

LGR - Constitution Documents for proposed new Planning function

Lead Officer(s): Scott Wooldridge, Monitoring Officer/ Kevin Williams, Deputy Monitoring Officer, Somerset West and Taunton Council.

Author: Kevin Williams – Deputy Monitoring Officer - Somerset West and Taunton Council.

Contact Details: k.williams@somersetwestandtaunton.gov.uk

1. Summary

1.1. The Somerset (Structural Changes) Order 2022 will establish a single tier of Local Government for Somerset with effect from 1 April 2023 and that unitary council will be known as Somerset Council. Somerset Council will have all of the functions relating to town and country planning legislation, development control, rights of way and village green matters that are currently undertaken by Somerset County Council and the four district councils of Mendip, Sedgemoor, Somerset West and Taunton and South Somerset.

1.2. Presently all four Districts and the County Council have Planning functions.

2. Issues for consideration / Recommendations

2.1. The proposals detailed in this report, offer a structure that will bring the County and District planning functions together in a single Committee format.

The Constitution and Governance Committee is asked to –

(1) Approve the proposals set out in paragraphs 2.2 to 2.5 below, in relation to revision of the Council's Constitution.

2.2. It is proposed that a new Planning Committee be established to be known as the **Strategic Planning Committee** and four **area based Planning Sub-Committees** be established for the discharge of the Council's planning functions

2.3. A structure chart of the proposed new committees can be seen at **Appendix 1** to this report.

2.4. Proposed Terms of Reference for the new Committee and its four area based Planning Sub-Committees are set out at **Appendix 2** to this report.

2.5. An amended Planning Protocol is attached **Appendix 3**. This is based on the recently updated Mendip District Council Protocol.

3. Background

- 3.1.** The Local Government Act 1972 and subsequent primary and secondary legislation sets out the statutory framework for the exercise of Planning functions. This framework designates which functions are exercisable by Shire Counties, non-Unitary District Councils and Unitary Councils.
- 3.2** The exercise undertaken has involved the joining together of the District Council and County Council Planning function where they are to be determined by a delegation from Full Council to Committees and from there to officers.
- 3.3** Certain functions remain Executive functions. This will be set out in the Article in the Constitution dealing with the Executive and the Executive Procedure Rules.
- 3.4** It is proposed that all the Committees operate with political balance unless such requirements are set aside at Full Council with no member voting against.

4. Consultations undertaken

- 4.1.** Planning Professionals and relevant officers across all the Somerset Districts, the County Council and the LGR Governance Workstream.
- 4.2.** The constitution documents for the Planning function at Buckinghamshire and other Local Authorities have been taken into consideration in the creation of the proposed Constitution documents for the planning functions for the new Somerset Council.
- 4.3** Extensive consultation has taken place with Planning Chairs, Portfolio Holders and Members across all the Councils together with Lead Members at Somerset County Council.

5. Implications

- 5.1.** Details of the scheme for planning functions for Somerset Council and how it will operate will need to be in place at vesting day. Members of the proposed Committee(s) will require training ahead of vesting day as without it, they will be unable to exercise planning functions on the new Committee(s).
- 5.2.** Without a scheme for planning functions, any decisions purporting to be taken, will be unlawful and open to legal challenge.

6. Background papers

6.1. None

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

Appendices:

Appendix 1 - Structure Chart – Proposed Committee Structure

Appendix 2 - Proposed Terms of Reference (TOR) and procedures for the Committees

Appendix 3 - Planning Protocol