

Name of person submitting	Question
Mr Pakes	<p>I request to speak at the above committee on application 38/24/0104 approved at the August Committee. I do not wish to speak on the merits of the application but on the way it was dealt with at that committee.</p> <p>Question 1a - Why did Councillor Rigby not declare a prejudicial interest and why did the Chairman allow him to speak and vote in favour of the application?</p> <p>Question 1b – Why was the objection by Taunton Town Council not read out at Committee and is not recorded in the minute of the meeting?</p> <p>Question 1c - Why in the Planning Officer’s Report is there a reference to the possible loss of Government finance if the application is refused?</p>
Full written response	<p>Question 1a</p> <p><i>It is suggested that, at the meeting of the Planning Committee West on 20th August 2024, Councillor Rigby should have declared a ‘prejudicial interest’ in the planning application 38/24/0104 and that the Chair should have prevented him from speaking. In response:</i></p> <ol style="list-style-type: none"> <i>1. It is the responsibility of each individual member of the Committee to decide whether they are bias or predetermined in a particular agenda item.</i> <i>2. The Chair has no power to direct a Councillor to declare an interest or to prevent them from speaking if they choose not to declare.</i>

3. *Even if a Councillor declares themselves predetermined, this would not constitute a 'prejudicial interest' under the Council's adopted Members' Code of Conduct and Councillor would still be entitled to speak on the item (albeit not take part in the debate or vote)*

Somerset Council's adopted Code of Good Practice for Planning contains clear guidance on bias and determination (Paras 6 & 7) and the Constitution requires declarations to be made in accordance with those rules at the outset of the Planning Committee meeting or as soon as the interest becomes to light (Para 4.6 Part D8 Area Based Planning Committee and Strategic Planning Committee Procedure Rules).

Members who wish to sit on a Planning Committee must undertake training on probity in decision making, including training on bias and predetermination.

Councillor Rigby had undertaken the necessary training and was, therefore, entitled to sit on the Planning Committee - West on 20th August 2024. He did not declare that he was biased or predetermined in respect of Agenda Item 5 for planning application 38/24/0104 (Footbridge across The Tone, Somerset Square, Taunton).

Councillor Rigby was the Executive Councillor for Economic Development, Planning and Transportation for Somerset West and Taunton Council (SWAT) when the original bridge proposal was submitted and when it was withdrawn. However, Councillor Rigby's executive role in relation to the Coale Orchard scheme ceased on 1st April 2023 with local government reorganisation.

Councillor Rigby was subsequently appointed by Somerset Council as Executive Member for Transport & Digital up until 1st January 2024, but this portfolio did not include responsibility for the Coal Orchard development.

Planning application 38/24/0104 was registered on 16th May 2024, over a year after the bridge proposal fell within Councillor Rigby's previous SWAT portfolio.

During his contribution to the committee debate on the item on 20th August 2024, Councillor Rigby quite properly limited his remarks to the planning merits of the bridge proposal.

Therefore, Officers can see no evidence that Councillor Rigby was biased or predetermined in relation to the determination of application 38/24/0104.

Question 1b

The objection from Taunton Town Council was not read out at Committee and not recorded in the minutes of the meeting because the objection had already been documented in the published report on the application. Committee Members had the details of the objection before them in the report and could take this into account in making their decision on the application. On another item on the same agenda comments from a parish council were read out at Committee because they had been received after publication of the report and so the Committee had to be verbally updated regarding those comments in order to take them into account.

Question 1c

The Officer Report says the following in section 10.1.9 Any other matters: “If permission were not granted and the opportunity lost then so would be the funding which is specifically linked to the scheme”. The future implementation of an accessible route across the river is a planning matter and therefore the issues relating to the successful implementation of this are material to the determination of the application. The impacts and the benefits of the proposed bridge were set out in the Officer Report and whilst the funding issue is referred to, the report does not suggest to Committee members that this specific issue should be given overriding weight. The report does not prevent members from attaching appropriate weight to any of the material planning considerations, including the potential for the harm to outweigh the benefits.