



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 18 NOVEMBER 2020
Report Number	AGENDA ITEM 8
Subject	PLANNING PROTOCOL AND SCHEME OF DELEGATION
Wards affected	All
Accountable member	Cllr Joe Harris Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Claire Hughes Business Manager - Corporate Responsibility Email: claire.hughes@publicagroup.uk
Summary/Purpose	A report setting out proposed changes to Part E5 of the Constitution - Planning Protocol Guidelines for Councillors and Officers and a revised planning scheme of delegation
Annexes	Annex A - Part E5 of the Constitution - Planning Protocol Guidelines for Councillors and Officers Annex B - Draft revised Part E5 Annex C - Scheme of Delegation
Recommendation(s)	<i>That Full Council agrees the revised Protocol (Annex B) and Scheme of Delegation (Annex C) and gives delegated authority to the Monitoring Officer to make the consequential amendments to the Constitution.</i>
Corporate priorities	Ensure that all services delivered by the council are delivered to the highest standard
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group, Monitoring Officer Cllrs Webster and Layton Phil Shaw, Business Manager Development Management Mike Napper, Deborah Smith and Sophia Price - Planning Officers

1. MAIN POINTS

- 1.1 Part E5 of the Council's constitution sets out a planning protocol and guidelines for councillors and officers (Annex A)
- 1.2 The protocol supplements Part C (Responsibility for Functions) of the constitution which sets out the responsibilities of the Planning and Licensing Committee and is to be read in conjunction with the officer and member codes of conduct.
- 1.3 The protocol has remained unchanged for some time and it is now considered appropriate to refresh and review the protocol to ensure that it remains in line with all relevant legislation and good practice.
- 1.4 Updating the protocol has also presented an opportunity to review and update the scheme of delegation for planning.
- 1.5 The revised protocol and scheme of delegation were considered by the Constitution Working Group on 5 November 2020 who agreed to recommend the documents to Full Council for approval.

2. PROPOSED CHANGES TO PROTOCOL

- 2.1 Members will see from the attached Annex B, which sets out the draft revised protocol, that a number of changes are recommended. Some of these are a matter of 'tidying up' or updating but others are more significant.
- 2.2 **General Committee Management** - the current protocol makes no reference to time management or public speaking. This is now included and formally records the current public speaking limit of three minutes.
- 2.3 **Training** - this new section makes it clear that as the committee is one of a quasi judicial nature then all members who sit on the committee must have attended the basic introductory training session.
- 2.4 **Referral of applications to committee** - at present there is no definitive process for how a member calls an application to committee for determination. This new section clearly sets out the procedure to be followed and provides a mechanism by which referrals which are not made on planning grounds can be rejected by the Chair/Vice-Chair.

The proposal will require members to be clear on their reasons for referring matters to committee and ensure that those reasons are related to material planning considerations.

- 2.5 **Town/Parish Councillors** - whilst the existing protocol makes it clear that members can speak to town/parish councils about planning issues some additional guidance is

recommended to assist members in managing this. It also introduces the provision that ward members should not represent the views of their town/parish council during public speaking.

3. SCHEME OF DELEGATION

- 3.1 Whilst no significant changes to the scheme are being proposed the revised scheme does bring clarity around issues such as planning applications made by employees and members and ensures that the Council has a robust scheme in place thereby reducing the risk of legal challenge.

4. FINANCIAL IMPLICATIONS

- 4.1 None specific or arising from this report.

5. LEGAL IMPLICATIONS

- 5.1 Save that any changes to the Constitution have to be approved by Council, there are no specific legal implications arising from the recommendations in this report

6. RISK ASSESSMENT

- 6.1 There are no specific risks associated with this report. However failure to have a robust scheme of delegation in place does place the Council at risk of legal challenge.

7. EQUALITIES IMPACT (IF REQUIRED)

- 7.1 An equalities impact assessment is not required in relation to this matter.

8. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)

- 8.1 None specific or arising from this report.

9. ALTERNATIVE OPTIONS

- 9.1 Full Council could decide not to adopt the revised protocol or scheme of delegation but this is not recommended.

10. BACKGROUND PAPERS

- 10.1 None

(END)