



CONSTITUTION AND GOVERNANCE COMMITTEE

Wednesday, 17 April 2024

2.00 pm

**John Meikle Room, The Deane House, Belvedere
Road, Taunton TA1 1HE**

SUPPLEMENT 2 TO THE AGENDA

To: The members of the Constitution and Governance Committee

We now enclose the following information which has been updated since the agenda was published:

Agenda Item 10 Review of the Council Constitution Part D8 - Planning Committees
Terms of Reference (Pages 3 - 12)

Appendix 1 - Table of Changes to Part D8 has been updated and the updates are highlighted in yellow. These changes align the document with Appendix 4 - Planning Committee Terms of Reference.

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Appendix 1 - Table of Proposed changes to Part D8 – Planning Committee Terms of Reference

Key	
Minor amendment	
Key proposal	

Section	
1	The Planning Committee
1	Minor text changes to insert capital letters where required.
2	The remit of the Strategic Planning Committee
2.1 1.	Clarification of the Acts involved to modify the definitive map or register a town or village green. Addition of the Service Director: Governance, Democratic and Legal Services (Monitoring Officer) to the consultation process to modify the definitive map or register a town or village green.
2.1 2.	Clarification of the Regulations involved to achieve nutrient neutral development in the Somerset Levels and Moors catchment area
2 b. c.	Remove the word ‘interim’ from nutrient mitigation projects
2.1 2. d.	New point d. added to have oversight of the programme for delivery of the phosphate mitigation measures funded by the Government’s Local Nutrient Mitigation Fund
3.	New section added to clarify that the Strategic Planning Committee will have oversight of the implementation of measures to deliver mandatory Biodiversity Net Gain (BNG)
3.	Delegation to the area-based Planning Committee(s) <i>(this section is merged into Point 5 of Section 2)</i>
3.1	All Waste and Mineral planning applications to be automatically referred to the Strategic Planning Committee for determination. This section has been merged into point 5 of section 2 and section 3 is removed
4.	The referral process from the area based Planning Committees to the Strategic Planning Committee <i>(this section is removed)</i>
4.1 to 4.3	Removal of all sections – no referral process proposed in future.
5.	Area-Based Planning Committees <i>(this is now Section 3)</i>
5.2	Clarification that the area-based Planning Committees will generally be held in a location within their geographical area and the Strategic Planning Committee will generally be held in a central location but may be held in

	<p>other areas relevant to the applications being considered where there is considerable local interest and it is practical to do so.</p> <p>This last proposal particularly relates to Waste and Mineral planning applications referred to the Strategic Planning Committee (see 3.1 above).</p> <p>A map of the geographical areas of the four area-based Planning Committees is inserted.</p>
6.	Principles of geographical location <i>(this section is merged into Section 3)</i>
6.2	Minor clarification that applications referred to the area-based Planning Committees relate to application sites that arise within the former District Council geographical areas covered by the respective Planning Committees.
7.	Membership and Meeting arrangements <i>(re-numbered to Section 4)</i>
7.2	Proposal that the four area-based Planning Committees be comprised of 11 - 13 members (to be determined by Full Council). Proposal made to have a smaller more committed membership.
7.3	Minor clerical amendments to clarify where membership of each Committee should be drawn from.
7.4	<p>Additional sentence added to allow the Committees to suspend Standing Orders and extend the meeting beyond 4 hours if necessary to ensure that consideration of an item under discussion is concluded in an orderly fashion.</p> <ul style="list-style-type: none"> • Table amended to clarify the proposal (at 7.2 above) that the four area-based Planning Committees be comprised of 11 - 13 members (to be determined by Full Council). • Table amended to remove the restriction on membership that the Chair/Vice Chair of Strategic Planning Committee may not sit on any area-based Planning Committee. • Table amended to remove restrictions on Chair/Vice Chair membership. • Table amended to clarify quorum of area-based Planning Committees will differ from Strategic Planning Committee if the proposal (at 7.2 above) to amend the membership to 11 - 13 members (to be determined by Full Council) is supported. • Table amended to increase the number of ordinary meetings per Council year from 2 to 4 for each committee.
	Substitution and Membership
7.5	Clarification to paragraph that Executive Lead Members may not be Chair or Vice-Chair of the Planning Committee(s).
7.6	Proposal that any member of a Planning Committee can sit on Strategic and area-based Planning Committees.
	Chair Responsibilities

7.9 a.	Proposal that at the Chair's discretion the order in which items are considered at a Committee meeting may be changed where it is in their view appropriate to do so.
7.12 f.	Addition of Public Participation to the order of business.
7.12 g.	For clarification, add Public Rights of Way and Town or Village Green applications (as well as planning applications).
7.12 g. ii)	Change 'Planning Officer' to 'Case Officer' to acknowledge the range of officers presenting reports to the 5 Planning Committees.
7.12 g. ii) vi) vii) a)	Add '/decision' after application to acknowledge that not all reports presented to the 5 Planning Committee are planning applications.
	Minutes
7.14	Minor clarification that 'Minutes will contain all motions confirming the members that propose and second the recommendations/decisions and amendments in the form and order they were put'.
	Public Speaking Arrangements
7.18	Proposal to require public speakers to register their request to speak at least two working days in advance of all Planning Committee meetings.
7.18	Proposal that anyone wishing to speak at Strategic Planning Committee on a Rights of Way or Town or Village Green matter will be required to provide a written summary no later than two working days before the meeting to allow Members and Officers sufficient time to consider such points.
7.19	Addition that 'Submissions that contain anything Officers (in consultation with the Chair) deem offensive, discriminatory or libellous will not be published and will not be considered during the decision process' and minor clarification to circulation of documents and other matters to the Committee by registered speakers.
7.20	Minor clarification of Part B of the Council's Constitution relating to public speaking.
7.22	Removal of the words 'Should it not be practical for all those wishing to speak to do so and should the speakers within a category not be able to agree on suitable representatives between them' as speakers now register to speak before the meeting.
	Voting
7.26 a.	Minor clarification to confirm this relates to an application and the Committee must identify the planning or other relevant reasons before voting on a resolution to refuse an application contrary to the officer's recommendation.
7.26 b.	Minor clarification to confirm this relates to the approval of an application (rather than grant planning permission)
7.26 c.	Change 'Planning Officer' to 'Case Officer' to acknowledge the range of officers presenting reports to the 5 Planning Committees
	Site Visits

7.29	Addition of 'In consultation with the Chair and Vice Chair' and minor text amendments to include Public Rights of Way and Town or Village Green matters
7.30	Minor text amendments
	Site Inspections by Individual Members
	Title expanded to Site Inspections by Individual Members of the Committee
	Other Matters
7.34	Minor text amendment to add 'or other matter' to acknowledge that not all reports presented to the 5 Planning Committee are planning applications.
8.	Delegation of functions <i>(re-numbered to Section 5)</i>
8.1 b)	Removal of words 'and customary' so sentence reads 'Statutory consultation being carried out' Removal of word 'planning' to acknowledge the range of functions delegated to officers.
	Exceptions to delegated powers
8.2	Minor text amendment to add 'of Delegation' to clarify the of Scheme of Delegation.
8.2 ii.	Minor amendment to clarify the Council's Senior Leadership Team (not Management Team) Clarification where an applicant is a member of staff or is directly related to member of staff in the Economy, Employment and Planning Service
	Clarification to include employee or consultant who has direct involvement with the <u>relevant</u> process in the course of their duties
8.2 iii.	Minor text amendment to clarify Matters which the Service Director Economy, Employment and Planning considers should be determined by the Planning Committee.
8.2 v.	Point v. removed and new point added: Waste and Mineral applications that are a departure from adopted Waste and minerals development plans and recommended for approval by officers (excluding S.73 applications).
8.2 vii.	New point added: Applications referred by any Member or the Town or Parish Council for the relevant division or adjoining area Town/Parish Council area where their view is contrary to the officer's recommendation in accordance with the Planning Committee Procedure Rules and Planning Protocol excluding applications for associated development or infrastructure in connection with or relation to the development of the Gravity Local Development Orders
	Applications delegated to Officers
8.3	Bullet points 3 amended to include Transport and Works Act Orders (TWAO) Conditions and new bullet 4, 7, 9 and 10 added:

	<ul style="list-style-type: none"> • approval of details reserved by condition / discharge of Development Consent Order (DCO) requirements <u>and Transport and Works Act Order (TWAO) Conditions.</u> • <u>Compliance applications in connection with the Local Development Order (LDO)</u> • <u>Non Material Amendments</u> • <u>Applications to modify/discharge planning obligations under S106A(b)</u> • <u>Applications for associated development or infrastructure in connection with or relation to the development of the Gravity Local Development Orders</u>
	Referral Process for Planning Applications to relevant Planning Committee
	Minor amendment to title to clarify the Referral Process for <u>Planning Applications</u> to the relevant Planning Committee
8.4	Minor amendment to change Divisional Member to <u>Councillors from the relevant electoral division</u> (referred to Local Councillors hereafter)
8.5	Minor amendment to change Divisional Member to <u>Local Councillors</u>
8.6	Divisional Member referral (within 21 days of original notification)
	Amendment to title to change Divisional Member to <u>Local Councillor</u> referral of <u>planning applications to Planning Committee</u> and removal of (within 21 days of original notification)
8.6 a.	Proposal to change notification from 21 to <u>28</u> days. Minor amendment to change Divisional Member to <u>Local Councillor</u> and addition of <u>Local Councillor of an adjoining division</u> to the referral process. Removal of the requirement to <u>state if they support or object</u> when notifying the Planning Service <u>in writing.</u>
8.6 b.	Removal of: If the Officer recommendation is ultimately in agreement with the Member, the decision will be delegated to Officers. Replaced with: <u>Where a referral to Committee has been requested these applications will be referred to the Chair or the Vice-Chair of the relevant area-based Planning Committee with a copy of the officer report and recommendation and copied to the Divisional Member who requested the referral. The Local Councillor Member will be responsible within 2 working days of receipt of the report and recommendation of informing the Chair or Vice Chair with material planning reasons if they still wish the item to be referred to the relevant Committee.</u>
8.6 c.	Removal of: If the Officer recommendation is ultimately not in agreement with the Member view AND the application is classified as a major application ³ it will automatically be referred to the area-based Planning Committee for a decision.

	<p>Replaced with:</p> <p><u>The Chair or the Vice Chair will then, within a further 3 working days (i.e a maximum of 5 working days from the original referral), determine whether the application can be delegated or if it should go to the relevant Committee providing material planning reasons for the decision to refer to the Committee or stating that they consider the proposal to be controversial and/or of significant public interest such that it should be determined by the relevant Committee.</u></p>
8.6 d.	<p>Removal of whole point:</p> <p>For all other applications, if the Officer recommendation is ultimately not in agreement with the Member view the Strategic Director (Climate and Place) (in accordance with the delegation scheme) will refer the application to the Chair and/or Vice-Chair of the relevant area-based Planning Committee. The Chair and/or Vice Chair, in consultation (where possible) with the Divisional Members, will determine whether the application should be referred to the area-based Planning Committee for a decision, or whether the exercise of delegated powers is appropriate, providing material planning reasons for this decision.</p>
8.6 e.	<p>Removal of whole point:</p> <p>On referral to Chair and/or Vice Chair, the Divisional Members will receive a copy of the officer report and will be advised of the decision on whether it stands referred after.</p>
8.7	Divisional Member referral (post 21 days):
	Amendment to title to change Divisional Member to <u>Local Councillor</u> referral following re-consultation; and removal of (post 21 days)
8.7 a.	<p>Re-writing of point to:</p> <p>As a direct result of substantial changes and <u>following re-consultation notification</u> of an application to a <u>Local Councillor</u> Member, a Divisional Somerset Council Member will be given a further 14 days, from the date of re-notification, to request <u>a referral</u>, otherwise the above process will apply. that the application is referred to the relevant Planning Committee by notifying the Planning Service in writing stating whether they support or object, with material planning reasons.</p>
8.7 b.	<p>Removal of whole point:</p> <p>If the Officer recommendation is ultimately in agreement with the Member, the decision will be delegated to Officers.</p>
8.7 c.	<p>Removal of whole point:</p> <p>If the Officer recommendation is ultimately not in agreement with the Member view AND the application is classified as a major application⁴ it will automatically be referred to the area based Planning Committee for a decision.</p>
8.7 d.	<p>Removal of whole point:</p> <p>For all other applications, if the Officer recommendation is not in agreement with the Member view, the Executive Director (Climate and Place) will refer</p>

	<p>the application to the Chair and/or Vice Chair of the relevant area based Planning Committee. The Chair and/or Vice Chair, in consultation (where possible) with the Divisional Members will determine whether the application should be referred to the area based Planning Committee for a decision, or whether the exercise of delegated powers is appropriate, providing material planning reasons for this decision.</p>
8.7 e.	<p>Removal of whole point: On referral to Chair and/or Vice Chair, the Divisional Members will receive a copy of the officer report and will be advised of the decision as to whether it stands referred after.</p>
8.8	<p>Referral by Parish, Town and City Council</p>
	<p>Amendment to title to add Request for Referral by Parish, Town and City Councils or adjoining Parish, Town and City Councils</p>
8.8 a.	<p>Re-writing of point to: Within 21 days of being notified of a Planning Application, a Parish, Town or City Council <u>should</u> notify the Planning Service in writing, <u>if they wish to make a request to refer a planning application to the relevant Planning Committee stating:</u></p> <ul style="list-style-type: none"> i <u>whether they are supporting or objecting to the application and; They wish to refer the Planning Application to the relevant Planning Committee by either supporting or objecting to the application and;</u> ii Provide material planning reasons for the referral
8.8 b.	<p>New point added: <u>If the Officer recommendation on the application is in agreement with the Parish, Town or City Council's view, the decision will be delegated to Officers. If the Officer recommendation on the application is not in agreement with the Parish, Town or City Council view AND the application is classified as a major application1 it will automatically be referred to the relevant Planning Committee. For all other applications, if the Officer recommendation is not in agreement with the Parish, Town or City Council view then the application will be referred to the Chair or the Vice-Chair of the relevant Planning Committee with a copy of the officer report and recommendation and copied to the relevant Local Councillors. The Local Councillors will be responsible within 2 working days of receipt of the report and recommendation of informing the Chair of any comments they may have on the application. The Chair or Vice Chair, will then determine within a further 3 working days (i.e 5 working days from the original referral) whether the application should be referred to the relevant Planning Committee for a decision providing material planning reasons or stating that they consider the proposal to be controversial and/or of significant public interest for the decision to refer, or whether the exercise of delegated powers is appropriate</u></p>
8.8 c.	<p>Removal of whole point:</p>

	If the Officer recommendation is ultimately in agreement with the Parish, Town or City Council's view, the decision will be delegated to Officers.
8.8 d.	Removal of whole point: If the Officer recommendation is ultimately not in agreement with the Parish, Town or City Council view AND the application is classified as a major application ⁵ it will automatically be referred to the area based Planning Committee.
8.8 e.	Removal of whole point: For all other applications, if the Officer recommendation is ultimately not in agreement with the Parish, Town or City Council view then the Strategic Director (Climate and Place) will refer the application to the Chair and/or Vice Chair of the area based Planning Committee. The Chair and/or Vice Chair, in consultation (where possible) with the Divisional Members, will determine whether the application should be referred to the area based Planning Committee for a decision, or whether the exercise of delegated powers is appropriate, providing material planning reasons for this decision.
8.8 f.	Removal of whole point: A Parish, Town or City Council may request an extension of the time limit in which they must notify the Planning Service that they wish to refer a Planning Application in order to allow for consideration at the next meeting of the Parish, Town or City Council (or it's Planning Committee). Such a request shall be granted where possible.
8.8 g.	Removal of whole point: On referral to Chair and/or Vice Chair, the Divisional Member will receive a copy of the officer report and will be advised of the decision as to whether it stands referred.
8.9	Referral by Parish, Town and City Councils
	Minor amendment to title to add after re-consultation (post 21 days):
8.9 a.	Re-writing of point to: As a direct result of substantial changes and <u>following any re-consultation notification of an application to</u> , the Parish, Town or City Council, <u>will be given a further 14 days will be given, from the date of re-notification, to request a referral, and the above process will apply.</u> that the application is referred to the relevant Planning Committee by notifying the Planning Service in writing stating whether they support or object, with material planning reasons.
8.9 b.	Removal of whole point: If the Officer recommendation is ultimately in agreement with the Parish, Town or City Council view, the decision will be delegated to Officers.
8.9 c.	Removal of whole point: If the Officer recommendation is ultimately not in agreement with the Parish, Town or City Council view AND the application is classified as a major application ⁶ it will automatically be referred to the area based Planning Committee for a decision.

8.9 d.	<p>Removal of whole point: For all other applications, if the Officer recommendation is not in agreement with the Parish, Town or Council view, the Executive Director (Climate and Place) will refer the application to the Chair and/or Vice Chair of the relevant area-based Planning Committee. The Chair and/or Vice Chair, in consultation (where possible) with the Divisional Members will determine whether the application should be referred to the area-based Planning Committee for a decision, or whether the exercise of delegated powers is appropriate, providing material planning reasons for this decision.</p>
8.9 e.	<p>Removal of whole point: A Parish, Town or City Council may request an extension of the time limit in which they must notify the Planning Service that they wish to refer a Planning Application in order to allow for consideration at the next meeting of the Parish, Town or City Council (or it's Planning Committee). Such a request shall be granted where possible.</p>
8.9 f.	<p>Removal of whole point: On referral to Chair and/or Vice Chair, the Divisional Members will receive a copy of the officer report and will be advised of the decision as to whether it stands referred after.</p>

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