
Review of Part D8 of the Council's Constitution – Planning Committee Terms of Reference and Code of Good Practice for Planning

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Executive Lead Member: Cllr Bill Revans, Leader of the Council

Division / Local Member: All

1. Summary and background

- 1.1.** This report and its supporting documents proposes amendments to the Constitution relating to the Planning Service. Specifically to Part D8 – Planning Committee Terms of Reference and Appendix 1 – Code of Good Practice for Planning. This work is in line with the commitment given in February 2023 that a review of the Constitution would be completed and reported to Full Council by June 2024.
- 1.2.** The Constitution and Governance Committee maintains the oversight of the review and provides a steer to officers ahead of any proposals being brought forward for consideration and recommendation to Full Council.
- 1.3.** The development of the new Constitution followed extensive partnership work by the five legacy councils and was influenced by the experience and the Constitutions of previous local government reorganisations in Buckinghamshire, Wiltshire and Dorset. Reference was also made to best practice from the five legacy councils.
- 1.4.** The review has been undertaken by the Lead Member for Economic Development, Planning and Assets and the Chairs and Vice Chairs of the Planning Committees, with support from Senior Planning, Legal and Democratic Services officers.

2. Issues for consideration / Recommendations

2.1. The Committee is asked to :

- 1) Review and comment on the proposed changes to the following parts of the Council's Constitution:
 - I. Part D8 – Planning Committee Terms of Reference
 - II. Appendix 1 – Code of Good Practice for Planning
- 2) support the proposed changes from the Constitution Working Group – Planning Committees and proposed they be confirmed by Council on 22 May 2024.

3. Consultations undertaken

- 3.1.** The review has been led by the Head of Governance and Democratic Services with the support of the Lead Member for Economic Development, Planning and Assets, the Chairs and Vice-Chairs of the Planning Committees and senior officers from Planning, Legal, Rights of Way and Democratic Services.
- 3.2.** The review has included information gathered from surveys completed by both Members and the public at each Planning Committee meeting from June to October 2023 and also an all-Member survey in February 2024 on the main proposed changes to the Planning Committee Terms of Reference. The proposed changes to Part D8 – Planning Committee Terms of Reference have been considered by Members at several workshops with officers from October 2023 to March 2024.

4. Considerations during the review

- 4.1.** During the review a number of proposals were put forward by both Members and Officers and the majority of them have been incorporated into the new Planning Committee Terms of Reference. Some of the proposals were minor clarifications by officers around various Acts and the inclusion of reference to Public Rights of Way and Town or Village Green applications (as well as planning applications).
- 4.2.** Options proposed but not supported were :

Additional time for local Division Members to speak at a Committee Meeting as they would have local knowledge of the issue

This proposal was not supported as it was felt that City, Town and Parish Councils may also feel they should be allowed longer to speak as they too would have local knowledge. Also it could create confusion at a meeting with different speaking times. This is largely borne out by the responses to the

Member Survey where 18 were in favour and 14 were not. However, it was felt the Chair's could have some discretion on this issue subject to the complexity of the issue being discussed.

4.3. Proposal that the four area-based Planning Committees be comprised of 11 - 13 members (to be determined by Full Council)

This proposal was made because of the number of apologies at each meeting and the difficulty in finding substitute Members to attend. The Chairs felt it would be better to have 9 or 11 committed Members rather than 13 who were unable to attend on a regular basis. There was some debate on this at the workshop meetings and it was agreed to leave this as a decision for Full Council.

4.4. There are a number of changes proposed to the referral process of applications to Planning Committees by both the Divisional Member and the relevant Parish, Town or City Council. These have been proposed to streamline the process. The proposals were partially supported in the responses to the Member Survey.

4.5. A number of changes have been proposed to both documents and they are detailed in Appendix 1 and Appendix 2 in detail. For clarity, they have been colour coded to **Minor** and **Key** proposals.

5. Implications

5.1. Legal - under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

5.2. No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

6. Background papers

6.1. Appendix 1 - Table detailing the proposed changes to Part D8 – Planning Committee Terms of Reference

Appendix 2 - Table detailing the proposed changes to the Code of Good Practice for Planning (Appendix 1 of the Constitution)

Appendix 3 - Part D8 – Planning Committee Terms of Reference – current version as adopted by Council in February 2023

Appendix 4 - Part D8 - Planning Committee Terms of Reference - with track changes as proposed by the review

Appendix 5 - Part D8 - Planning Committee Terms of Reference - clean version with all proposed changes

Appendix 6 - Code of Good Practice for Planning - current version as adopted by Council in February 2023

Appendix 7 - Code of Good Practice for Planning - with track changes as proposed by the review

Appendix 8 - Code of Good Practice for Planning - clean version with all proposed changes

Note For sight of individual background papers please contact the report author