

# Constitution and Governance Committee

Monday 30 January 2023

10.00 am Luttrell Room - County Hall,  
Taunton



## SUPPLEMENT TO THE AGENDA

To: The Members of the Constitution and Governance Committee

We are now able to enclose the following information which was unavailable when the agenda was published:

Item 4	Public Question Time (Pages 3 - 8) The Chair will allow members of the public to ask a question or make a statement about any matter on the agenda for this meeting. <b>These questions may be taken during the meeting, when the relevant agenda item is considered, at the Chair's discretion.</b>
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Democratic Service Team, County Hall, Taunton, TA1 4DY

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# Agenda item 4

## Question to Committee from Loretta Whetlor 26th January 2023

1. With reference to paragraph 7.19 of appendix 2, the suggested 3 minutes of “shared time” for public participants should be increased to a minimum of 15 minutes (or 5 individual participants with 3 minutes each). As planning is a key area of council work that residents directly engage with, the current proposal risks making the new council appear remote, undemocratic and indifferent to the views of its residents. In particular, if the application is seen as contentious.

I do understand the need to cut down the time spent on having a large contingent of public participation but it must be remembered that residents should be allowed to have their say.

2. Arrangements for town and parish councils who wish to see applications referred to the planning committees have been proposed without any prior consultation with the sector. While the proposals appear to closely mirror the current process in South Somerset, other districts have different procedures in place. The views of town and parish councils should be sought before the proposals in paragraphs 8.4 and 8.8 of appendix 2 are agreed. A failure to consult parishes on this key policy area could significantly damage the trust and goodwill that has been achieved to date during the LGR process.

Paragraph 8.8 a) puts pressure on smaller parish councils who might not meet on a monthly basis to have to call meetings to specifically talk about a planning matter. The way it is done in Somerset West and Taunton and previously West Somerset District Council has worked well. If the parish or town disagrees with the officers' recommendations then it is referred to committee. If officers or the chair are to decide the outcome of an application, in the main, what is the point of a committee?

I understand the need to get all council committees up and running and members appointed and trained before 1<sup>st</sup> April 2023 but do feel that more time could be found to give the two areas above some further consideration.

Planning is a very emotive subject (as can be seen from a contentious application which was recently refused in my ward recently) and it is very important that the new council gets this one right otherwise the hard work that has been done already to maintain good links with the parishes/towns could be damaged.

I know there has to be a starting point but hope that my concerns are taken into consideration. What was to happen with planning in the Unitary has been a subject discussed by many parishes/towns for some time now. Nobody has come up with anything and then suddenly with less than 10 weeks to go we are presented with this paper. At the many LCN meetings I have attended planning has come up time and time again. No one had an answer I am very concerned that we are going down a path where other views are not being taken into consideration.

I thank you for your indulgence in listening to my request. Loretta Whetlor

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## **First Draft**

### **Speech to SC Constitution and Governance Committee**

**30 Jan 2023**

Good morning – my name is Nick Hall. I live in Pilton. In May I was elected as a Parish Councillor. Today I am speaking in a personal capacity owing to the quick turnaround.

It is possible that one or more planning applications for our Parish may be determined by your Council very shortly after vesting day.

I note the formation of a Strategic Planning board and four Area Planning sub-committees. There is much interest in the rules for determining an application in particular the officer scheme of delegation and the rules for the Area Planning sub-committees.

Under Agenda Item 5 – Appendix 2: Committee Structure and Procedure Rules I note that the Planning and Licensing functions have their own rules.

Under Agenda Item 8 – Appendix 2: Planning Committee Procedure Rules I would like to make the following points:

3.1 Planning applications cannot be delegated from the Strategic Planning Committee until a definition of ‘major’ development is agreed upon. It is my assertion that any development which exceeds say [50] Ha should be considered ‘major’.

7.18 The term “two working days” needs clarifying and I believe that it is rather long.

7.19 It is unacceptable, and probably contrary to the Human Rights Act, for the parish councillors, objectors and supports to be so severely limited in time by introducing a shared 3 minute time limit.

I also have some concerns about 8.6, 8.7 and 8.8. Also there should be a transitional arrangement to the Divisional Members. For example if there are substantial changes to an application on 20 March 2023 is the existing Ward Member responsible for referral or the new SC Divisional Member?

ENDS

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CPRE Somerset Speaking Notes- Constitution and Governance Committee-Agenda item 8 ( Planning Committee Procedure Rules) - Luttrell Room, County Hall, Taunton- 10.00am, 30 January 2023

I am Fletcher Robinson, Trustee and Planner for CPRE Somerset

Our Trustees have asked me to voice our strong objection to two proposals before this committee:

1. That objectors at planning committees of the Unitary Authority must share a single three minute speaking period [ Planning Committee Procedure Rules, Para 7.19] ;
2. That a planning committee Chair may overturn a member's request to refer a planning application to committee, if the member's view is contrary to the officer's recommendation [ Planning Committee Procedure Rules, Paras 8.4-8.8 ].

As regards the proposal in 7.19 for one single shared three minute speaking period for objectors, this is both undemocratic, and unworkable in practice. According to our research, there is not a single planning authority in the entire country that operates such a draconian system.

We are not suggesting that Somerset Council should emulate Exeter City Council, for example, where there is no stated limit on the number of people who may speak , but it would be a sad day for local democracy if the new Somerset Council is seen to be engaging in a race for the bottom on such an important matter as public participation.

We urge councillors to reject this proposal, and to adopt a transparent, fair and simple procedure, for example the most common procedure in the country being that each speaker will have a maximum of three minutes.

The stated number of speakers can vary from authority to authority, but a reasonable mid-point position is that objectors will have a maximum of 12 minutes in total, supporters will have the same, and in all cases that we have identified more speakers are allowed at the chair's discretion.

As regards the role of members in the Referral Process, the wording of paras 8.4-8.8 allows the chair to overturn a member's request to refer a planning application to committee, if the member's view is contrary to the officer's recommendation.

This proposal unjustifiably diminishes the traditional powers and prerogative of councillors, and It is undemocratic that the final decision on referral by a member should rest with the chair. We urge this committee to reject that wording as well.

FR/27.1.23

