

Groups comments on Constitution

Member Procedures

Section 8 District Council Role Definition (a) and Guidance for Planning (e)

Liberal Democrats	Conservatives
<p>Section (a)</p> <p>Teignbridge District Councillor Role Definition</p> <p>Main role 8</p> <p><i>to take part in Overview and Scrutiny Committees reviews if members of the group feel their specialist experience would positively contribute to the review even if they are not an Overview and Scrutiny Member</i></p> <p>Response: Support. It is a good change. Note the typo “positivity”</p> <p>We welcome a clarification of the roles and recognise that this is important given the tension identified in the CLG Report and the agreed need to rebalance the strategic role of councillors and the operational role of officers.</p> <p>It is important however that the balance is right. We are not satisfied that these proposals as they stand have that balance. We think there is a need for frank constructive discussion on this issue.</p> <p>To provide community leadership. This is very unclear.</p> <p>We feel there should be templates for these role definitions from LGA.</p> <p>Response: We are not satisfied that the best form of words for these role definitions has been explored. More work is needed.</p>	<p>8 Member Procedures</p> <p>Should include requirements detailing role and reporting of councillors appointed to outside bodies</p>
<p>Role Definition of Group Leaders</p> <p>To provide effective leadership and management of and communications within their own Group</p> <p>If appropriate, to ‘shadow’ one or more service of corporate area of the District Council’s activity.</p> <p>Response: Group Leaders should be free to run their Group as they see fit. It is not</p>	

for the Teignbridge constitution to define that.	
SECTION 8(e)	
5.1 However these should be undertaken as part of the pre application process for which a fee is payable Response: Accepted	
<p>New section</p> <p>7. PUBLIC SPEAKING AT PLANNING COMMITTEES</p> <p>7.1 Members of the public who wish to speak at a Planning Committee in support of or against a planning application may do so. Only planning related matters can be considered (e.g. access, road safety, design, effect on appearance of area etc.) Comments on non-planning related matters cannot be considered (e.g. loss of property value, loss of view, land ownership issues etc.) Response: Accepted</p> <p>7.2 Subject to the exception in the paragraph below, Members can only speak at a Planning Committee (in support of or against a planning application) if they are the Ward member for that particular application and/or they are a member of the Planning Committee. If a Ward member who is also a member of the Planning Committee does speak, they must not then take part in the voting for that planning application. The Ward member is permitted to speak in order to represent the views of their constituents - not the personal views of the Ward member as those view may not be consistent with the role of a Committee Member. By not participating in the voting, the Ward member preserves all appearance of impartiality and can freely voice the views of their constituents. Response: We do not support the prohibition on Councillors speaking on/voting on planning matters in their ward. This section is a ‘complex read’ and not at all easy to follow what is intended.</p>	

7.3 The exception to the requirement that in order to speak at a Planning Committee a Ward member must be both the Ward member for the planning application being determined and a member of the Planning Committee is where a Ward member who is neither the Ward member for the application nor a member of the Planning Committee, is the Ward member for an adjoining ward. In such circumstances, the Ward member for the adjoining ward will be permitted to speak provided they have received representations in writing from one or more constituents of that adjoining ward concerning the application. The Ward member will then be permitted to speak at the Planning Committee in order to represent the views of the constituents of the adjoining ward who have made written representations to the Ward member of the adjoining ward.

7.4 Member may not address the Planning Committee in any other circumstances unless they do so as either an objector or supporter.

Response: Language is cumbersome, as it is in 7.2 above.

It is not at all clear exactly what is being proposed. Can this section be expressed more simply and clearly?

8e Guidance for planning

Composition should be 17

8.4 should add "other than to seek clarification on an issue"
Section detailing valid planning reasons should be included

New Sections

8.5 The Planning Practice Guidance advises that the most common cause for costs being awarded against Local Planning Authorities is where there are unsubstantiated reasons for refusal. Vague, generalised or inaccurate assertions about a proposals' impact, which are unsupported by an objective analysis, are more likely to result in a costs award. The Chair will, if necessary, adjourn the meeting for a few minutes to allow Officers to advise of any other relevant planning issues to assist the Councillors with their reasons for a contrary determination. Alternatively, the senior planning officer supporting the Chair at the Planning Committee meeting may formally ask the Planning Committee to defer the vote until the next Planning Committee meeting in order to take advice and compile the planning reasons for any contrary determination if this cannot be done adequately at the time the propositions are made and this should advice will be formally minuted.

Response: We understand the need for caution before disregarding an officer recommendation, and the need to minute clear planning reasons for the decision. However, this section is again cumbersome in its use of language and would benefit from greater clarity. We reserve judgment on this matter until the proposal is clear.

8.6 The Planning Practice Guidance makes clear that local opposition or support for a proposal is not, in itself, a ground for refusing or granting planning permission unless it is founded upon valid material planning reasons. The Council will be at risk of costs for unsubstantiated reasons for refusal that rely almost exclusively on local opposition for their justification.

Response: No. This is simply restating an existing planning principle. It is not a rule or procedure. It is not a necessary part of the constitution.

8.6 should be reinstated in full (note numbering repeats line 8.5, this item should be 8.6)

8.8 In the event that a Member of the Planning Committee moves a motion to grant an application contrary to Officer's recommendation, the Councillor moving the motion MUST provide i) Full conditions and relevant informatives; ii) Full statement of reasons for approval (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015; iii) Relevant Development Plan policies and proposals. If the Councillor moving the motion does not meet these requirements, the motion shall not be deemed to have been properly made and cannot be seconded.

8.9. In the event a Member of the Planning Committee moves a motion to refuse an application contract to Officer's recommendation, the Councillor moving the motion MUST provide: i) Full statement of reasons for refusal which must include a statement as to demonstrable harm caused ii) Relevant Local Plan policies which the application is in conflict with. If the Councillor moving the motion does not meet these requirements, the motion shall not be deemed to have been properly made and cannot be seconded.

Response: NO. This is placing an unreasonable burden on councillors, who have a duty to make a free and fair decision in the meeting based on the facts presented.

Most planning decisions are a balance of conflicting considerations. It is right for the Officers to make recommendations, and for Councillors to be cautious in going against those recommendations.

In cases where Councillors consider the balance of merits should be weighed differently to the Officer's advice, that too, is proper and is the committee's responsibility.

<p>When that happens, it continues to be the Officer role to support the council in ensuring that the contrary decision is enacted, framed correctly in proper planning terms thereby minimising the risk of appeal and damage to the council.</p>	
<p>9.1 Site Inspection Team – see comments in planning section above</p> <p>9.5 Councillors can ask the Business Manager – Development Management for additional illustrative material to be presented in excess of the Officer’s report at least three working days before the Planning Committee meeting or during the site visit clearly specifying what additional material is needed and why.</p> <p>Response: Accepted</p> <p>9.6 Site visits should only occur when a Councillor has submitted a written request prior to the Planning Committee at which the relevant application is to be considered and explained why a site visit is considered to be necessary. A record of these reasons should be kept. If a request for a site visit is proposed at the Planning Committee meeting (without a prior written request), the Councillor proposing the site visit must clearly state the explicit reason why this was not apparent prior to the meeting, explain why it is now deemed to be necessary and in such a case, the deferment of the application pending the site visit must be agreed by a majority of the Planning Committee. A written record of the reasons given should be provided by the proposing Councillor to the Committee administrator immediately following the meeting.</p> <p>Response: We are concerned about restricting site visits, but we do see the desire to avoid their use as a deferral tool.</p> <p>9.8 See Planning above</p>	
	9.10 should be reinstated in full

	9.11 should be reinstated in full
<p>10 REVIEW OF PLANNING DECISIONS</p> <p>This is a great idea. We are not aware that it actually happens at all.</p> <p>Former 9.2 is deleted in 10 The outcome of this review will be reported to the Planning Committee and to the Overview and Scrutiny Committee and may lead to identification of possible amendments to existing policies or practice.</p> <p>Response: No. This seems a good idea. We should start doing it not delete it.</p>	