

BABERGH DISTRICT COUNCIL

From: Cabinet Member for Planning	Report Number: PL/17/31
To: Planning Committee	Date of meeting: 7 February 2018

REVIEW OF PLANNING CHARTER AND PUBLIC SPEAKING ARRANGEMENTS

1. Purpose of Report

- 1.1 To review and consider a revised Planning Charter and the arrangements for Public Speaking at Planning Committee and to approve the recommendations set out below.

2. Recommendations

- 2.1 That the revised Planning Charter (attached as Appendix A) be adopted.
- 2.2 That the arrangements for public speaking at Planning Committee be maintained in their current form.

3. Financial Implications

- 3.1 None.

4. Legal Implications

- 4.1 There is a risk of legal challenge to decisions made by the Planning Committee if robust and consistent procedures are not in place in line with current national guidance.
- 4.2 There is also a greater risk of a Local Government Ombudsman complaint being upheld if the Council does not provide clear, consistent and up to date advice to Members in carrying out their duties and responsibilities when determining planning applications and considering other planning matters.

5. Risk Management

Risk Description	Likelihood	Impact	Mitigation Measures
It is a high risk not to regularly review the Planning Charter to ensure that it reflects current practice and legislation.	Unlikely	Bad	As a core tenet of good governance, the Council keeps the Planning Charter under regular review and amends it.

6. Equality Analysis

- 6.1 There are no immediate equality issues.

7. Shared Service / Partnership Implications

- 7.1 None. The Planning Charter at Mid Suffolk District Council is currently under separate review and further work to consider opportunities to harmonise the two Charters will be undertaken.

8. Links to Joint Strategic Plan

- 8.1 The core of an Enabled and Efficient organisation is Good Governance. The Planning Charter and Public Speaking Arrangements are part of the governance arrangements for the Council.

9. Background and Key Information

- 9.1 The Council's current Planning Charter was adopted in November 2016 and is expected to be reviewed annually (Section 15). The Charter made arrangements for Member Referrals to Committee in Section 7. The operation of these Member referral arrangements in particular have been reviewed at the request of the Chairman of the Committee. Paragraph 7.6 of the November 2016 Charter sets out that upon receipt of a referral request the Professional Lead – Planning and Growth was required to assess whether the request had been made in accordance with this Charter. In the event that he did not so consider, he would refer the request to the Chairman of the Committee (or the Vice-Chairman in the absence of the Chairman) for further review. The Chairman would then make a final determination as to whether or not the referral should be accepted.
- 9.2 It is now proposed that a Delegation Panel be established to review Member referral requests. No other changes, save for consequential changes to officer post titles, are proposed to the Charter at this time. The Delegation Panel is proposed to comprise the Chairman and Vice-Chairman of the Planning Committee and the Corporate Manager – Growth & Sustainable Planning. The Member making the referral request would be invited to attend the Panel to clarify the reasoning set out in their Referral Request form.
- 9.3 The function of the Panel would not be planning decision making but simply to decide whether the application proceeds to determination at Planning Committee or under delegation. If the Panel decide that the application does involve significant policy, consistency or other material considerations and a decision on the application is of more than local significance then the application will be reported to committee once publicity and consultations are complete and the application has been evaluated by officers. If the Panel decide that the application does not involve significant policy, consistency or other material considerations and a decision on the application is not of more than local significance then the application will proceed to be determined under officer delegation.
- 9.4 Consequential amendments to reflect changes in job titles are also proposed to reflect current roles.
- 9.5 At the same time, the opportunity has been taken to review the arrangements for public speaking at the Committee. It was intended that the arrangements for public speaking adopted in November 2016 would be reviewed annually alongside the Planning Charter.

The operation of public speaking arrangements at the Committee are considered to be effective and to afford balanced and reasonable opportunity for public and stakeholder speaking on items at Planning Committee. No changes are therefore proposed to the currently adopted arrangements.

10. Appendices

Title	Location
A - Draft Planning Charter Revision February 2018	Attached

11. Background Documents

11.1 None.

Emily Yule
Assistant Director – Law & Governance
and Monitoring Officer

07860 827013

Philip Isbell
Corporate Manager Growth &
Sustainable Planning

07740179172
philip.isbell@babberghmidsuffolk.gov.uk