

Public Agenda Pack



FULL COUNCIL

Wednesday, 22 May 2024

2.00 pm

**Hollinsworth Hall, Canalside Conference Centre,
Marsh Lane, Huntworth, Bridgwater, TA6 6LQ**

SUPPLEMENT 2 TO THE AGENDA

To: The members of the Full Council

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

Agenda Item 9 First year review of the Council's Constitution (Pages 3 - 6)

Proposed amendment for Paper D put forward by Councillor Dave Mansell along with officer advice.

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Amendments to Paper D (Part D8) in Item 9

In Paper D, replace recommendations on Part D8 – Planning Committee Terms of Reference with the following new 2.1, 2):

Refer the proposed changes to Part D8 – Planning Committee Terms of Reference to Constitution and Governance Committee for further review after requesting feedback on the proposed changes from Council Members.

This change deletes current 2.1, 1), 1. and deletes and replaces 2.1, 2).

Proposed: Cllr Dave Mansell

Seconded: Cllr Bob Filmer

If the above amendment is passed, the following amendments will be withdrawn.

Amendments to Paper D, Recommendation 2.1

EXPLANATION AND RESULT OF THESE AMENDMENTS

The amendments apply to a Member request for referral of a planning application to Committee. They apply to major and other applications. A proposed requirement is removed for the Member to inform (with material planning reasons) the Chair or Vice Chair, within 2 working days of receiving the Officer report and recommendation, if they still wish the item to be referred to Committee (the Chair or Vice Chair to then decide on whether the application can be delegated to officers or referred to Committee). Instead, the amendment allows the decision to be delegated to officers if the officer recommendation is in agreement with the Member's views, or for the decision to be referred to Committee where the officer recommendation is not in agreement with the Member's views, unless the Councillor's request is withdrawn.

AMENDMENTS

Add 'with the following amendments' to end of 2.1, 1) 1. and then the text that follows.

The amended recommendation then reads:

1) Agree the proposed changes to the following parts of the Council's Constitution:

I. Part D8 – Planning Committee Terms of Reference (see Appendices 4 and 5) along with the following amendments to the proposed changes:

After new 5.6 a, replace new 5.6 b-c (and original 8.6 b-e) with following new clauses:

- b. If the Officer recommendation is ultimately in agreement with views of the Local Unitary Councillor, the decision will be delegated to Officers.
- c. If the Officer recommendation is ultimately not in agreement with views of the Local Unitary Councillor, the application will be referred to the area-based Planning Committee for a decision, unless the Local Unitary Councillor withdraws their request within 5 working days of being sent the Officer report and recommendation.
- d. The Chair or Vice-Chair of the relevant area-based Planning Committee may consult the Local Unitary Councillor about their request for referral to Committee once they have been sent the Officer report and recommendation. Only the Local Unitary Councillor can withdraw their referral request within 5 working days of being sent the Officer report and recommendation.

AMENDED TEXT

With these amendments the new proposed text for 5.6 will be as follows:

5.6 Local Unitary Councillor referral of planning applications to Planning Committee:

- a. Within 28 days of being notified of a Planning Application, the Local Unitary Councillor and/or a Local Unitary Councillor of an adjoining division can request referral of the application to the relevant Planning Committee by notifying the Planning Service, in writing, with material planning reasons.
- b. If the Officer recommendation is ultimately in agreement with views of the Local Unitary Councillor, the decision will be delegated to Officers.
- c. If the Officer recommendation is ultimately not in agreement with views of the Local Unitary Councillor, the application will be referred to the area-based Planning Committee for a decision, unless the Local Unitary Councillor withdraws their request within 5 working days of being sent the Officer report and recommendation.
- d. The Chair or Vice-Chair of the relevant area-based Planning Committee may consult the Local Unitary Councillor about their request for referral to Committee once they have been sent the Officer report and recommendation. Only the Local Unitary Councillor can withdraw their referral request within 5 working days of being sent the Officer report and recommendation.

Proposed: Cllr Dave Mansell

Seconded: Cllr Gwil Wren

Full Council meeting on 22 May 2024

Agenda item 9 Paper D – officer advice in relation to proposed amendment from Cllr Mansell

Officers from Planning, Legal and Democratic Services have reviewed the proposed amendments to the recommendations from the Constitution & Governance Committee and the review work that has been undertaken by the Planning Constitution Working Group led by the Chairs and Vice Chairs of the five planning committees over several months.

Our main observation and advice to members is that the proposed amendment effectively would seek to introduce a new procedure that has not been subject to consultation or wider review by the Planning Constitution Working Group and the Constitution & Governance Committee which agreed their recommendations on 17 April. The amendment would look to introduce a new automatic referral to planning committee in the event of a Local Unitary Councillor comment contrary to the recommendation. This could result in an increased volume of applications at planning committees and an uplift on cost for the Council. The report and recommended changes from the Constitution & Governance Committee that are currently proposed have been subject to detailed review and consultation with members, officers and other stakeholders. The recommendation for the report is also for a further review. If this were an area members wanted to consider it could be subject to wider consultation in that further review. Members will note in the recommendations from Paph that the Constitution & Governance Committee has already proposed to undertake a further review of the Planning Committees Terms of Reference later in 2024/25 so the recommendations being considered next week are not the only opportunity for members to contribute to the Terms of Reference.

Currently applications with a contrary comment or request for a call in by a Local Unitary Councillor are referred to the Chair and Vice Chair for review and confirmation as to whether the application will be delegated or referred to committee. The majority of these referrals are as a result of Parish/Town/City Council comments. As part of this process the officer report is sent out to the Local Unitary

Councillors setting out the justification for the recommendation and any appropriate conditions or confirming the reason for refusal. The current proposal allows the Local Unitary Councillors to confirm they maintain or remove their comment within 2 working days following receipt of the report. The Chair and Vice Chair then have a further 3 working days to confirm route of determination. Aware of members comments regarding timing and it could be recommended to increase the Local Unitary Councillors time for response to 3 working days and the Chair and Vice Chair to 2 working days but given the pressure on the council for timely decisions we are not looking to extend this time period beyond 5 working days.

Within Cllr Mansell's response it is confirmed that if the recommendation is in line with the Local Unitary Councillors comment the application would be delegated. This is current practice so would not change as part of the proposed amendments.