

Changes to Constitution

Current provision	Proposed provision	Reason for change
<p>Part 4, Section 3 – Standing Orders</p> <p>Planning Applications paragraph 9.1 (a) –</p> <p>Members of the public who wish to speak at meetings of the Planning and Environmental Protection Committee must advise the Chief Executive by 4 p.m. the day before the meeting.</p>	<p>To amend as follows:</p> <p>Any Ward Councillor, Parish Council (or other groups defined in local planning policy as operating in a manner similar to a Parish Council) representative or member of the public who wish to address the Committee on any planning application or any consultation item referred from another local authority, must register with the Chief Executive by 12 noon Friday before the meeting.</p>	<p>To enable more efficient administration.</p>
<p>Procedure, paragraph 9.1 (b) –</p> <p>(i) Officers will introduce the item</p> <p>(ii) Representations by the ward Members and/or the Parish Council representative</p> <p>(iii) Members’ questions to the Parish Council representative</p> <p>(iv) Objectors’ representations</p> <p>(v) Members’ questions to objectors</p>	<p>To amend as follows:</p> <p>(i) Officers will introduce the item</p> <p>(ii) Representations by Ward Councillors</p> <p>(iii) Members’ questions to Ward Councillors</p> <p>(iv) Representations by Parish Council representative</p> <p>(v) Members’ questions to Parish Council representative</p>	<p>To simplify the existing provision.</p>

<ul style="list-style-type: none"> (vi) Representations by the applicant, agent and any supporters (vii) Members' questions to the applicant, agent and any supporters (viii) Officers' comments (ix) Members' will debate the application and get advice from officers where appropriate (x) Members will reach a decision 	<ul style="list-style-type: none"> (vi) Objectors representations (vii) Members' questions to objectors (viii) Representations by the applicant, agent and any supporters (ix) Members questions to the applicant, agent and any supporters (x) Officers' comments (xi) Members will debate the application and obtain advice from officers where appropriate (xii) Members will reach a decision 	
<p>Paragraph 9.2</p> <p>'The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes except that the Committee may decide to extend the time allowed for the following people making representations in cases where the applications involve unusual or exceptional circumstances:-</p> <ul style="list-style-type: none"> a) parish council representative b) objectors c) applicant or agent and their supporters' 	<p>To amend as follows:</p> <p>The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances:-</p> <ul style="list-style-type: none"> a) parish council representative b) objectors c) applicant or agent and their supporters 	<p>To simplify existing provision and to clarify speaking times.</p>
<p>No current provision</p>	<p>To include additional paragraph at 9.3 as follows:</p> <p>The total time allowed for speeches from Ward Councillors will not be more than ten minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or</p>	<p>To clarify speaking times.</p>

<p>No current provision</p>	<p>exceptional circumstances.</p> <p>MPs will be permitted to address the Committee when they have been asked to represent their constituents. Proof of this fact should be submitted to the Committee. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.</p> <p>To include additional paragraph 9.4 as follows:</p> <p>In lieu of speaking, Ward Councillors, Parish Council representatives and members of the public may submit representations in writing for consideration by the Committee. Written representations will be reported to the Committee in an update report and circulated on the day of the meeting.</p>	<p>To clarify the status of written submissions.</p>
<p>-----</p> <p>Part 3, Delegations Section 2 – Regulatory Committee Functions</p> <p>2.6.1.3 In respect of issues governed by the list of functions at Schedule 2.6.3, to determine whether, and in what manner, to enforce any failure to comply with an approval, consent, licence. Permission or registration grant by</p>	<p>To remove (d) completely</p>	<p>This point is not required as it is already delegated to officers as highlighted in 2.6.2.3 (d) (i)</p>

<p>the Council in cases where:</p> <p>(d) a breach of planning control has occurred but an officer has decided to take no enforcement action</p> <p>-----</p> <p>Part 3, Delegations Section 2 – Regulatory Committee Functions</p> <p>Paragraph 2.6.2.1 Delegations to Officers, (e)</p> <p>The Executive Director – Operations is authorised to deal with the following matters after consultation with the Chairman of the Committee and notification to (i) the Vice-Chairman, (ii) the representatives of the other political groups on the Committee of which the Chairman and Vice-Chairman are not members, (iii) relevant Ward Councillor, and no relevant planning objection being raised within 48 hours:</p> <p>(e) ‘Applications for the discharge or modification of covenants in agreements under Section 106 of the Town and Country Planning Act 1990’</p> <p>-----</p> <p>Paragraph 2.6.2.3 (c)</p> <p>c) all planning and enforcement matters relating to conservation, Hedgerows and Tree Preservation, and proposed Emergency Tree Preservation Orders except;</p> <p>(i) the designation or modification of a Conservation Area (Cabinet Member for Environment Capital and Culture)</p> <p>(ii) Designation, revocation, variation and modification of Tree Preservation Orders (other than emergency orders)</p>	<p>To transfer section (e) from Paragraph 2.6.2.1. to Paragraph 2.6.2.3</p> <p>The Executive Director – Operations is authorised to deal with the following matters subject to there being no prior referral by a Member or a Parish Council to the Planning and Environmental Protection Committee as set out in its terms of reference.</p> <p>(e) Applications for the discharge or modification of covenants in agreements under Section 106 of the Town and Country Planning Act 1990. Ward Councillors are to be made aware of any such applications.</p> <p>To remove 2.6.2.3 (c) (ii) and incorporate the wording into 2.6.2.3 (c).</p> <p>c) all planning and enforcement matters relating to Conservation, Hedgerows and Tree Preservation Orders and proposed Emergency Tree Preservation Orders which includes designation, revocation, variation and modification except:</p> <p>(i) the designation or modification of a Conservation Area (Cabinet Member for Environment Capital and Culture)</p>	<p>To simplify existing provision to enable more efficient administration.</p> <p>To simplify the administration process to allow staff to deal with standard tree preservation order matters.</p>
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<p>(iii) any which the Executive Director - Operations considers should be determined by the Planning and Environmental Protection Committee.”</p>	<p>(ii) any which the Executive Director - Operations considers should be determined by the Planning and Environmental Protection Committee.”</p>	
<p>-----</p> <p>Part 5, Section 4 Planning Code of Conduct</p> <p>3.1.1 Planning and Environmental Protection Committee</p> <p>Major, marginal or contentious applications are considered at the meetings of the Planning and Environmental Protection Committee at which ward members, objectors, applicants, and agents may address the Committee before a decision is made. In addition all applications by or on behalf of members, officers or Parish Councils will be referred to the Committee for determination.</p>	<p>To amend as follows:</p> <p>Major, marginal or contentious applications are considered at the meetings of the Planning and Environmental Protection Committee at which ward members, parish councillors, objectors, applicants and agents may address the Committee before a decision is made. In addition all applications by or on behalf of a Councillor, Director or Head of Service of the Authority (or by their spouse/partner) or Parish Councils will be referred to the Committee for determination.</p>	<p>This is to bring the Planning Code of Conduct in line with the delegations to officers as detailed in Part 3, Delegations Section 2 – Regulatory Committee Functions. 2.6.2.2 (f)</p>
<p>-----</p> <p>Part 5, Section 4 Planning Code of Conduct</p> <p>3.1.4 Delegation to Officers</p> <p>Certain types of application defined in the Constitution may be determined by officers alone, but a small minority are taken in consultation with the Chairman of the Committee in accordance with Standing Orders. All delegated decisions taken in consultation with the Chairman are referred to ward Members for consideration for a period of three clear working days prior to the decision notice being issued. Members may refer the decision during the consultation period to the Committee for determination.</p>	<p>To amend as follows:</p> <p>Certain types of application defined in the Constitution may be determined by officers alone, but a small minority are taken in consultation with the Chairman of the Committee in accordance with Standing Orders. All delegated decisions taken in consultation with the Chairman are referred to Ward members for consideration for a period of 48 hours prior to the decision notice being issued. Members may refer the decision during the consultation period to the</p>	<p>To reflect current practice and to amend error.</p>

<p>-----</p> <p>Part 5, Section 4, Planning Code of Conduct</p> <p>3.1.5 References to Committee</p> <p>In addition to those applications referred to in 3.1.1 above, members or Parish Councils may refer a planning application to Committee PROVIDED the reference is in writing based on proper planning considerations that relate to that application at the judgement of the Head of Planning Services.</p>	<p>Committee for determination.</p> <p>To amend as follows:</p> <p>In addition to those applications referred to in 3.1.1 above, members or Parish Councils may refer a planning application from the weekly press list to Committee PROVIDED the reference is in writing based on proper planning considerations that relate to that application at the judgement of the Head of Planning Services.</p>	<p>The change is to clarify the distinction before referrals for general planning applications and referrals by the Executive Director of Operations.</p>
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