carson, Churchill, Coker, Cook, Dann, Darcy, Davey, Deacon, Derrick, Downie, Drear, Evans OBE, Goslin, Haydon, Hendy, James, Mrs Johnson, Jordan, Kelly, Laing, Michael Leaves, Samantha Leaves, Loveridge, Lowry, Mavin, McDonald, Murphy, Neil, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Riley, Singh, Pete Smith, Rebecca Smith, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Ms Watkin, Wheeler, Wiggins and Winter.

Apologies for absence: Councillor Morris.

The meeting started at 2.00 pm and finished at 7.55 pm.

Note: The full discussion can be viewed on the webcast of the City Council meeting at www.plymouth.gov.uk. At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

23. Minutes

The minutes of the meetings held on 24 June 2019 were agreed as a true and accurate record.

24. Declarations of Interest

The following declaration of interest was made by a councillor in accordance with the code of conduct in respect of items under consideration at the meeting -

Name	Minute Number	Reason	Interest
Councillor Drear	9.2 Motions on Notice – Delivering an Airport for Plymouth	Former employee of the airline until 1990.	Personal

25. Appointments to Committees, Outside Bodies etc

The following changes to the appointments to Committees or Outside Bodies were noted:

- Councillor Allen replaces Councillor Davey on the Planning Committee;
- Councillor Tuffin replaces Councillor Singh on the Devon and Somerset Fire and Rescue Authority;

Council agreed the appointment of Mr Ian Shipperley as an independent member to the Audit and Governance Committee on recommendation of the Appointment Panel; this was proposed by the Lord Mayor, Councillor Ball, and seconded by Councillor Derrick.

26. **Announcements**

The Lord Mayor made the following announcements:

- congratulations were offered to all nominees and winners of the Council's Star Awards which took place on Saturday 14 September 2019; the event celebrated the achievements of staff and partners;
- Safer Plymouth (Community Safety Partnership) were successful in their application for Purple Flag status for the City. The Purple Flag was given to cities and towns that meet or surpass the standards of excellence in managing its evening and night time economy. The assessors commented that the application was one of the best they have received and as a result we were nominated for three awards which was unusual for a new applicant. Plymouth were pleased to win the Wellbeing Award and were runners up for two other awards. Rachael Hind, Licensing Service Manager, Chief Inspector Rob Mooney and Cat Macdonald from Best Bar None attended the meeting to accept the awards;

The Leader of the Council, Councillor Tudor Evans OBE made the following announcements:

- Plymouth had a busy weekend on 14 and 15 September 2019 hosting a variety of events including the Respect Festival, the Seafood Festival, Marine Park celebrations, the Topper Sailing Nationals, the Star Awards and the launch of the Music Fightback series of concerts;
- reference was made to Brexit planning however details would be provided at Cabinet on 17 September 2019.

Councillor Sue Dann, Cabinet Member for Environment and Street Scene made the following announcements:

- Plymouth City Council declared a climate change emergency in March 2019 and had since signed up to Devon-wide emergency declaration recognising that a collaborative approach was essential. There were plans for the Council to deliver 54 pop-up electric vehicle charging points across the city, to change 61 vehicles in the Council's existing fleet to electric vehicles resulting in a saving of 1000 tonnes of CO₂ over an eight year period as well as plans to build a solar car port at Milehouse Park and Ride;
- the Council had developed a Climate Emergency Action Plan – which had seven key themes including, engagement and responsibility, corporate emissions, city wide approach, mobility, biodiversity, homes, business and new green power generation. The Action Plan would be submitted to Full Council in November 2019;

- Plymouth declared that it was to develop the first Marine Park in the country; it was hoped that this would be a legacy for Plymouth and a great opportunity for the city, in terms of sustainability, economically and health and wellbeing;

Councillor Sally Haydon, Cabinet Member for Customer Focus and Community Safety made the following announcement:

- the customer services team were congratulated for their work in achieving improved efficiency, savings and continuing to improve housing benefit and council tax benefit support processing times. The team had also achieved the top quantile performance compared with all local authorities across the country for the DWP to reduce fraud, through data matching verified pensions and earning schemes;

Councillor Kate Taylor, Cabinet Member for Health and Adult Social Care made the following announcement:

- in the recent government spending review, the Chancellor announced an additional £1 billion of funding for both Adults Social Care and Children's Social Care; it was estimated that Plymouth would be allocated approximately £5.3m however confirmation was expected in December 2019. Government was consulting on an additional adult social care precept which would enable councils to access a further £0.5b. It was considered that the funding announcement, whilst welcome, wasn't sufficient to address the level of demand experienced in adult and children social care in Plymouth or across the rest of the Country. Council Officers were thanked for their hard work despite the pressures placed upon them;

Councillor Jon Taylor, Cabinet Member for Education, Skills and Transformation made the following announcement:

- the Plymouth School Swimming Programme had been very successful; 74 schools had attended swimming lessons, 21,000 students had been through the programme since 2012 and over 3,600 students took part in 2019. Over the course of the programme, 92% had improved by at least one level, and 71% had achieved national curriculum targets;

Councillor McDonald, Chair of the Health and Wellbeing Board made the following announcement:

- the recent announcement of the comprehensive spending review detailed that public health funding to the critical services commissioned by the Local Authority would receive a real terms increase; this was welcomed as Plymouth had historically been underfunded by 22% and life expectancy of the most deprived women was decreasing and infant mortality increasing;

The Deputy Leader, Councillor Pete Smith made the following announcements:

- the Fit and Fed Summer Project was a success for the city. The sports development unit coordinated 54 holiday clubs across the city providing 24,438 free places for children aged 4-18. They worked in partnership with 35 different delivery partners including Argyle Community Trust, Plymouth Raiders, Everyone Active, Mount Batten Water Sports Centre, Routeways, Libraries and local schools. In total 1,618 disadvantaged children enjoyed a healthy happy holiday thanks to the grant received from the Department for Education. A variety of activities were undertaken including forestry skills, science and STEM workshops, street dance and water sports. 23,867 healthy meals were provided with the thanks to CaterEd. Over 1200 hours of additional support was provided to allow children with additional needs to take part in the activities. A full impact of the citywide project was being evaluated;
- by using reusable bottles, over 36,500 single use bottles were prevented from being purchased and going into landfill;
- on 16 September 2020 the Mayflower 400 celebrations will be taking place.

Councillor Mrs Aspinall, Chair of the Health and Adult Social Care Overview and Scrutiny Committee made the following announcement:

- a mental health scrutiny select review assessing services from the cradle to the grave was due to commence shortly; the Chair and Vice Chair of the Education and Children's Social Care Overview and Scrutiny Committee would be invited to sit however all backbench Councillors who wanted to be a part of the review were encouraged to respond to the request for attendance.

27. **Questions by the Public**

There were no questions from members of the public.

28. **Polling District and Polling Stations Review**

Councillor Pete Smith introduced the report on the Polling District and Polling Stations Review. This was seconded by Councillor Davey.

Following a debate Council agreed:

1. to approve the proposed changes (PDI to PD30) to polling districts set out in the Polling Districts and Polling Places Review Recommendations Report, starting at page 4 of that report for the reasons set out in that report;
2. to note the proposed changes to polling stations (PS1 to PS35) set out in the Polling Districts and Polling Places Review Recommendations Report, starting at page 4 of that report.

For (55)

Councillors Allen, Mrs Aspinall, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Buchan, Carson, Churchill, Coker, Cook, Corvid, Dann, Darcy, Sam Davey, Deacon, Derrick, Downie, Drear, Evans OBE, Goslin, Haydon, Hendy, James, Mrs Johnson, Jordan, Kelly, Laing, Michael Leaves, Samantha Leaves, Loveridge, Lowry, Mavin, McDonald, Murphy, Neil, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Riley, Singh, Pete Smith, Rebecca Smith, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Ms Watkin, Wheeler, Wiggins and Winter

Absent/Did Not Vote (2)

Councillors Ball (Lord Mayor) and Morris.

29. **Treasury Management 2018/19 Annual Report**

Councillor Lowry introduced the Treasury Management 2018/19 Annual Report. Councillor Parker-Delaz-Ajete seconded the report.

Council agreed, per Part H, Financial Regulations, Section 19.1 of the Constitution, to note the Treasury Management Annual Report 2018/19.

30. **Motions on notice**

31. **Forder Valley Link Road**

Councillor Ian Bowyer introduced the Motion on the Forder Valley Link Road. This was seconded by Councillor Drear.

Following a debate, the motion was lost.

For the motion (25)

Councillors Mrs Beer, Mrs Bowyer, Bowyer, Mrs Bridgeman, Carson, Churchill, Cook, Darcy, Deacon, Downie, Drear, Mrs Johnson, James, Jordan, Kelly, Goslin, Leaves, Mrs Leaves, Mrs Loveridge, Nicholson, Pengelly, Riley, Singh, Rebecca Smith and Ms Watkin.

Against (30)

Councillors Allen, Mrs Aspinall, Buchan, Coker, Corvid, Dann, Davey, Derrick, Evans OBE, Goslin, Haydon, Hendy, Laing, Lowry, Mavin, McDonald, Murphy, Neil, Parker-Delaz-Ajete, Penberthy, Rennie, Pete Smith, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent, Wheeler and Winter.

Absent/Did Not Vote (2)

Councillors Ball (Lord Mayor) and Morris.

32. **Congratulating Greta Thunberg**

Councillor Corvid introduced the Motion on Congratulating Greta Thunberg. This was seconded by Councillor Buchan.

Following a debate, Council resolved:

Plymouth City Council congratulates Greta Thunberg and the crew of the Malizia for their successful journey and salutes Thunberg for her world changing campaign, in which children demand radical, immediate and effective action from world leaders to combat climate change. The Leader of the Council will write a letter to the Malizia crew and to Thunberg conveying this.

For the motion (55)

Councillors Allen, Mrs Aspinall, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Buchan, Carson, Churchill, Coker, Cook, Corvid, Dann, Darcy, Sam Davey, Deacon, Derrick, Downie, Drear, Evans OBE, Goslin, Haydon, Hendy, James, Mrs Johnson, Jordan, Kelly, Laing, Michael Leaves, Samantha Leaves, Loveridge, Lowry, Mavin, McDonald, Murphy, Neil, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Riley, Singh, Pete Smith, Rebecca Smith, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Ms Watkin, Wheeler, Wiggins and Winter

Absent/Did Not Vote (2)

Councillors Ball (Lord Mayor) and Morris.

33. **Delivering an Airport for Plymouth**

Councillor Nicholson moved the Motion on Notice in relation to Delivering an Airport for Plymouth. This was seconded by Councillor Mrs Bridgeman.

An amendment to the Motion was moved by Councillor Evans OBE and this was seconded by Councillor Coker.

The amendment proposed was as follows:

Council notes that on 23 August 2011 the Conservative administration accepted the Notice of Non viability dated 24 December 2010 that PCA Limited/Sutton Harbour Holdings Limited wished to close Plymouth City Airport for its principal use of providing public commercial air services.

Council further notes that alternative options to keep it open were considered and rejected at that time.

Following the very successful public consultation, examination and adoption by West Devon Borough Council, South Hams District Council and Plymouth City Council in March 2019 of the Plymouth and South West Devon Joint Local Plan 2014 - 2034, Plymouth City Council now needs to address delivery of the Plan to ensure the strategic growth of Plymouth and South West Devon that the Council unanimously agreed in adopting the Plan.

Plymouth's poor connectivity has been recognised for some time with only limited road, rail and sea connections. As the largest City south of Bristol, it is acknowledged by key decision makers and a large number of the public who signed a petition to safeguard the airport, that Plymouth still has potential to have its own airport.

With the Plymouth and South West Devon Joint Local Plan Examiners' decision to safeguard the Plymouth Airport site for aviation uses until the next review of the Plan, it is important for the City Council to prioritise the implementation of this policy if Plymouth is ever to see an airport re-instated in the City.

The City Council resolves to:

1. Request the Leader of the Council to bring a report to the Cabinet setting out the next steps in progressing the policy of the Plymouth and South West Devon Joint Local Plan insofar as it relates to ~~Plymouth Airport and re-instating aviation at Plymouth Airport.~~

2. ~~Request the Leader of~~ Note that the Council ~~to instruct the Strategic Director for Place to~~ has negotiated ~~negotiate terms for~~ the surrender of the current Plymouth Airport lease held by Sutton Harbour Holdings which is yet to be completed.

3. Request the Chief Executive to provide ~~monthly~~ updates on progress to all Members of the Council in line with the current JLP monitoring arrangements.

4. Request Plymouth's MPs to campaign for government financial support for aviation in Plymouth.

The meeting was briefly adjourned to consider the amendment.

Following a debate, the amendment to the motion was agreed.

For (30)

Councillors Allen, Mrs Aspinall, Buchan, Coker, Corvid, Dann, Derrick, Evans OBE, Goslin, Haydon, Hendy, Laing, Lowry, Mavin, McDonald, Murphy, Neil, Parker-Delaz-Ajete, Penberthy, Rennie, Singh, Pete Smith, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent and Winter

Against (24)

Councillors Mrs Beer, Mrs Bridgeman, Bowyer, Mrs Bowyer, Carson, Churchill, Cook, Darcy, Deacon, Downie, Dreaan, James, Mrs Johnson, Jordan, Kelly, Leaves, Mrs Leaves, Loveridge, Nicholson, Mrs Pengelly, Riley, Rebecca Smith, Watkin and Wigens

Absent/Did Not Vote (3)

Councillors Ball (Lord Mayor), Morris and Wheeler.

Following a debate, Council voted on the motion as amended as follows:

For (54)

Councillors Allen, Mrs Aspinall, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Buchan, Carson, Churchill, Coker, Cook, Corvid, Dann, Darcy, Davey, Deacon, Derrick, Downie, Drean, Evans OBE, Goslin, Haydon, Hendy, Mrs Johnson, James, Jordan, Kelly, Laing, Michael Leaves, Mrs Leaves, Mrs Loveridge, Lowry, Mavin, McDonald, Murphy, Neil, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Riley, Singh, Pete Smith, Rebecca Smith, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent, Ms Watkin, Wiggins and Winter.

Absent/Did Not Vote (3)

Councillors Ball (Lord Mayor), Morris and Wheeler.

34. **Weeds in Plymouth**

Councillor Carson moved the Motion on Notice in relation to Weeds in Plymouth. This was seconded by Councillor Sam Leaves.

An amendment to the Motion was moved by Councillor Dann and this was seconded by Councillor Coker.

The amendment proposed was as follows:

~~Plymouth residents have been badly let down by the Labour run Council by their serious failure to deliver a proper weed control programme since May 2018. This has resulted in our City looking untidy, unkempt, and uncared for.~~

~~Continual reports in the local media, social media, and in Councillors' mailboxes have failed to stir the Administration into concerted action aimed at improving performance in delivering this basic service to our residents. This undermines public confidence in the Council's ability to provide local services in this area of the Council's operations.~~

~~Plymouth residents are feeling like they live in a city divided — on one side the basic services in the tourist and The most visual areas of the city are looking reasonably good, and tidy however in some parts of ~~step over the ramparts and the some residential areas more can be done are looking dirty, dismal and depressing.~~~~

~~The Council's winter works programme of 2017/18 was very successful reaching into certain parts of neighbourhoods as was the 2018/2019 winter gully clearance works and the spring cleaning that took place in the district shopping centres. On behalf of local residents, we call on the Leader of the Council to produce and publish a business plan to deliver an immediate improvement in performance, including Further delivery of an autumn works programme to shall include an:~~

~~Increase in the weeding programming to reach into ~~Weeding the remainder of all residential areas~~~~

~~Expanded ~~on~~ the number of gully clearances~~

~~Targeted street sweeps ready for the winter storms.~~

The City Council resolves to:

Ask the Council Leader and Cabinet Member for the Environment to ~~bring forward and publish urgent plans to restore the City's image, and indicate, within 3 weeks,~~ how the ongoing problem of weeds will be dealt with throughout Plymouth.

The meeting was briefly adjourned to consider the amendment.

Following a debate, the amendment to the motion was agreed.

For (28)

Councillors Allen, Mrs Aspinall, Buchan, Coker, Corvid, Dann, Derrick, Evans OBE, Goslin, Haydon, Hendy, Laing, Lowry, Mavin, McDonald, Murphy, Neil, Parker-Delaz-Ajete, Penberthy, Rennie, Pete Smith, Stevens, J Taylor, K Taylor, Tuffin, Tuohy, Vincent and Winter.

Against (25)

Councillors Mrs Beer, Mrs Bridgeman, Bowyer, Mrs Bowyer, Carson, Churchill, Cook, Darcy, Deacon, Downie, Drean, James, Mrs Johnson, Jordan, Kelly, Leaves, Mrs Leaves, Loveridge, Nicholson, Mrs Pengelly, Riley, Singh, Rebecca Smith, Watkin and Wigens

Absent/Did Not Vote (3)

Councillors Ball (Lord Mayor), Morris and Wheeler.

Following a debate, Council voted on the motion as amended as follows:

For (53)

Councillors Allen, Mrs Aspinall, Mrs Beer, Bowyer, Mrs Bowyer, Mrs Bridgeman, Buchan, Carson, Churchill, Coker, Cook, Corvid, Dann, Darcy, Davey, Deacon, Derrick, Downie, Drean, Evans OBE, Goslin, Haydon, Hendy, Mrs Johnson, James, Jordan, Kelly, Laing, Michael Leaves, Mrs Leaves, Mrs Loveridge, Lowry, Mavin, McDonald, Murphy, Neil, Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Riley, Singh, Pete Smith, Rebecca Smith, Stevens, J Taylor, K Taylor, Tuffin, Vincent, Ms Watkin, Wigens and Winter.

Absent/Did Not Vote (4)

Councillors Ball (Lord Mayor), Morris, Tuohy and Wheeler.

35. **Urgent Decisions to be Reported**

Councillor Evans OBE gave a brief update on two urgent key decisions taken since the last meeting. The update was seconded by Councillor Lowry.

- The Plymouth Railway Station (Brunel Plaza Project) was a long term project however this was supported by both sides of the Council.

- Bereavement Infrastructure Project – this would provide the Council with modern facilities.

Council noted the urgent key decisions taken by the Leader in line with due process and published on 19 June 2019 and 27 June 2019.

36. Questions by Councillors

	From	To	Subject
1	Councillor Rennie	Councillor Haydon	Vaping
	Response: It was considered that vaping was a safer alternative to smoking. It was recommended that vaping liquid was purchased from a trusted seller.		
2	Councillor Parker-Delaz-Ajete	Councillor Coker	Casework figures relating to highways since May 2019
	Response: Councillor Coker confirmed that Councillors casework relating to his area of responsibility were provided to him for oversight and were broken down into different departments for clarity. There were 100 enquiries relating to transport every month with three cases currently outstanding – there were assurances that these cases would be rectified as soon as possible.		
3	Councillor Ian Bowyer	Councillor Pete Smith	EGM procedure – withdrawal of motion
	Response: Councillor Smith gave assurances that the issue regarding withdrawal of a motion would be considered by the Audit and Governance Committee and confirmed that legal advice was sought and it was stated that the EGM was required to go ahead.		
4	Councillor James	Councillor Coker	Notte Street to Exeter Street traffic issues
	Response: The works on the Barbican were taking place in preparation for the Mayflower 2020 celebrations – both businesses and residents were consulted. Roadworks linked to Charles Cross was also affecting traffic in this part of the city however traffic was regularly monitored. All planned roadworks and diversions would be loaded onto the Council's website.		
5	Councillor Drean	Councillor Dann	Council Fleet - Electric Vehicles
	Response: Three business cases for the replacement of the Council's fleet (domestic refuse, general fleet and hire vehicles) were being developed with an aim to move over to electric vehicles – it was highlighted that this was not possible for all vehicles. The Council was to use some Transforming City Fund monies to install more electric charging points across the Council's estate.		
6	Councillor Rebecca Smith	Councillor Pete Smith	100 Year Anniversary of Lady Astor's election as Plymouth MP's for Sutton
	Response: Alexis Bowater was leading on the unveiling of the Lady Astor Statue; the Council would be involved in the celebrations.		

7	Councillor Mrs Johnson	Councillor Evans OBE	Thanks to Councillor Churchill – Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee
	Response: Councillor Evans OBE thanked Councillor Churchill for chairing the Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee in the absence of the Chair, Councillor Morris.		
8	Councillor Churchill	Councillor Coker	Cycle Path Provision in Dawes Lane, Plymstock
	Response: Councillor Coker confirmed that he had contacted Devon County Council regarding the installation of the cycle path in Dawes Lane; a coordinated approach was required however there was a commitment to get the cycle path completed.		
9	Councillor Kelly	Councillor Coker	Pavement Markings Charles Cross and Mannamead Road
	Response: Councillor Coker advised that the spray paint markings on pavements were required to ensure utilities were correctly logged; once this had taken place on the Charles Cross works the pavements would be opened in pristine condition. Councillor Coker confirmed that a response would be provided outside of the meeting with regards to Councillor Kelly's query as to why spray paint markings were still visible on pavements on Mannamead Road approximately 12 months after the completion of works.		
11	Councillor Evans OBE	Councillor Pete Smith	Mayflower 400 Celebration Update
	Response: Smeaton's Tower would be closing shortly for the winter months and would be freshly painted in preparation for the celebrations; this was in addition to the improvements works to the Barbican.		
12	Lord Mayor	Councillor Pete Smith	Colour of Smeaton's Tower
	Response: Smeaton's Tower would be painted red and white.		
13	Councillor Nicholson	Councillor Coker	Living Streets – 2019-20 Budget
	Response: Councillor Coker provided assurance that sufficient resources would be in place in relation to the Living Streets budget.		
14	Councillor Singh	Councillor Pete Smith	Rules to Trigger a Bye-election
	Response: It was confirmed that a bye-election would be triggered if a Councillor resigned, died or if there was a vacancy on the Council; an MP was not able to trigger a bye-election.		
15	Councillor Jordan	Councillor Haydon	Discussion with taxi trade to put electric charging points in for the new fleet of taxis
	Response: Councillor Haydon confirmed that someone was due to visit the city to demonstrate some electric cars to the Council. The Council was continuing to work with the taxi trade with regards to developments.		
16	Councillor Kelly	Councillor Haydon	Dog-fouling Enforcement
	Response: Plain clothed officers had been out patrolling the city; as yet no one had been caught however several people had been spotted walking their dogs whilst not on a lead. The success of the campaign was praised.		

Please note that questions, answers, supplementary questions and supplementary answers have been summarised.

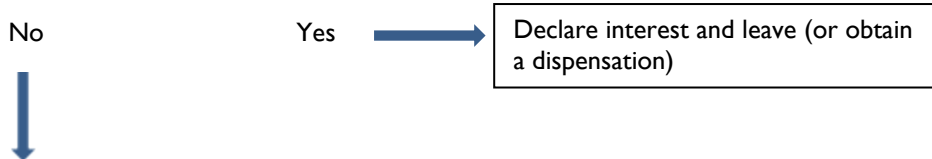
DECLARING INTERESTS – QUESTIONS TO ASK YOURSELF

What matters are being discussed?

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Does the business relate to or is it likely to affect a disclosable pecuniary interest (DPI)? This will include the interests of a spouse or civil partner (and co-habitees):

- any employment, office, trade, profession or vocation that they carry on for profit or gain
- any sponsorship that they receive including contributions to their expenses as a councillor or the councillor’s election expenses from a Trade Union
- any land licence or tenancy they have in Plymouth
- any current contracts leases or tenancies between the Council and them
- any current contracts leases or tenancies between the Council and any organisation with land in Plymouth in they are a partner, a paid Director, or have a relevant interest in its shares and securities
- any organisation which has land or a place of business in Plymouth and in which they have a relevant interest in its shares or its securities



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Does the business affect the well-being or financial position of (or relate to the approval, consent, licence or permission) for:

- a member of your family or
- any person with whom you have a close association; or
- any organisation of which you are a member or are involved in its management (whether or not appointed to that body by the council). This would include membership of a secret society and other similar organisations.

Yes No → You can speak and vote

↓

Will it confer an advantage or disadvantage on your family, close associate or an organisation where you have a private interest more than it affects other people living or working in the ward?

Yes No → Declare the interest and speak and vote

↓

Speak to Monitoring Officer in advance of the meeting to avoid risk of allegations of corruption or bias

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Cabinet members must declare and give brief details about any conflict of interest* relating to the matter to be decided and leave the room when the matter is being considered. Cabinet members may apply to the Monitoring Officer for a dispensation in respect of any conflict of interest.

*A conflict of interest is a situation in which a councillor’s responsibility to act and take decisions impartially, fairly and on merit without bias may conflict with his/her personal interest in the situation or where s/he may profit personally from the decisions that s/he is about to take.

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Date of meeting:	16 December 2019
Title of Report:	Planning Committee Code of Good Practice and Terms of Reference
Lead Member:	Councillor Mark Coker (Cabinet Member Strategic Planning and Infrastructure)
Lead Strategic Director:	Anthony Payne (Strategic Director for Place)
Author:	Peter Ford – Head of Development Management
Contact Email:	Peter.ford@plymouth.gov.uk
Your Reference:	
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

To seek approval to amend the Terms of Reference and Code of Good Practice for Planning Committee as outlined in Appendix 1 and 2 of this report and to incorporate these changes into the Council's Constitution.

Recommendations and Reasons

To **approve** the changes to the Planning Committee Terms of Reference as outlined in Appendix 1 and to **note** the changes to the Code of Good Practice for Planning Committee made at the Audit and Governance Committee on 23rd September 2019 as outlined in Appendix 2 of this report.

Reason: To enable the Planning Committee to work in a more effective way and address some of the issues that have arisen since the Terms of Reference and Code of Good Practice were last amended in April 2017.

Alternative options considered and rejected

To retain the existing wording in the Terms of Reference. This has been rejected because the changes proposed will ensure that the Planning Committee is operating more effectively and will address some of the issues that have arisen at recent Planning Committee meetings.

Relevance to the Corporate Plan and/or the Plymouth Plan

The proposals will address the key values of the Council by being:

Democratic – by ensuring the Planning Committee provides strong leadership that listens to the views of all interested parties in the Planning process

Responsible – by taking responsibility for decisions made by the Planning Authority and how these decisions impact on the city

Fair – by being open and honest about the decisions that are made by the Planning Authority

Co-operative – by working collaboratively with all interested parties in the planning process to ensure it serves the best interests of the city and its communities

Implications for the Medium Term Financial Plan and Resource Implications:

There are no direct implications for the Medium Term Financial Plan as the changes will be cost neutral.

Carbon Footprint (Environmental) Implications:

The changes will not impact on the low carbon priorities set out in the Joint Local Plan. Regarding the operation of the Planning Committee it will remain predominantly paperless through the use of IT and web casting the meetings to avoid the necessity to travel to the meeting except for those who wish to address the Planning Committee.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

None

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	PC Code and ToR Background Report							
B	Appendix 1 – Existing Planning Committee Terms of Reference (including tracked changes)							
C	Appendix 2 – Existing Planning Committee Code of Practice (including tracked changes)							

Background papers:

**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

Fin	pl.19. 20.4 4	Leg	LS/3 2786 /JP/J une1 9	Mon Off	LS/32 786/2 /LT/0 907	HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: Paul Barnard, Service Director for Strategic Planning and Infrastructure											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 25/06/2019											
Cabinet Member approval: Cllr Mark Coker approved verbally Date approved: 02/07/2019											

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BRIEFING REPORT – PLANNING COMMITTEE TERMS OF REFERENCE AND CODE OF GOOD PRACTICE



I. Background

- 1.1 The Planning Committee Terms of Reference and Code of Good Practice form part of the Council's Constitution and are reviewed on a regular basis. The last review was undertaken in 2017.
- 1.2 As with any terms of reference and its supporting codes of practice for a strategic committee such as Planning, making key decisions that affect the city as a whole and individual communities and neighbourhoods, a balance has to be struck between the inherently democratic nature of the planning process, and its efficient and effective operation.
- 1.3 A review has taken place of the current Terms of Reference and Code of Practice having assessed the operation of the Planning Committee over the years since the code was last updated, considering any changes in legislation, drawing lessons from experience, and undertaken benchmarking and other analysis to suggest further modernisation and improvements to how it operates.
- 1.4 At the Audit and Governance Committee on 23rd September 2019 amendments to the Planning Committee Code of Good Practice were approved and the changes to the Terms of Reference were recommended to Council.
- 1.5 The proposed new Planning Committee Terms of Reference and agreed changes to the Code of Good Practice, including tracked changes, are outlined in appendix 1 and 2.

2 Proposed changes to the Terms of Reference

- 2.1 It is proposed that the following amendments are made to the Terms of Reference.

Section 2 – Matters specifically delegated to the Planning Committee

- 2.2 In paragraph 2.2.2 delegated authority is given to the determination of village green applications except when referred to the Planning Committee by the Service Director for Strategic Planning and Infrastructure or by a ward councillor.
- 2.3 In paragraph 2.2.3 Planning Committee referrals relate to all applications made under planning legislation. The previous wording referred only to applications for planning permission
- 2.4 In paragraph 2.2.3 b) clarification is made that applications referred to Planning Committee due to policy reasons need to be substantially contrary to a Development Plan site allocation or a policy that safeguards a site from inappropriate development.

- 2.5 In paragraph 2.2.3 d) a new referral to Planning Committee has been added when a Member of the Council has a legal interest in the land for which the application relates.
- 2.6 Paragraph 2.2.3 e) has been re-written to clarify the procedure that a councillor can refer a matter to Planning Committee and also this power will now be given only to a ward councillor in whose boundary the application falls or an adjacent ward, when the Chair chooses to use his / her discretion.
- 2.7 In paragraph 2.2.4 clarification is made that substantial changes to any planning agreements can be referred to Planning Committee.
- 2.8 In paragraph 2.3.1 delegated authority is given to the determination of Orders to create, divert or stop up footpaths or bridleways and applications to modify the definitive map except when referred to the Planning Committee by the Service Director for Strategic Planning and Infrastructure, Service Director for Street Services or by a ward councillor.

3 Approved changes to the Code of Good Practice

These changes were approved by Audit and Governance Committee on 23 September 2019 (by recorded vote of three approved and two abstained) per the Committee's delegated authority. These are attached to this Council report for completeness and for information only.

General

- 3.1 Reference to "Assistant Director for Strategic Planning and Infrastructure" has been replaced with "Service Director for Strategic Planning and Infrastructure" to reflect changes in the job title.
- 3.2 Reference to "Councillors" is used in the document instead of "Members" to ensure continuity of terminology.

Section 3 – Introduction

- 3.3 Typographic correction in para 1.3 changing "impartial" to "partial".

Section 4 – Declaration and registration of Councillor and Officer interests and bias

- 3.4 Section 4 has been updated to ensure that references to disclosable pecuniary interests and private interests properly reflect the legal definitions.

Section 8 – Ward Councillor involvement in planning applications process

3.5 This section has been amended to reflect changes in the way that ward Councillors are involved in planning matters. The key changes are as follows:

- It includes new ward working arrangements between officers and Councillors;
- It updates the way that Councillors can access planning application and pre-application information from the website;
- It simplifies the process by which Councillors can be engaged in pre-application and planning application discussions; and
- It introduces a new arrangement whereby the Planning Committee can request a presentation by the applicant to the Planning Committee prior to the formal Planning Committee meeting.

Section 10 – Order of Planning Committee considerations

3.6 A change has been made to paragraph 10.5 that combines questions from the Planning Committee and debate on the proposal into a single consideration.

Section 11 – Speaking at Planning Committee

3.7 In paragraph 11.1 Ward Councillors who have referred a matter to Planning Committee will have been deemed to have registered to speak rather than having to formally register to speak.

3.8 In paragraph 11.3 clarity is given that an applicant has the right to put forward a representative of their choosing to speak at the Planning Committee meeting

3.9 In paragraph 11.10 the wording has been strengthened to ensure that speakers do not make slanderous statements or any other racially motivated, discriminatory or inflammatory remarks.

Section 12 – Site visits

3.10 In paragraph 12.2 clarity is given that during a site visit a Member of the Planning Committee may ask officer to provide additional illustrative material at the Planning Committee meeting.

3.11 In paragraph 12.3 clarity is given that site visits should be agreed in advance in consultation with the Chair and Vice Chair of the Planning Committee.

Section 14 – Decisions contrary to officer recommendation

3.12 A new paragraph 14.6 has been added to ensure that any pre-commencement conditions added by the Planning Committee satisfy the requirements of the Neighbourhood Planning Act 2017.

3.13 In (new) paragraph 14.7 when a motion is made to refuse a planning application the requirement for Members of the Planning Committee to provide a statement of all policies relevant to the decision has been removed.

Section 15 – Appeals and inquiries

3.14 In paragraph 15.4 Members of the Planning Committee who voted to overturn an officer recommendation will be invited to comment on any appeal statements prior to being sent to the Planning Inspectorate.

Section 18 – Training

3.15 In paragraphs 18.1 and 18.2 clarification is given that it is mandatory for all permanent Members of the Planning Committee to have had Introduction to Planning Committee training as well as being required to attend the annual Planning Committee training.

3.16 Clarification is given in paragraph 18.3 that other training opportunities will be given to Members of the Planning Committee throughout the year.

4 Conclusion

- 4.1 The changes outlined above to the Planning Committee Terms of Reference and Code of Good Practice are a culmination of issues that have arisen in the operation of the Planning Committee since the last review, through the updating of relevant planning legislation and practice and through the Constitutional arrangements of Plymouth City Council. It is therefore recommended that Council agrees the changes to the Terms of Reference as outlined in this background report.

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APPENDIX I

PLANNING AND THE PLANNING COMMITTEE

I. FUNCTIONS

The relevant functions of the Council are:

I.1 Planning and Conservation

- A** All the Council's functions in relation to Town and Country Planning and Development Control as specified in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

Commons registration

- B** All the Council's functions in relation to common land or town and village greens or unclaimed common land, or unlawful works on common land and to register the variation of rights of common as set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

Highways Use and Regulation

- C** All the Council's functions in relation to the regulation of the use of highways set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

High Hedges

- D** All the Council's functions in relation to applications and complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003.

Trees

- E** The powers to preserve trees under Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 and to protect important hedgerows under the Hedgerows Regulations 1997.

I.2 Policy

The Council decides whether to adopt the Development Plan, on the recommendation of Cabinet.

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2 MATTERS SPECIFICALLY DELEGATED TO THE PLANNING COMMITTEE

2.1 In relation to policies and strategies the Committee will:

Advise the Cabinet on the implementation of the Development Plan and other planning policies and strategies.

2.2 Within the policies laid down by the Council, the Committee will

2.2.1. Determine applications relating to town and country planning, commons registration, ~~village greens~~, the making or confirmation of Tree Preservation Orders where there are objections that cannot be resolved and the use or regulation of highways that would have a significant impact on two or more wards of the Council.

2.2.2 Determine town and village green applications where the matter is referred to the Committee by the Service Director for Strategic Planning and Infrastructure or a Member of the Council whose ward boundary the town or village green is located in. Any referral by a Member of the Council must be made within 21 days from the date of notification of the recommendation.

~~2.2.3 Determine individual applications for planning permission and any other application made under planning legislation where~~
~~applications for planning permission where one or more of the following apply:~~

- a) it is an application for 10 or more dwellings or non-residential floor space of 1000 sq m or more and more than 15 written representations have been received within the statutory public consultation period raising valid planning considerations that are contrary to officer recommendation, either objecting when the officer recommendation is for approval, or supporting when the officer recommendation is for refusal.
- b) the application is substantively contrary to a Development Plan site allocation policy proposal or a policy that safeguards a site from inappropriate development and the officer recommendation is to approve;
- c) the application is submitted by an employee or Member of the Council, or a close relative of an employee or Member of the Council living in the same property (see paragraph 4.3 for definition of a close relative);

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d) ~~A Member of the Council has a legal interest in the land for which the application relates~~

e) ~~A Member of Council whose ward boundary falls within the 'red-line' of a the planning application site or other application (or at the discretion of the Chair, an adjacent ward immediately affected by the development) has directed the application be dealt with by the Committee by completing the prescribed member referral form in full and submitting it to the Service Director for Strategic Planning and Infrastructure within the published public consultation period. All such forms must include what recommendation the member would find acceptable to enable the application to be dealt with as a delegated decision. Please note referrals cannot be made by a Member who has a disclosable pecuniary interest.~~

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d) ~~Provided that the Member has no Disclosable Pecuniary Interest (in which case a Member Referral cannot be made), a Member of Council has, within the statutory published public consultation period, completed and submitted in full the prescribed Member Referral Form to the AssistantService Director of Strategic Planning directing its determination by Planning Committee, this to include what recommendation the Member would find acceptable to enable the application to revert to a delegated decision.~~

e) the matter is referred to the Committee by the ~~AssistantService~~ Director for Strategic Planning and Infrastructure under one of the following criteria:

- there are finely balanced policy or precedent issues;
- there are probity issues or public interest reasons for the matter to be determined by the Committee;
- the matter is an unusual response to a particular set of issues that warrants debate by the Committee.

2.2.43 Approve ~~the principal terms of major planning agreements; or~~ any substantive changes to the terms of ~~major~~ planning agreements that have been specifically agreed by the Planning Committee on a previous occasion.

In relation to Highways Matters the Committee will:

2.3.16. Determine applications for Orders to create divert or stop up footpaths or bridleways and applications to modify the definitive map that are

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~~either referred by the Service Director of Strategic Planning or Street Services or a Member of the Council whose ward boundary falls within the area covered by the Order. Determine the confirmation of Orders to create divert or stop up footpaths or bridleways. Any referral by a Member of the Council must be made within 21 days from the date of notification of the recommendation.~~

~~2.3.7. Determine applications to modify the definitive map.~~

2.3.28. Determine applications that are referred by either the ~~Assistant Service~~ Director for Strategic Planning and Infrastructure or ~~AssistantService~~ Director for Street Services.

3. MATTERS DELEGATED TO OFFICERS

3.1 All other non executive functions in respect of planning highways and transport have been specifically delegated to the Director for Place

4. GENERAL

4.1. Substitute Members

Any Member of the Council may act as substitute provided they have undergone the Council's prescribed Member planning training course (as specified in the Planning Committee Code of Good Practice).

4.2 Planning Committee Procedures are found in the Planning Committee's Code of Good Practice.

4.3 For the purposes of the Planning Committee functions a close relative is defined as: a husband or wife (or civil partner), a son or daughter, a father or mother; or a brother or sister.

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APPENDIX 2
“Probity in Planning”
Planning Committee Code of Practice

Authors: Assistant Service Director for Strategic Planning and Infrastructure, Head of Development Management and Senior Lawyer

Contents

1. Introduction
2. Status of the Code
3. General Role and Conduct of Councillors and Officers
4. Declaration and Registration of Interest and Bias
5. Predetermination, Predisposition or Bias
6. Development Proposals Submitted by Member Councillors, Officers and the Council
7. Lobbying
8. Ward Member Councillor Involvement in Planning Application Process
9. Roles of Member Councillors and Officers at Planning Committee
10. Order of Planning Committee Considerations
11. Public Speaking at Planning Committee
12. Site Visits
13. Decisions Contrary to the Development Plan
14. Decisions Contrary to Officer Recommendation
15. Appeals and Inquiries
16. Quality of Service
17. Monitoring and Review of Decisions
18. Training
19. Complaints

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1.0 INTRODUCTION

- 1.1 The conduct of both Officers and **MemberCouncillors** in Local Government needs to be of the highest standing: on this depends the bond of trust between Councils and their local people, which is essential if Councils are to play their part in leading communities and improving people's quality of life. The local administration of the planning system has come under close scrutiny. The Nolan Committee's Third Report investigated standards in public life, and was followed by the Local Government Act 2000 which introduced a structure by which local authorities were to promote high standards of conduct, through a National Code of Conduct for Members. In 2013 the Local Government Association provided updated guidance on "Probity in Planning" and the Localism Act 2011 has created a new Standard regime with a more local focus, supplemented by advice in the National Planning Policy Guidance on how the conduct of **MemberCouncillors** is regulated.
- 1.2 This Code offers clear guidance and advice as to procedures and practices to elected **MemberCouncillors**, Officers and **memberCouncillors** of the public in connection with the determination of planning applications and other applications. This Code will ensure that not only are the applications determined in a fair and impartial way, but also in a way which is seen to be fair and impartial. The introduction of the Local Government Act 2000 and associated legislation provides the necessary statutory framework, by which these standards may be achieved, maintained and regulated by each local authority.
- 1.3 Clearly, one of the key purposes of the planning system is to control development in the public interest. When performing this role the Local Planning Authority and elected **memberCouncillors** are making decisions that necessarily affect land and property interests, as well as the financial value and settings of land holdings. Clearly, there is a need to make decisions that are open, impartial and based on sound judgement and reason. The process of determining applications should leave no grounds for a suggestion that a decision has been **im**partial, biased or ill founded in any way. Decisions must always be made on planning grounds and planning grounds alone.
- 1.4 This Code of Good Practice has been adapted from national guidelines on probity to take account of the local situation. Two particular areas of the Localism Act are relevant to this code. Firstly, with regard to pre-determination the Act makes it clear that it is proper for councillors to play an active part in local discussions and that they should not be liable to legal challenge as a result, provided they maintain an open mind. Secondly, and related to pre-determination, the act introduces a new requirement for developers to consult local communities before submitting planning applications for certain developments. This gives **MemberCouncillors** and local residents a chance to comment when there is still genuine scope to make changes to proposals at both pre-application and post submission stage.
- 1.5 The Terms of Reference for Planning Committee is set out in the Council's Constitution (<http://www.plymouth.gov.uk/constitution>) (<https://www.plymouth.gov.uk/aboutcouncil/councilconstitution>) which specifies the matters that are delegated to be considered by Planning Committee.

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2.0 STATUS OF THE CODE

- 2.1 This Code sets out the basis as to how Officers and ~~Member~~Councillors should determine planning and other relevant applications submitted to the Council and ensures that conduct accords with the Council's Codes of Conduct for Members and Officers which is contained within the Council's Constitution.
- 2.2 This Code is contained in the Council's Constitution. A breach of this Code, depending on the circumstances, does not usually amount to a breach of criminal law but may adversely affect the standing of the City Council. It could result in a decision being judicially reviewed or allegation of a breach of the Code of Conduct or a complaint of maladministration made to the Local Government Ombudsman.

3.0 GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 3.1 Elected ~~Member~~Councillors are guided by the Council's Code of Conduct, the seven principles of public life and the Localism Act 2011. This Code is further amplified by reference to the Council's constitution in respect of general Council procedures as well as further amplification in specific Codes of Conduct such as the advice contained in this Code.
- 3.2 Councillors and Officers have different but complementary roles with the determination of planning applications and it is important that an open, respectful and transparent relationship is developed based upon mutual trust and understanding of each other's positions. It is important for the overall standing of the Council and the achievement of national performance targets that they work as an effective team. The role of a Councillor when determining a planning application is to have an overriding duty to the whole community and, accordingly, in deciding the outcome of an application to make a reasoned decision taking into account the provisions of the Development Plan and all relevant material considerations. All decisions should be taken in the interests of Plymouth as a whole.
- 3.3 The basis of the planning system is that consideration is given to all development proposals and these are determined against the wider public interest. Much is often at stake in such decisions and in the process for local people and development interests, as well as for the City of Plymouth itself. Given the nature of these decisions opposing views are often held by those involved. Whilst these views must be taken into account in the determination of planning applications, as stated above, the Planning Committee must not favour any person, group or locality. ~~Member~~Councillors must therefore take

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steps to ensure that in their discharge of their Planning Committee duties the distinction between this role and their role as an individual Ward Councillor is constantly made clear. If MemberCouncillors wish to act in the latter capacity they must make that clear at the outset. MemberCouncillors who do not feel that they can act in this way should consider whether they are best suited to serve on the Planning Committee, especially if they feel that they will often be placed in the position of wishing to represent constituents and wishing to speak as a Ward MemberCouncillor rather than a Member of the Planning Committee (See paragraph 5.4).

- 3.4 In reaching a decision MemberCouncillors should ensure they read, consider and take account of the relevant material considerations connected with the application and should not favour any person, group or locality or put themselves in a position where they may appear to do so.
- 3.5 All decisions should be made in an open and transparent manner by the MemberCouncillors of the Planning Committee and this should not at any time be compromised in any way. Therefore, such actions as messages being passed to MemberCouncillors of the Planning Committee during a debate should be avoided as this could give an impression of undue influence from a third party. In the first instance in an emergency any notes should be passed to the Democratic Support Officer.
- 3.6 MemberCouncillors should always address the Planning Committee through the Chair and avoid speaking directly to one another since it is important that all matters being discussed are clearly heard and acknowledged by everyone at the meeting.
- 3.7 In order to ensure that decisions are taken on planning grounds and are sound it is incumbent on all Planning Committee Members to give full consideration to reports prepared by Officers and familiarise themselves with all relevant national planning guidance (including the National Planning Policy Framework), Development Plan policies and other material considerations well in advance of the consideration of a development proposal at the Planning Committee itself. It is important also that MemberCouncillors are seen to be meeting this provision of the code.
- 3.8 The role of Officers is to advise Councillors and the Council as a whole (through the Cabinet and relevant Portfolio Holders) and to carry out work as set out in the Corporate Plan and agreed Business Plans. Officers are employed by the Council, not by individual councillors, and it follows that instructions to them may only be given through a decision of the Council, the Cabinet, the relevant Portfolio Holders, or the Planning Committee.
- 3.9 The conduct of Officers who advise on the determination of planning applications is contained generally in the Council's protocol for MemberCouncillor/employee relations and is supplemented by guidance from their professional bodies, such as Royal Town Planning Institute, the Law Society, and the Institute of Legal Executives. Officers may

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not be instructed by any MemberCouncillor to conduct themselves in a manner which would place them in conflict with their professional codes of conduct.

3.10 MemberCouncillors should abide by the following advice:

- MemberCouncillors should always pass a copy of any lobbying correspondence to the AssistantService Director for Strategic Planning and Infrastructure or representative at the earliest opportunity;
- MemberCouncillors should never pressurise or lobby Officers for a particular recommendation;
- MemberCouncillors should promptly refer to the AssistantService Director for Strategic Planning and Infrastructure any offers made to them of planning gain or constraint of development;
- MemberCouncillors should inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches including inappropriate offers of gifts or hospitality (see also paragraph 3.12);
- MemberCouncillors should never use political group meetings to dictate how they should vote on a planning issue and should not lobby fellow MemberCouncillors regarding concerns or views, nor attempt to persuade other MemberCouncillors to vote in a particular way.

3.11 Officers are required to act impartially at all times in determining applications and providing advice at the Planning Committee. Officers will be expected to conduct themselves in all they say and do in a manner which totally preserves this position of impartiality.

3.12 During the determination of an application, it is possible that Officers and MemberCouncillors may be offered hospitality by an interested party. Even though this rarely occurs in Plymouth, it is important to recognise that, if at all possible, these offers should be politely declined. However, any MemberCouncillors receiving any gift or hospitality, in their capacity as MemberCouncillors, over the value of £25, should provide within 28 days of receipt written notification of the details to the Monitoring Officer of the Council for entry into the register of gifts and hospitality which is open to public inspection and located in the Democratic Support Office. Similarly, for Officers, in the event that the receipt of hospitality is unavoidable, they must ensure that the hospitality is of a minimal level and declare its receipt as soon as possible by completing a "Hospitality Declaration Form" and submit this to the AssistantService Director for Strategic Planning and Infrastructure for signature.

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4.0 DECLARATION AND REGISTRATION OF MEMBERCOUNCILLOR AND OFFICER INTERESTS AND BIAS

4.1 ~~MemberCouncillors~~ and Officers are required to give a general notice of interest that they hold usually upon their election or appointment to office and are under a duty to maintain that declaration and amend, as necessary, within 28 days of becoming aware of any such changes, throughout their term of office.

4.2 A register of ~~MemberCouncillors~~' interests will be maintained by the Council's Monitoring Officer and is available for public inspection. A register of Planning Officers' interests will be maintained by the ~~Assistant-Service~~ Director for Strategic Planning and Infrastructure.

4.3 Furthermore, ~~MemberCouncillors~~ and Officers are under a duty to declare interests as and when matters arise at Planning Committee. Guidance on these issues may be sought by the Council's Monitoring Officer. The decision as to whether an interest ought to be declared rests with the individual Councillor or Officer involved.

~~4.4 There are three-two types of interest, 'personal' 'prejudicial' and a disclosable pecuniary interest and private. A member will have a personal interest in a Planning Committee decision if:~~

- ~~• The matter relates to an interest in respect of which the Member has given notice in the statutory register of Member's interests; or~~
- ~~• The decision might reasonably be regarded as affecting their well being or financial position or that of a relative or friend or employer to a greater extent than other Council Tax payers, ratepayers or inhabitants of the Authority's area.~~

~~4.5 Where a Member considers he or she has such a personal interest in a matter, he must always declare it.~~

~~4.6 A personal interest will become a prejudicial interest if a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice the Member's judgement of the public interest. There are exceptions to this, however and full details are given in the Council's constitution.~~

~~4.7 Where any Member of the Council considers that they have a prejudicial interest they should discuss this situation with the Monitoring Officer or his representative as soon as they realise this is the case:~~

- ~~• Complete a standard form and pass it to the Democratic Support Officer prior to the start of Planning Committee;~~

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- ~~Ensure they do not participate at any stage in the consideration of the planning application if following advice from the Monitoring Officer they consider that any decision they take could be challenged on the grounds of bias;~~
- ~~Ensure they do not seek or accept any preferential treatment, or place themselves in a position that could lead to the public to think they are receiving preferential treatment because of their position as a councillor;~~

4.58 With regard to Planning Officer interests the ~~Assistant~~Service Director for Strategic Planning and Infrastructure Services will check the Officer declarations list and advise the Officer accordingly if they feel that alternative arrangements are necessary in presenting the report.

4.69 What is a Disclosable Pecuniary Interest (DPI)

Disclosable Pecuniary interests are defined in regulations. The regulations in general will mean that a member will have to register any interest they or their husband or wife or civil partner or cohabitee has in:

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- any employment, office, trade, profession or vocation that they carry on for profit or gain or that their spouse civil partner or cohabitee carries on for profit or gain;
- any sponsorship that the councillor receives including contributions to the councillor's expenses as a councillor; or the councillor's election expenses from a Trade Union.
- any land licence or tenancy they have in Plymouth or that their spouse civil partner or cohabitee has;
- any current contracts leases or tenancies between the council and them, or between the council and their spouse civil partner or cohabitee;
- ~~any current contracts leases or tenancies between the council and any organisation with land in Plymouth in which they are~~ or have a partner, a paid director, or have a relevant interest in its shares and securities;
- any current contracts leases or tenancies between the councillor's spouse civil partner or cohabitee and any organisation with land in Plymouth in which he or she is a partner, a paid director, or has a relevant interest in its shares and securities;
- any organisation which has land or a place of business in Plymouth and in which they have a relevant interest in its shares or its securities.
- any organisation which has land or a place of business in Plymouth and in which the councillor's spouse, civil partner or cohabitee has a relevant interest in its shares or its securities;

4.7 What to do if you have a DPI

If a Councillor has a disclosable pecuniary interest (whether a Planning Committee Member or a Councillor speaking on an item as a Ward Councillor) they must declare that they have an interest at the start of the meeting and leave the meeting when the application is due to be considered immediately and as they can not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.

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4.8 What is a Private Interest

The public is likely to consider that a Councillor has a private interest if it affects the wellbeing or financial position of:

- his/her family and close associates, or
- any organisation where he or she is a member Councillor, or where he or she is involved in its management;
- any organisation to which he or she has been appointed by the council.

4.9 What to do if you have a Private Interest – Financial

If a Councillor has a private they must declare the interest if the decision could confer a financial advantage or disadvantage on:

- his or her family , or
- his or her close associates, or
an organisation where he or she is a member Councillor, or is involved in its management (whether or not appointed to that body by the council). This would include membership of a secret society and other similar organisations

4.10 What to do if you have a Private Interest - Other issues

When the committee is determining an application in which the Councillor has a private interest a councillor should declare the interest if the decision relates to an approval, consent, licence, permission, or registration for:

- his or her family, or
- his or her close associates, or
- an organisation where he or she is a member Councillor or is involved in its management (whether or not appointed to that body by the council). This would include membership of a secret society and any other similar organisations.

4.11 A Councillor should declare an interest at the start of the meeting, or when they realise they the interest if that is later. They can stay in the meeting and speak and vote unless their private interest is also a disclosable pecuniary interest.

4.12 If a decision being taken at the committee is likely to confer an advantage or disadvantage on:

- a councillor’s family;
- his or her close associates; or
- an organization where he or she has a private interest

more than it will affect other people living or working in the area the councilor should discuss the matter with the Monitoring Officer, or his/her designee in advance of the meeting as legal issues of bias may arise.

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4.139 ~~MemberCouncillors~~ should also not give grounds for a suspicion that any such interests may arise and have not been declared.

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4.144 When an application is to be determined, there is an expectation that it will be dealt with transparently, openly and in a fair way. ~~MemberCouncillors~~ will be expected to take account of all relevant evidence and give it appropriate weight in the decision making process and arrive at a reasoned sound decision.

4.152 An alternative approach may be for the Planning Committee Member to refrain from making any public statement on an application and to invite another Ward ~~MemberCouncillor~~ to attend the Planning Committee to speak on the local ward issues and for the Member of the Planning Committee, if ~~she~~/he has not made a public statement in support of or against the application, to confine his/her comments to the relevant planning issues, taking into account the interests of the City as a whole.

5.0 PREDETERMINATION OR PREDISPOSITION

5.1 Members of the Planning Committee need to ensure that they do not fetter their ability to participate in the decision making process on an application by making up their mind or clearly indicating that they have made up their mind on how they will vote prior to the consideration of the application by the committee.

5.2 The Planning Committee should, when considering an application, take into account all views that are expressed in such a way that they are openly heard and fairly considered in a balanced way before the committee reach a decision.

5.3 Members of the Planning Committee can have a predisposition to an initial view, where the ~~memberCouncillor~~ is clear they are still willing to listen to all the material considerations presented at the Planning Committee before deciding on how to exercise their vote on behalf of the community.

5.4 The fettering of a ~~memberCouncillors~~ discretion as set out in 5.1 and then taking part in the decision making process will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a risk of bias or predetermination or a failure to not take into account all of the factors enabling the application to be considered on its merits.

5.5 The Localism Act 2011 now sets out that a ~~MemberCouncillor~~, who has expressed a preference for a particular outcome of an application as it proceeds to determination, will **not** be taken to have had a closed mind when making the decision just because they have previously done or said anything to indicate their view in respect of the matter. However, it is important that a fair minded observer would think that the ~~MemberCouncillor~~ was open to changing their mind in the light of different or additional information, advice or evidence presented.

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- 5.6 It will be evident that the appropriate action is not clear cut and will depend on the circumstances of a particular case and application. Planning Committee members need to avoid bias and predetermination and take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner. To do this, MemberCouncillors taking the decision on an application must take account of all the evidence presented before arriving at a decision, and should avoid committing themselves one way or another before hearing all the arguments.
- 5.7 A situation can arise when a Member of the Planning Committee represents a Ward within which a contentious application is lodged. If, prior to the matter being considered by the Planning Committee, that MemberCouncillor decides to make a public statement, and either supports or opposes the application, it will be difficult for that MemberCouncillor to be seen to subsequently determine the application transparently, openly and fairly. Accordingly, the MemberCouncillor should make an open declaration, in relation to his or her position and not vote on the determination of the application at Planning Committee. The open declaration should be noted in the Planning Committee minutes. The MemberCouncillor will also be required to vacate their seat within the Planning Committee and to sit within the public gallery for the duration of the consideration of the item, and where they have exercised their right to speak as a Ward memberCouncillor, they can address the Planning Committee at the appropriate time in accordance with the Ward MemberCouncillor speaking arrangements (see section 11).
- 5.8 Ultimately it is the responsibility of the individual memberCouncillor to ensure that their role on the Planning Committee is not compromised and it is also for them to strike the balance that may need to be made between ward and other interests and the requirements of the Planning Committee.

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**6.0 DEVELOPMENT PROPOSALS SUBMITTED BY
MEMBERCOUNCILLORS, OFFICERS AND THE COUNCIL**

- 6.1 In accordance with the Council's Officer Code of Conduct (June 2000), employees must declare any financial or non-financial interests which relate to their work to the appropriate Director, AssistantService Director, or Head of Service, including membership of any organisation not open to the public without formal membership and commitments of allegiance. Such declarations will be maintained in documents which will not be publicly disclosable.
- 6.2 Such declarations can be made on a regular basis without any known future applications coming forward. In such situations, planning and other associated applications will not be allocated to that employee to deal with.
- 6.3 However, it will sometimes occur that an employee only identifies a conflict of interest in the course of determining an application. At this point it is the responsibility of the employee to immediately raise the declaration with the Director, AssistantService Director, or Head of Service and for the employee to take no further action in the determination of the case. Again, a record of the declaration will be maintained in documents which will not be publicly disclosable.
- 6.4 In all instances where there is a conflict of interest the appropriate procedure would be for officers to notify the Director, AssistantService Director, or Head of Service of that conflict and to have no further part in the determination of the application.
- 6.5 Any proposals submitted by MemberCouncillors and Officers shall be dealt with so as to give no grounds for accusations of favouritism. For this reason reference is made in the Terms of Reference for Planning Committee for decision making involving Council employees or MemberCouncillors.
- 6.6 Officers and serving Councillors must not act as agents for people pursuing Planning matters within Plymouth City Council's jurisdiction.
- 6.7 Any application submitted by Plymouth City Council shall be processed in the same transparent and impartial manner as for any other applicant with the AssistantService Director for Strategic Planning and Infrastructure using his powers of referral if he considers it meets the provisions outlined in the Planning Committee Terms of Reference.

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7.0 LOBBYING

- 7.1 It is recognised that lobbying is a normal and perfectly legitimate element of the process of considering planning applications. If a MemberCouncillor, who is not on the Planning Committee to determine an application, wishes to support a particular viewpoint then that MemberCouncillor has a right to appear at Planning Committee and seek permission to address the meeting.
- 7.2 It is, however, important that MemberCouncillors protect their impartiality and integrity in planning matters. Planning Committee Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties provided that they make it clear that they are keeping an open mind. However expressing an intention to vote one way or another before a Planning Committee meeting would prejudice impartiality.

8.0 WARD **MEMBERCOUNCILLOR** INVOLVEMENT IN PLANNING APPLICATIONS PROCESS

- 8.1 Ward MemberCouncillors have a central role in helping to represent the views of local people and other stakeholders at both pre-application and planning application stage. Ward councillors bring strong community leadership, extensive local knowledge and an up to date understanding of current issues. Planning officers have to act impartially at all times, but will provide support and advice to ward councillors on planning matters in order for them to play this community leadership role. This will include the involvement of ward memberCouncillors in negotiations on planning obligations.

8.2 To assist with councillor engagement in the Planning process named Planning Officers have been identified for each ward. Councillors are encouraged to contact this officer to help them become engaged in Planning decisions and ensure they can properly represent the issues raised by their residents.

~~8.2 Planning obligations negotiated under Section 106 of the Town and Country Planning Act, 1990 must be seen to mitigate the effects of development whilst recognising that each must comply with council planning documents, policies and guidance and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).~~

~~8.3 To be lawful, a planning obligation must meet all of the following statutory tests. It must be:~~

- ~~(a) necessary to make the development acceptable in planning terms;~~
- ~~(b) directly related to the development; and~~
- ~~(c) fairly and reasonably related in scale and kind to the development.~~

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(These apply to both future and existing Section 106 obligations and to CIL payments):

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~~8.4 To this end, where the need for a planning obligation is anticipated by a planning officer, ward councillors will be consulted at an early stage of the pre-application and planning application process. The views of ward councillors on planning obligations will be sought electronically through weekly lists and pre application notifications and shall be considered in any decision taken by the Planning Committee or by an officer acting under delegated authority.~~

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Information available to Ward Councillors

~~8.35~~ The City Council web-site sets out development plan policies and supporting information and evidence base documents in order to help inform ward councillors consideration of a development proposal at both pre-application and submission stages.

~~8.46~~ To further assist ward councillors in considering to what extent they wish to make comments on development proposals, every week ward councillors will be sent ~~by email only~~ a link to the weekly planning list which includes all planning consent applications all pre applications submitted unless there is a specific exclusion from the public record by virtue of the Freedom of Information Act or Data Protection Act. In these cases the case officer will encourage the applicant to engage with Ward Councillors on a confidential basis.

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- ~~• A list of registered Development Enquiry Service requests where the applicant has indicated that they do not wish the pre-application to be confidential. Where an applicant has indicated that a pre-application enquiry is confidential these will not appear in the weekly list.~~
- ~~• A list of registered planning applications with links (where applicable) to details of the proposed Section 106 Obligations Heads of Terms, which will show what the developer is proposing for the Section 106 agreement and which provides a starting point for members to consider Section 106 matters on a particular planning application.~~

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~~Ward Member~~**Councillor** Involvement at Development Enquiry Service (DES) Pre-Application Stage

- ~~8.7.1. In accordance with the principles set out in the Statement of Community Involvement, e~~Councillors should review the weekly ~~DES list~~planning list. ~~Upon receipt of the DES list ward e~~Councillors ~~should must~~ contact the named case officer ~~within 10 working days at their earliest opportunity~~ if they wish to draw attention to any particular planning or Section 106 related issues or concerns, specifying which site ~~within their ward~~ this relates to. This will enable officers, ward councillors and the developer to more positively engage together in progressing the pre-application discussions and take account of key local issues at an early stage. It is at this stage a ~~ward~~ councillor should also indicate whether they wish to receive an informal presentation from ~~or attend a meeting with~~ the developer/agent ~~where this is a major development. (Informal presentations for minor or householder proposals will only be provided in exceptional circumstances at the discretion of the Assistant Director for Strategic Planning and Infrastructure).~~ Pre-application ~~presentations engagement to with local ward~~ councillors will enable the developer to positively engage with ward councillors at an early stage in the development process, without compromising the decision making process
- 8.8 Where requested, for major developments, the planning case officer will facilitate the opportunity for an informal presentation of the development proposal by the developer/agent to ~~ward interested~~ councillors, at pre-application stage. A request for an informal presentation can be made by ~~ward~~ councillors, the developer/agent or by planning officers. Informal DES presentations will generally be undertaken within 4 weeks of the Development Enquiry Service application being registered, and will be carried out fully in accordance with the Council's Code of Good Practice for Members and Officers, and the general advice contained in the National Model Code of Conduct (Local Authorities (Model Code of Conduct) Order 2007 - SI 2007/1159). Wherever possible meetings will be arranged for all ~~interested councillors members within the ward affected by the proposal~~ to reflect ~~member councillor~~ availability, but in order not to unduly delay pre-application discussions ~~members councillors~~ will be expected to prioritise attendance at any DES meetings requested.
- 8.9 The purpose of these DES presentations is to inform ~~ward~~ councillors of emerging proposals for major developments and enable key local issues of relevance to the development, including any Section 106 matters, to be identified. Such early engagement will enable the developer to understand and address any significant local concerns as early in the development process as possible including any priorities to mitigate the impact of the proposed development. The collection and expenditure of Community Infrastructure Levy (CIL) payments will not be a matter for discussion at these meetings since CIL is non-negotiable and the expenditure will be determined through the governance of the Council's Regulation 123 List.
- 8.10 The developer's presentation will be limited to the facts of the development proposal.
- 8.11 ~~Ward e~~Councillors will be given the opportunity to ask questions concerning any aspect of the proposal, including Section 106 matters. Unless a matter is commercially

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confidential and sensitive, developers will be expected to provide comprehensive answers to questions from ward councillors.

- 8.12 The planning case officer will highlight the key planning issues, summarising policy issues, third party views and other issues for consideration. Key issues raised at the DES meeting will be written up as part of the case officer's report to Planning Committee.
- 8.13 ~~Ward c~~Councillors will be at liberty to express opinions in support or opposition for the proposals at ~~the meetings with the applicant~~ if they wish, unless they are also a member of the Planning Committee.
- 8.14 Where a ~~ward~~-councillor is also a member of Planning Committee this will be declared at the start of the meeting. The planning case officer will then make it clear that the Planning Committee Member is at the meeting to understand the issues and to ask questions of clarification, but will remain open minded so as to avoid any suggestions of pre-determination.
- 8.15 Local ward councillor involvement at pre-application stage will not affect the speaking rights of the member at Planning Committee provided the local ward Councillor has followed the Council's Code of Good Practice for Members and officers.
- 8.16 ~~The advice given at DES stage does not necessarily bind the formal determination by the Local Planning Authority of any subsequent planning application. The presentation will not form part of the formal negotiation process that will take place strictly between the Strategic Planning and Infrastructure Department and the applicant.~~
- 8.17 **Under no circumstances should Planning Committee Members meet with developers / landowners / applicant (or their advisors) without the presence of a Planning Officer.** To do so will be a breach of this code and may prejudice the integrity of any subsequent decisions made on any application. Councillors who are not members of Planning Committee are advised to seek advice from Planning Officers prior to agreeing to meet with ~~developers or landowners~~applicants.

Ward Member Councillor Involvement at Planning Application Stage

- 8.18 In accordance with the principles set out in the Statement of Community Involvement, councillors should review the weekly list of planning applications. It is the councillor's responsibility to initiate contact with the case officer named in the weekly list **within 10 working days** of the publication of the list if they wish to draw attention to any particular planning or Section 106 related issues or concerns.
- 8.19 Where a ~~ward~~-councillor ~~requests a presentation on a registered major planning application, this must be done within 10 working days of receiving the weekly list. (Presentations for minor or householder proposals will only be provided in exceptional circumstances at the discretion of the Assistant Director for Strategic Planning and Infrastructure). The purpose of any presentations at this stage is to inform ward councillors of the content of the planning application in order to enable ward councillors to make formal representations on the application within the published consultation period. The collection and expenditure of Community Infrastructure Levy~~

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~~(CIL) payments will not be a matter for discussion at these meetings since CIL is non-negotiable and the expenditure will be determined through the governance of the Council's Regulation 123 List. asks to be involved in the planning application discussions the case officer will arrange a meeting with the applicant (or their representatives) at a mutually convenient date and time and will always invite the other ward councillors to attend.~~

- 8.20 ~~Wherever possible meetings will be arranged for all members within the ward affected by the proposal to reflect member availability, but in~~ order not to unduly delay the determination of planning applications ~~members~~ councillors will be expected to prioritise attendance at any planning meetings requested. This date will normally be within 3 weeks of receipt of the request for the meeting. Members can still make comments on a planning application within the statutory consultation period of 21 days.
- 8.21 The advice and discussions at any meeting will not ~~necessarily~~ bind the formal determination by the Local Planning Authority of the planning application.
- 8.22 Under no circumstances should Planning Committee Members meet with a developer without the presence of a Planning Officer and other Members are advised to seek advice from Planning Officers prior to meeting a developer.

Presentation to Councillors prior to Planning Committee

- 8.23 ~~Planning Committee can request that a presentation is given to the Planning Committee Members prior to the formal Planning Committee. This will only be agreed in exceptional circumstances when there are complex issues that Planning Committee need to understand before they can make a reasoned Planning decision. For example it could be due to a legal ruling, the need to understand the activities being proposed by the applicant, or a complex policy issue. The need for a presentation will be at the complete discretion of the Chair of Planning Committee in consultation with the Service Director for Strategic Planning and Infrastructure.~~
- 8.24 ~~The presentation will be held for the benefit of Planning Committee members only and any public or applicant involvement would be at the discretion of the Chair of Planning Committee in consultation with the Service Director for Strategic Planning and Infrastructure~~
- 8.25 ~~The presentation will be chaired by the Chair of Planning Committee and be attended by appropriate Council Officers who will give factual information as requested by the Chair. Under no circumstances will there be a debate on the merits of the relevant planning application. The Chair will remind Members at the beginning of the meeting of their responsibilities not be pre-determined prior to the Planning Committee and the Chair would reserve the right to end the meeting if Members do not strictly adhere to the provisions set out in section 5 of the Code of Good Practice relating to pre-determination.~~
- 8.26 ~~The meeting will not form part of the formal Planning Committee meeting, but will be referred to in the minutes that will accompany the formal planning decision.~~

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9.0 ROLES OF MEMBERS AND OFFICERS AT PLANNING COMMITTEE

9.1 Officers and Members have specific roles at Planning Committee. In particular the following Members and Officers will be identified at the Planning Committee:

- Chair of Planning Committee
- Vice Chair of Planning Committee
- Other Members of Planning Committee
- Lead Planning Officer
- Legal Officer
- Democratic Support Officer
- Case Officer
- Other professional inputs (as determined by the [AssistantService](#) Director for Strategic Planning and Infrastructure)

10.0 ORDER OF PLANNING COMMITTEE CONSIDERATIONS

10.1 All decisions that are to be made by the Planning Committee will be based upon written reports by Officers supplemented, where necessary, by a brief oral presentation which may include a site plan, an aerial photograph of the site, photographs of the site, key application plans and drawings, video and other relevant material that the Officer considers will assist the Planning Committee in the consideration of the proposal.

[10.2](#) In specific regard to the written reports prepared by Officers if there is found to be an error in the report after the reports have been published then the application will be deferred to the next Committee. Officers will bring this to the Planning Committee's attention at the start of the oral presentation. The Committee can, however, determine that the application should not be deferred if it is considered appropriate.

[10.32](#) In most cases the [AssistantService](#) Director for Strategic Planning and Infrastructure will make a recommendation to the Planning Committee to either refuse planning permission, with reasons, or to approve planning permission, with conditions. In exceptional circumstances the [AssistantService](#) Director for Strategic Planning and Infrastructure may not be in a position to make a recommendation to the Planning Committee through the main report. Where this is necessary reasons will be given as part of the Officer report and presentation to the Planning Committee. The [AssistantService](#) Director for Strategic Planning and Infrastructure may also need to report updates on specific aspects of a proposed development or undertake presentations of development proposals with the applicant at the early stages of a proposal. Where this is the case these will be separately identified on the Planning Committee agenda. In order to ensure efficient and effective decision making the

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~~AssistantService~~ Director for Strategic Planning and Infrastructure will generally seek from the Planning Committee delegated authority to determine a planning application after the expiry of an advertisement period, or upon receipt of additional details, or will seek delegated authority to refuse permission where a Section 106 agreement linked to a resolution to grant consent is not, in his/her opinion, being expedited with sufficient speed by the applicant or will seek to defer to the ~~AssistantService~~ Director for further negotiations in consultation with Chair, Vice Chair, and Lead Opposition Group Member for Planning.

10.43 Where further detail and clarification on a published report is required, this will be provided in the form of a written addendum report, to be made public no later than 5.00 p.m. the day prior to the Planning Committee meeting. Officers will always seek to ensure that the use of addendum reports is kept to the absolute minimum.

10.54 In exceptional circumstances, a further oral report may need to be provided at the Planning Committee meeting itself.

10.65 The order for consideration of all planning applications will be as follows:

1. Planning Officer Oral Presentation;
2. Any Planning Committee Member(s) with a prejudicial interest who wish to speak for or against a proposal (who will then leave the room);
3. Any eligible Ward Councillor(s) who wish to speak for or against the proposal;
4. Any Public Speaker who wishes to speak against the proposal;
5. Any Public Speaker who wishes to speak in favour of the proposal;
6. Questions to the Planning Officer by Planning Committee Members and debate on the proposal;
- ~~7. Planning Committee Members debate and consider the proposal;~~
8. Planning Committee Members move and debate any alternative motions to the recommendation. The ~~Democratic Support Officer~~Lead Officer clarifies the wording of the alternative motion and the Chair puts these to the vote as appropriate (refer also to section 14);
9. Chair of Planning Committee puts the original recommendation to the vote, if necessary;
10. Formal Decision of Planning Committee on the proposal.

10.76 If Members request a point of clarification arising from what they have heard from any of the Speakers, to assist them with their consideration of the proposal, the Chair may, at his or her complete discretion, ask for a short adjournment so that the Lead Planning Officer can consult directly with the Speaker or another officer not present at the meeting who may be able to assist.

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11.0 SPEAKING AT PLANNING COMMITTEE

- 11.1 Once the Planning Committee agenda and accompanying papers are made available to the public five days prior to the Planning Committee meeting, anyone who wishes to speak must notify the Council's Democratic Support Section (details of which will be on the agenda papers) that they wish to speak, give details of the item upon which they wish to speak under Part 1 and whether they wish to speak as a supporter, objector, or Ward Councillor. The exception to this would be a Councillor who has referred an item to Planning Committee. In such cases the Councillor will have been deemed to have registered to speak at Planning Committee through the referral process. Notification must be made in person by either telephone, letter or e-mail and must be received by no later than 4.30 p.m. two working days before the Planning Committee meeting. An individual who wishes to speak at Planning Committee must register personally.
- 11.2 The Members who will be permitted to speak as Ward Members are normally only those Members whose ward boundary falls within the 'red line' of the planning application site. However, exceptionally other Members will be allowed to speak at the discretion of the Chair provided that they represent an adjacent ward to where the red line is located and in the Committee's opinion the development directly affects residents in that adjacent ward and any of those residents have submitted letters of representation within the statutory notice period. When such an exception is made the reason will be provided as part of the Planning Committee minutes. Other Members can speak at Planning Committee, but as an objector or supporter and provided they meet the other requirements in section 11.
- 11.3 The other participants allowed to publicly speak at the Planning Committee will be the applicant or agent and/or third party objectors and supporters or another representative nominated by them. and/or third party objectors and supporters or professional agents appointed by them to speak. In the case of third parties only those who have made written representations on the planning application during the statutory consultation period will be eligible to speak. In the case of Public Rights of Way applications there will also be a further participant, the landowner, who will be allowed to speak after the Officer presentation, and any Members, objectors and supporters have spoken.
- 11.4 In all circumstances the maximum number of public speakers will be one objector and one in support of the development proposal (plus a landowner for Public Rights of Way applications). If there are several persons wishing to speak (whether objectors or supporters) preference will be given to the first person who properly registers to speak. However the Democratic Support Officer will advise other people who wish to speak of the nominated speaker and, if that speaker is agreeable, then an alternative speaker can be put forward provided all the other criteria in section 11 is satisfied.

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- 11.5 Speakers who have notified that they wish to speak need to attend the Planning Committee at least quarter of an hour before the start of the meeting and should register their details with the Democratic Support Officer. They will need to provide their name, the application they are to speak on, and whether they are an objector or supporter of the proposal.
- 11.6 Speakers will be allowed to speak for up to a maximum of five minutes and there will be no further involvement of the speaker in the deliberations of the Planning Committee, except as outlined in paragraph 10.6. Speakers will NOT be given an opportunity to ask questions of the Members of the Planning Committee.
- 11.7 Speakers are not expected to provide any presentational material for the Planning Committee. However, if a speaker wishes to submit any presentational material to supplement their speech they must do so no later than the deadline for speaking as outlined in paragraph 11.1. The material must only deal with issues raised through the formal representations procedure on that particular application. Any other presentational material that is produced by speakers will not be accepted and will be disregarded.
- 11.8 In the event an application is deferred, anyone wishing to speak at the subsequent Planning Committee meeting must register in the normal way. Any previous speaker will not be given preference over other eligible speakers.
- 11.9 Speakers should not interrupt other speakers or interrupt the Planning Committee debate.
- 11.10 Speakers ~~are advised~~ should not to make slanderous statements or any other racially motivated, discriminatory or inflammatory remarks.
- 11.11 The Chair can suspend the right to public speaking in relation to an individual item or the whole Planning Committee if he/she considers it necessary to maintain order at the meeting.
- 11.12 The Chair can also require a speaker to cease speaking and leave the meeting if in the opinion of the Chair the speaker's statement falls within 11.9 or 11.10 above.
- 11.13 The Chair of Planning Committee at any time may adjourn the Planning Committee and ask for the public gallery to be cleared to maintain order at the meeting if there is any activity or behaviour which, in his/her opinion, is disrupting the proper consideration of a planning application and/or the conduct of the business of the Planning Committee.

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- 11.14 The Chair of Planning Committee at any time may require a Member of the Planning Committee to leave the meeting and take no further part in the proceedings if, in his or her opinion the Member has made statements that fall within 11.9 or 11.10.

12.0 SITE VISITS

- 12.1 Planning Committee Members will be expected to be familiar with the site and the issues surrounding the Officer recommendation when they arrive at a Planning Committee meeting.
- 12.2 If, prior to a Planning Committee meeting, a Member considers that additional illustrative material would assist the Planning Committee to visualise the impact of the proposed development (over and above the planning application drawings and plans and the material forming part of the Officer's presentation to the Planning Committee) they should advise the ~~Assistant~~Service Director for Strategic Planning and Infrastructure either at least three working days before the Planning Committee meeting or during the Planning Committee site visit clearly specifying what additional material is needed and why.
- 12.3 Officers will normally organise a site visit ahead of any formal recommendation if they feel this would benefit Members' understanding of the proposal and subject to the agreement of the Chair. These site visits will be held prior to the Planning Committee meeting and will be agreed in advance in consultation with the Chair and Vice Chair. ~~Member~~Councillors will be expected to give priority to attending this at the arranged time. If ~~Member~~Councillors wish the Planning Committee to visit other sites on the Planning Committee agenda not already included in the scheduled site visit they should advise the ~~Assistant~~Service Director for Strategic Planning and Infrastructure at the earliest opportunity. If ~~Member~~Councillors cannot attend the scheduled site visit they will still be expected to have familiarised themselves with the site. ~~Member~~Councillors should, however, inform the planning officer if they intend to enter the owner's property unaccompanied and seek clarification from the planning officer whether it is appropriate for them to be accompanied by an officer.
- 12.4 If a Member of Planning Committee moves a resolution for a site visit at a Planning Committee meeting not having attended the scheduled visit under paragraph 12.3 Planning Committee will exercise a strong presumption against agreeing to defer the planning application for a further site visit.
- 12.5 If during the course of the consideration of any application a ~~Member~~Councillor moves a resolution for a site visit on a site which was not included in the Scheduled site visit the ~~Member~~Councillor will need to give an explicit reason that must explain why the need for a site visit was not apparent prior to the Planning Committee meeting. In such cases the deferment for a site visit will need to be agreed by Planning Committee members through a majority vote.

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- 12.6 If a site visit is to be made by the Planning Committee it will consist of an inspection of the site (and adjoining sites and buildings as necessary) with the assistance of Officers. The purpose of the site visit is to assess the site and surroundings in the context of the development proposals under consideration, relevant development plan policies and proposals, and identified material considerations. It does not form part of the formal Planning Committee meeting.
- 12.7 Site visits conducted by the Planning Committee will normally be unaccompanied (by third parties). As such there is no obligation on the Council to notify the applicant or objectors of the arrangements for a site visit. However it may be necessary to contact the applicant and/or landowner of the site and/or adjacent sites to gain permission to access private property. Before MemberCouncillors enter the site(s) or building(s) Officers will explain to any applicants, objectors, or supporters in attendance the procedure for the conduct of the visit. Officers will then explain to MemberCouncillors the issues relating to the Planning Committee item pointing out any site related matters as necessary. MemberCouncillors will be encouraged to ask Officers questions of fact.
- 12.8 Under no circumstances are MemberCouncillors of the Committee or Officers to enter into any discussions with Ward MemberCouncillors, applicants, supporters or objectors on the site visit regarding the merits or demerits of the proposal. During the site visit MemberCouncillors and Officers should avoid comments that could be interpreted as deliberations on the proposal itself, restricting themselves to questions of clarification or observations of fact. If, in the opinion of the Chair of the Planning Committee (or a named substitute), the conduct of MemberCouncillors, Officers or third parties is of such a nature as to be potentially in conflict with any of these requirements, or the safety of the MemberCouncillor or Officers is in question, he/she will immediately suspend the site visit. If the Chair of the Planning Committee (or a named substitute) does suspend a site visit the application will be determined by a subsequent Planning Committee without further recourse to a site visit (even if a further request is made by a MemberCouncillor).
- 12.9 Ward MemberCouncillors will be notified and may be present at a site visit but this is only to accompany the Planning Committee members, it is not an opportunity for the Ward MemberCouncillor to put forward any case for or against the proposal. The Ward MemberCouncillor is only present to assist with any clarification that may be required in connection with local area issues and to hear the explanation given by the Officer.
- 12.10 The purpose of Planning Committee site visits is:
- For Members of the Planning Committee to familiarise themselves with the site and its surroundings and the location of relevant parts of the proposal.
 - For Officer(s) to provide factual information to MemberCouncillors regarding the site and the proposed development.

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- For the applicant or their agent to be present on the site, either to enable access or to ensure health and safety procedures are followed.
- At the Chair's discretion, to visit third party premises.
- To seek clarification on details of the planning application from officers, ~~through the Chair.~~

12.11 At the discretion of the Chair of the Planning Committee (or a named substitute) a statement will be read out to all in attendance regarding site visit procedures. The statement is as follows:

“May I remind Members of the Planning Committee that the purpose of this site visit is solely to view the site and seek clarification on the planning application from officers. Planning Committee Members cannot engage in a debate or answer questions about the development. Members cannot discuss the merits or otherwise of the proposal with developers, ward councillors or local residents.”

12.12 The Chair of the Planning Committee (or a named substitute) is able to suspend a site visit at any time if they are not conducted in an appropriate manner or where there are health and safety issues.

12.13 A record that a Planning Committee site visit has taken place should be made through a Planning Committee minute.

13.0 DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

13.1 The general principle in planning is that where the Development Plan is up to date and relevant, planning applications should be determined in accordance with it unless material considerations indicate otherwise.

13.2 All applications must be assessed in accordance with Section 38(6) of the Planning and Compensation Act 2004 and Section 70 of the Town and Country Planning Act 1990 as amended by Section 143 of the Localism Act 2011.

14.0 DECISIONS CONTRARY TO OFFICER RECOMMENDATION

14.1 The ~~National~~ Planning Practice Guidance (~~N~~PPG) advises that the most common cause for costs being awarded against a Local Planning Authority is where there are unsubstantiated reasons for refusal. However, the ~~N~~PPG recognises that planning can often involve judgements concerning the character and appearance of a local area and the precise interpretation and application of development plan policy requirements.

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- 14.2 Planning applications can also give rise to local controversy and sustained opposition, leading to ~~MemberCouncillors~~ being actively lobbied (see Section 7). However, as the ~~National~~ Planning Policy Guidance makes clear, local opposition or support for a proposal is not, in itself, a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons. Planning authorities will be at risk of costs for unsubstantiated reasons for refusal that rely almost exclusively on local opposition for their justification.
- 14.3 Once the Planning Committee agenda has been published any ~~memberCouncillor~~ may seek advice from Planning Officers, irrespective of the recommendation made on any particular planning application, and discuss what options there are with the ~~AssistantService~~ Director for Strategic Planning and Infrastructure or the Head of Development Management.
- 14.4 If a decision is to be made contrary to the ~~AssistantService~~ Director for Strategic Planning and Infrastructure recommendation, then the ~~MemberCouncillors~~ proposing, seconding or supporting a contrary decision must agree the planning reasons leading to this decision and must also give Officers an opportunity to explain the implications of such decision prior to the vote. The reasons for the decision must be given prior to the vote and shall be minuted.
- 14.5 In the event that the Planning Committee is minded to grant an application contrary to Officers recommendation then they MUST provide:
- (i) Full conditions and relevant informatives or agree to delegate to the ~~AssistantService~~ Director for Strategic Planning and Infrastructure ;
 - (ii) Full statement of reasons for approval (as defined in Town and Country Planning (Development Management Procedure) (England) Order 2015)
 - (iii) Relevant Development Plan policies and proposals.
- 14.6 If Planning Committee wishes to add pre-commencement conditions to a decision to grant, the Service Director of Strategic Planning and Infrastructure will be granted delegated powers to refuse the application if the applicant does not agree to the condition, in order to satisfy the requirements of the Neighbourhood Planning Act 2017.
- 14.76 Where a Member of the Planning Committee moves a motion to refuse an application contrary to the Officers' recommendation then the ~~MemberCouncillor~~ moving the motion MUST provide:

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- (i) Full reasons for refusal, which must include a statement as to demonstrable harm caused and a list of the relevant plan and policies which the application is in conflict with;

~~(ii) Statement of other policies relevant to the decision.~~

14.87 In the event of a MemberCouncillor motion to refuse, which is seconded, the Chair will if necessary adjourn the meeting for a few minutes to allow Officers to advise of any other relevant planning issues to assist them with their reasons. Vague, generalised or inaccurate assertions about a proposals' impact, which are unsupported by an objective analysis, are more likely to result in a costs award.

14.98 If the MemberCouncillor moving the motion does not meet the requirements of ~~(i) and (ii)~~ 14.6 above the motion shall be not be deemed to have been properly made.

14.109 If, in the opinion of the Lead Planning Officer (that is the senior planning officer supporting the Chair at the meeting) the possible decision of the Planning Committee to refuse planning permission would carry a high risk of an award of costs against the Local Planning Authority, s/he shall formally ask the Planning Committee to defer a decision and this advice will be formally minuted. The purpose of the deferral shall be to provide time for a full consideration by Officers of the Planning Committee's concerns about the application, such that Officers may advise of grounds of refusal, should the Planning Committee remain minded to refuse the application. In making an assessment about the level of risk of a cost award, the Lead Officer shall have regard to:

- The application's level of compliance with the Development Plan and other adopted policies;
- The robustness of the evidence that can be cited to support a refusal of planning permission;
- All other material considerations.

14.110 Any decision made during the Planning Committee forms the full and final decision of the Council (subject to agreed matters for deferral and final ratification) and it is therefore essential that both MemberCouncillors and Officers carefully follow the above procedure in order to provide a legally binding decision.

15.0 APPEALS AND INQUIRIES

15.1 In the event that planning permission is refused either under delegated powers conferred on the AssistantService Director for Strategic Planning and Infrastructure or by the Planning Committee, an applicant may exercise his/her right of appeal. Officers

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are responsible for preparing the Council's evidence for these appeals, and the vast majority of these are dealt with by written representations involving an exchange of statements. On occasions specialist Counsel and consultant support is needed to supplement the evidence of Officers.

- 15.2 In the case of an applicant exercising his/her right to an informal hearing or a Public Inquiry Officers will be responsible for presenting the Council's evidence and attending to present that evidence. ~~MemberCouncillors~~ are at liberty to attend in their capacity as Ward ~~MemberCouncillors~~ and may be called to give evidence as a Ward ~~MemberCouncillor~~. Members of the Planning Committee will not normally be required to attend to present the Council's case.
- 15.3 In the case where the Planning Committee has refused planning permission contrary to Officer's recommendations Officers will normally prepare and present the evidence in their role as employee of the Local Planning Authority. It will be for the ~~AssistantService~~ Director for Strategic Planning and Infrastructure to identify the officers to prepare and present the evidence.
- 15.4 ~~It should not be necessary for~~ Members of the Planning Committee who voted to overturn a decision will be provided with a draft of the appeal statement and invited to comment before the officer sends it to the Planning Inspectorate~~to become involved in preparing and presenting the case at appeal on an overturn decision, because the reasons for refusal and statements on relevant policies put forward by the Members in reaching their decision should be sufficient to defend the case. In addition~~However, there may be some situations where in an informal hearing or Public Inquiry ~~MemberCouncillor~~ involvement as a relevant witness is necessary in order to provide a full and accurate case. In circumstances where the ~~AssistantService~~ Director for Strategic Planning and Infrastructure considers this to be the case the ~~MemberCouncillor~~ will be expected to attend any Informal Hearing or Public Inquiry in support of the Council's case.
- 15.5 In exceptional circumstances the ~~AssistantService~~ Director for Strategic Planning and Infrastructure may not be able to prepare the Council's evidence to the hearing or inquiry because the Officer's earlier recommendation on the grounds of refusal is so prejudiced by the earlier advice given. In these circumstances a nominated Member of the Planning Committee together with an externally appointed consultant will need to present the Council's evidence.

16.0 QUALITY OF SERVICE

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- 16.1 The responsibility to provide a quality service is shared by both Officers and ~~MemberCouncillors~~. Unnecessary delay at any point in the process of determining an application can result in customer commitments not being met. It can also mean costly delays and can damage the reputation of Plymouth City Council, the Planning Committee itself and its individual ~~MemberCouncillors~~ and Officers. This could have wider implications for the regeneration of Plymouth in terms of how investors, and indeed local people, perceive the city.
- 16.2 Therefore, when making decisions ~~MemberCouncillors~~ and Officers need to ensure primarily that a fair and reasonable planning decision is made, but that in so doing account must also be taken of customer commitments.

17.0 MONITORING AND REVIEW OF DECISIONS

- 17.1 ~~MemberCouncillors~~ should also play an active part in regularly reviewing the outcome of planning decisions so that lessons can be learned and the future consideration and determination of planning application proposals can be improved as part of a broader commitment to continuous improvement.
- 17.2 Every year the Planning Committee will undertake an Annual Site Visit to review completed projects and look at key regeneration sites that form part of the Local Development Framework. There may also be the need for review site visits during the determination stage of planning applications.
- 17.3 ~~MemberCouncillors~~ should assist in the preparation of the Local Development Framework/Local Plans by engaging in key consultation stages and discussing with Officers the application of key policies. The Chair of Planning Committee will also meet regularly with the relevant Portfolio Holder to discuss the interrelationships between policy development and policy application.
- 17.4 ~~MemberCouncillors~~ should therefore ensure that they are available for review visits as and when necessary throughout the year and for a whole day of visits for the Annual Site Visit.

18.0 TRAINING

- 18.1 No ~~MemberCouncillor~~ may sit at a Planning Committee meeting without first having received appropriate mandatory Introduction to Planning Committee training, ~~as set out in paragraph 18.2.~~ This training will expire if the ~~MemberCouncillor~~ has not sat on the Planning Committee within 12 months of receiving the training, or has had a gap of at least 6 months from the Planning Committee. Where the training has expired the ~~MemberCouncillor~~ may not sit on the Planning Committee until they have renewed their Introduction to Planning Committee ~~received the mandatory~~ training.

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18.2 Given the complex legislative framework for determining planning applications and the constant reforms and changes to procedure within the planning system, the ~~AssistantService~~ Director for Strategic Planning and Infrastructure will provide a Planning Committee Training Programme. The following additional training is mandatory for all permanent Planning Committee members: comprising regular sessions covering:

- ~~An annual Planning Committee training session that will provide an overview of the key role of planning in the city and the role of MemberCouncillors in the planning process. This training will normally be held once the annual list of Planning Committee members are known and should be attended by both new and existing MemberCouncillors and will normally include a site visit to look at proposals relevant to the Planning Committee. Training will be undertaken by appropriate Legal and Planning Officers. If Members join Planning Committee after this training or act as a substitute for a Planning Committee Member, they will receive separate training.~~

~~18.3 In addition there will be additional training Workshops on new Council and Central Government policy and legislation or other Planning issues that either Members request or Officers recommend.~~

- ~~Training Workshops on new Council and Central Government policy and legislation or other Planning issues that either Members request or Officers recommend.~~

- ~~Annual Site Visit.~~

18.3 The above training will usually be open to all ~~MemberCouncillors~~ of the Council to enable them to have a better understanding of planning issues in their role as Ward Councillors.

18.4 ~~Members-Councillors~~ will be expected to make themselves available to attend these training sessions in order to keep up to date on the latest planning and development issues. It will be the responsibility of each individual ~~MemberCouncillor~~ to ensure that they have had at least the annual training in order to be able to sit at a Planning Committee meeting. The ~~AssistantService~~ Director for Strategic Planning and Infrastructure will maintain a register of ~~MemberCouncillor~~ training. Training will be provided using a range of training methods.

19.0 COMPLAINTS

19.1 A complaint that a ~~MemberCouncillor~~ or Officer has breached this code should be made in writing to the Head of Legal Services and would be referred to the Monitoring Officer for investigation and determination.

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- 19.2 A complaint made in writing regarding the determination of a planning application or a related planning matter would be investigated by the ~~Assistant~~Service Director for Strategic Planning and Infrastructure and/or an appropriate officer of the Strategic Planning & Infrastructure Department in accordance with the Council's complaints procedure.
- 19.3 A complaint may be made to the Local Government Ombudsman in the event that a complainant was not satisfied with the result of an investigation under the Council's complaints procedure. This must be made on the appropriate prescribed form and submitted direct to the Local Government Ombudsman.

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Paul Barnard, ~~Assistant~~Service Director for Strategic Planning and Infrastructure

Peter Ford, Head of Development Management

Julie Parkin, Senior Lawyer

~~June 2019~~ April 2017