

Amendment to the Constitution - Agreement of Planning Call In wording

- 7 Mr Baughen updated members on the proposed wording as set out in the agenda report. Officers considered that the proposed 5 week timescale provided sufficient time for both the Parish and/or Ward Councillors to consider whether they wished to call in an application for consideration at the Planning Committee, whilst providing applicants, neighbours etc with a degree of certainty as to how an application would be determined. Officers also agreed with the proposals that had been discussed by members at the previous CRWP meeting and considered that the dual signoff by the Head of Planning Services and the Portfolio Holder provided the appropriate balance.

The Chairman advised that he had emailed officers and the CRWP members to question the way it was worded as it appeared to give a veto to the Head of Planning Services and he questioned whether that was the intention. Consequently, officers had liaised with Mr Trowell and had suggested the alternative wording of *'the Portfolio Holder in consultation with the Head of Planning Services'*. Councillor Rankin agreed that both parties could not individually make the decision and supported the alternative. This was supported by feedback that she had received from Conservative Group members, where the consensus was that the Portfolio Holder should be the principal decision maker. Councillor Rankin advised that only one member had indicated that 5 weeks was too short a consultation period and she did not think one person's view was sufficient to change the proposed wording. Councillor Rankin did suggest, however, that the words 'as valid' should be inserted into the sentence to read *'...reasons for the "call in" have been agreed as valid...'* as this would better qualify the statement.

Councillor Mrs March advised that Cabinet members would be happy that the Portfolio Holder had the ultimate say but that would have to be as a result of discussion with the Head of Planning. Cabinet members had also accepted the wording 'and/or' in 8.1.1.

Councillor Munn provided feedback from the other political groups and commented that the wording might give either the Portfolio Holder or the Head of Planning Services the opportunity to re-word the call in. He hoped that a veto would rarely be used. Feedback he had received also raised concerns over the previous wording but he felt the revised wording as discussed was acceptable.

The Chairman asked Mr Trowell if there was a revised wording for paragraph 5.1. Mr Trowell suggested it was sufficient to insert a specific reference to paragraph 8.1. Members agreed the insertion.

Councillor Munn referred to part B) of 8.1.1 and asked what constituted evidence of significant local concern and whether it had to be provided or simply referred to. Feedback had indicated concern that complainants would be identified. Councillor March advised that Cabinet members had discussed

what was “significant” or constituted evidence but they considered it would be too difficult to quantify as a general rule as it would be relative to the individual circumstances. Councillor Rankin felt that a degree of common sense was required but agreed there would be a need for evidence and that its significance would depend to an extent on proportionality. She also considered that the evidence would need to be in the public domain.

The Chairman agreed that ‘and/or’ was the correct option within 8.1.1 (in lower case) and also agreed that as far as the actual evidence was concerned that would have to be a judgement call for the Portfolio Holder.

As a result of the discussion, the CRWP recommended a revised wording to go forward to Audit & Governance and Full Council for adoption as follows:

The following matters below are delegated to the Head of Planning:

8. Determine all forms of planning and other applications and all notifications

submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, Localism Act 2011 or under any related principal or secondary legislation, except the following:

8.1 those applications where any Member has requested in writing that the application be “called in” to be determined by the Planning Committee, and the “call in” and reasons for the “call in” have been agreed as valid by the Portfolio Holder for Planning and Transportation following discussion with the Head of Planning (or delegated deputy).

8.1.1 The reasons for which an application can be called in must include:

A) the material planning issue(s) that warrant(s) the application being determined by Committee;

and/or

B) evidence and the reason(s) of significant local concern that warrant(s) the application being determined by Committee.

Additionally, CRWP recommended an amendment to Paragraph 5.1 of the Planning Committee Procedure Rules in consequence of the proposed changes to paragraph 8 in Table 3 of Annex C as follows:

5.1. The Constitution provides at Paragraph 8 in Table 3, of Annex C of

Part 3 that any member may “call in” any planning application – i.e. require that an application be determined by the Planning Committee rather than by an officer under delegated authority. Members should exercise discretion in using this power and should only call in applications where there is a material planning issue which warrants consideration by the Planning Committee, or where there is evidence of local concern that warrants consideration by the Planning Committee. Any request to call in an application should be made in writing to the Head of Planning Services.