

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



1. 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.