

01 November 2022 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 24.10.22

The meeting will also be livestreamed to YouTube on the Council's channel here:

[https://www.youtube.com/channel/UCLT1f\\_F5OfvTzxjZk6Zqn6g](https://www.youtube.com/channel/UCLT1f_F5OfvTzxjZk6Zqn6g)



## Governance Committee

### Membership:

Chairman, Cllr. Eyre; Vice-Chairman, Cllr. Nelson

Cllrs. Barnes, Bayley, Clayton, Penny Cole and Harrison

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To agree the Minutes of the meeting of the Committee held on 21 June 2022, as a correct record.	(Pages 1 - 2)	
2. <b>Declarations of Interest</b> Any interest not already registered		
3. <b>Actions from the previous meeting (if any)</b>		
4. <b>2023 Parliamentary Boundary Review</b>	(Pages 3 - 8)	Lee Banks Tel: 01732 227161 Nicola Fletcher Tel: 01732 227188
5. <b>Governance Working Group - Development Control Committee Procedures</b>	(Pages 9 - 22)	Martin Goodman Tel: 01732227245 Evelyn Gilder Tel: 01732 227306 David Lagzdins Tel: 01732 227350 Alison Salter Tel: 01732 227337
6. <b>The Council's Policy Framework - (Appendix F Of The Constitution)</b>	(Pages 23 - 24)	Charlotte Sinclair Tel: 01732227165
7. <b>Work Plan</b>	(Pages 25 - 26)	

## EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

**GOVERNANCE COMMITTEE**

Minutes of the meeting held on 21 June 2022 commencing at 7.00 pm

Present: Cllr. Eyre (Chairman)

Cllr. Nelson (Vice-Chair)

Cllr. Harrison

Apologies for absence were received from Cllrs. Bayley, Clayton and Penny Cole

Cllr Barnes was also present via a virtual meeting platform which did not constitute attendance as recognised by the Local government Act 1972.

Cllr. Dr. Canet was also present.

17. Minutes

Resolved: That the minutes of the meeting held on 13 April 2022 be approved and signed by the Chairman as a correct record.

18. Declarations of Interest

There were none

19. Actions from the previous meeting

There were none

20. Development Control Committee Working Group Feedback - Rules For Addresses To Committee

Members considered the report which proposed that the Governance Working group continue its work assessing the Development Control Committee procedures for public speakers.

The Chairman highlighted that Members had fed back to him regarding the Development Control Committee speaking procedures and consideration would be brought to the Working Group. The Chairman confirmed that the first meeting had been successful and Officers were putting together further information that would be considered at the next Working Group. A full report would be produced for the next meeting of the Governance Committee.

Resolved: That

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### Governance Committee - 21 June 2022

- a) the Working Group on Development Control Committee Procedures be reconstituted with the same terms of reference as previously agreed;
- b) the Governance Committee notes the work so far of the Working Group
- c) the Working Group be requested to report to the next meeting of Governance Committee with its final written recommendations.

#### 21. Work Plan

The Work Plan was noted with the following additions:

##### **1 November 2022**

- Report Of The Joint Independent Remuneration Panel
- Development Control Committee Working Group Feedback - Rules For Addresses To Committee Final Report
- 

THE MEETING WAS CONCLUDED AT 7.05 PM

CHAIRMAN

## 2023 PARLIAMENTARY BOUNDARY REVIEW

### Governance Committee - 1 November 2022

**Report of:** Chief Executive

**Status:** For Consideration

**Also considered by:**

- Council - 15 November 2022

**Key Decision:** No

**Executive Summary:** The Boundary Commission for England (BCE) will publish their revised proposals for Parliamentary Boundaries around 8 November 2022. This will be accompanied by a final consultation period of 4 weeks, ending around 5 December. This report sets out a proposal for ensuring the Council is able to submit a consultation response within the consultation timeline.

**Contact Officers:** Lee Banks, Ext. 7161

Nicola Fletcher, Ext. 7188

**Recommendations to Governance Committee:**

That Council be recommended to:

- (a) Note that revised proposals from the Boundary Commission for England for Parliamentary boundaries for the Sevenoaks District Council area are due to be published around 8 November; and
- (b) In accordance with the proposal at paragraph 16 of this report, approves that the Council submits a final consultation response to the Boundary Commission for England based on views collated from Members and agreed with the Chairman of the Governance Committee.

**Recommendations to Council:**

- (a) Note that revised proposals from the Boundary Commission for England for Parliamentary boundaries for the Sevenoaks District Council area have been published; and
- (b) In accordance with the proposal at paragraph 16 of this report, approves that the Council submits a final consultation response to the Boundary Commission for England based on views collated from Members and agreed with the Chairman of the Governance Committee.

**Reason for recommendations:** To ensure that Members are aware of the final proposals for new Parliamentary constituency boundaries for the wards they represent and that they are aware how their views may be reported back to the Boundary Commission for England.

### Introduction and Background

- 1 The Boundary Commission for England (BCE) is an independent and impartial non-departmental public body which is responsible for reviewing Parliamentary constituency boundaries in England.
- 2 The BCE has the task of periodically reviewing all the Parliamentary constituencies in England. It is currently conducting a review on the basis of rules most recently updated by Parliament in 2020. The BCE are required to report their final recommendations to Parliament by 1 July 2023.
- 3 The BCE are required to develop proposals which retain 650 constituencies for the UK Parliament as a whole and the proposed constituencies must also comply with strict parameters, in particular as far as the number of electors in each constituency is concerned.
- 4 Following the guidance of Parliament the final proposals must result in 543 constituencies in England (from 533), and require that every constituency - apart from two protected constituencies covering the Isle of Wight - has an electorate that is no smaller than 69,724 and no larger than 77,062.
- 5 As well as the primary rule that constituencies must have no fewer than 69,724 electors and no more than 77,062, the legislation also states that, when deciding on boundaries, the Commission may also take into account:
  - special geographical considerations, including in particular the size, shape and accessibility of a constituency;
  - local government boundaries as they existed (or were in prospect) on 1 December 2020;
  - boundaries of existing constituencies;
  - any local ties that would be broken by changes in constituencies; and
  - the inconveniences attendant on such changes.

### Initial proposals

- 6 The BCE published their initial proposals for the new Parliamentary constituency boundaries in England on 8 June 2021. A summary of the proposals for the wards within the Sevenoaks District were reported to Governance Committee in June 2021 and are listed as background papers to this report.

- 7 Whilst the majority of the District wards are unaffected by the proposals for new Parliamentary constituencies, the proposals would see Ash & New Ash Green and Hartley & Hodsoll Street become part of the Tonbridge constituency.
- 8 Darenth and Wilmington, Sutton-at-Hone & Hawley within the Dartford borough would become part of the Sevenoaks constituency.
- 9 Following an internal survey, shared with all Councillors, the Council drafted and submitted a consultation response to the BCE setting out its own views on the appropriateness of the proposals for the District and, as requested by the BCE, set out a counter proposal which met all of the conditions set out in paragraph 5 above.
- 10 The Council's consultation submission is listed as a background paper to this report and can be viewed at [www.bcereviews.org.uk/node/80207/view](http://www.bcereviews.org.uk/node/80207/view).

### Final Consultation

- 11 It is understood that the BCE will publish revised proposals for their Parliamentary Boundary Review around 8 November. This will be accompanied by a final consultation period, lasting 4 weeks, until 5 December.
- 12 Unfortunately, at the time of this meeting of Governance Committee no further information is available to share with Members.
- 13 Once published, a limited amount of time will then be available to review the revised proposals for the Sevenoaks District and establish whether a further (and final) consultation response will be required.
- 14 It is recognised that it is important that the revised proposals are shared with all Councillors, and that ample opportunity is given for comments to be given in relation to the revised proposals published by the BCE.
- 15 It is therefore proposed that on publication Officers will circulate a summary of the proposals for Governance Committee and all Council Members.
- 16 Subject to the detail of the revised proposals, the following actions are suggested for Members consideration:
  - i. If the revised proposals directly align to the Council's counter proposal submitted to the initial consultation, a statement of support for that proposal be drafted

Or

  - ii. If the initial proposals are unchanged, or do not align directly with the Council's counter proposal that Members are provided with the opportunity to submit further views to Officers for collation, to

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inform a draft, final consultation response. Members' views would be collated through a short survey or a drop-in session hosted by Officers.

- 17 The recommendations to this report set out that any further response to the revised proposals would be agreed with the Chairman of Governance Committee, based on the views collated from Members. This is the same process that was adopted for the Council's response to the initial proposals from the BCE in June 2021.
- 18 Members may also wish to note that the final consultation period is a public consultation and written responses can also be given by individuals should they wish to do so by visiting [www.bcereviews.org.uk](http://www.bcereviews.org.uk)
- 19 At the closure of the final consultation period the BCE will then make its final decisions about whether further modifications need to be made in light of those representations.
- 20 When the BCE has decided on its final recommendations for the whole of England, it drafts and submits a formal written report to the Speaker of the House of Commons before the deadline of 1 July 2023.
- 21 The submission of the formal final report concludes the BCE's involvement in the constituency review process. The procedure to subsequently implement new constituencies is the responsibility of the Government.

### **Other options Considered and/or rejected**

- 22 None.

### **Key Implications**

#### Financial

There are no financial implications arising from this report.

#### Legal Implications and Risk Assessment Statement

There are no legal implications arising from this report.

There is a risk that if no further consultation response is given the potential for the BCE to review their revised proposals may be reduced.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.



### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment

### **Conclusions**

The Boundary Commission for England (BCE) will publish their revised proposals for Parliamentary Boundaries around 8 November 2022. This will be accompanied by a final consultation period of 4 weeks, ending around 5 December. It is considered important that Members have full sight of the revised proposals, have the opportunity to record their comments should it be necessary and that a final consultation response can be drafted on behalf of the Council based on those views. Proposals ensuring this can take place within the timelines set out by the BCE are set out within this report.

#### **Appendices**

None.

#### **Background Papers**

[Report to Governance Committee - 22 June 2021](#)

[Initial Proposals for the Sevenoaks District](#)

[Sevenoaks District Council Initial Consultation Response](#)

**Dr. Pav Ramewal**

**Chief Executive**

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## DEVELOPMENT CONTROL COMMITTEE PROCEDURES

### Governance Committee - 1 November 2022

**Report of:** Monitoring Officer

**Status:** For consideration

**Also considered by:** Council - 15 November 2022

**Key Decision:** No

**Executive Summary:** Following meetings of the Governance Working Group, that was established to review certain Development Control Committee processes, this report sets out the recommendations that are the outcome of their review. The Working Group recommends amendments to Part 7 of the Constitution, as set out at Appendix A.

**Contact Officer:** David Lagzdins, Ext. 7350, Alison Salter, Ext. 7337, Evelyn Gilder, Ext. 7306

**Recommendation to Governance Committee:** That it be recommended to Council that:

- a. the amendments to Part 7 of the Constitution, as attached at Appendix A, take effect from the 2023/24 municipal year.

**Recommendation to Council:** That the amendments to Part 7 of the Constitution, as attached at Appendix A, take effect from the 2023/24 municipal year.

### Introduction

- 1 A Working Group to consider the practices of the Development Control Committee was first constituted on 13 April 2022 to consider (and if appropriate propose) amendments in principle to Part 7 of the Constitution. This report introduces the findings and recommendations of that Members' Working Group. That Working Group was reconstituted on 21 June 2022.
- 2 The Working Group consisted of Cllrs. Eyre, Nelson and Bayley and was advised by a Development Manager, the Planning Improvement and Standards Manager and by the Senior Solicitor as well as the Chairman of the Development Control Committee.
- 3 The Working Group has duly met and in accordance with the resolution considered the rules for addresses to the Committee (paras 3.27 - 3.37); the rules for site inspections (paras 3.17 - 3.26); and the order of business. The last physical meeting of the Working Group was on 10 October 2022.

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- 4 Following the review that Group has proposed amendments to the constitution.
- 5 At its meeting the Working Group identified areas for more detailed consideration. Where these involved amendments to the constitution Officers drafted amended wording for the consideration of the Working Group.
- 6 The Working Group unanimously agreed the amended wording found at Appendix A to this report. In view of this Working Group decision, the recommendations are put before Members for resolution.
- 7 The members of the Working Group are thanked for their work. Those members of the Working Group present are invited to speak on the findings of the Group.

### Terms of Reference

- 8 The Working Group was originally founded pursuant to resolutions as follows:
  - a. A Working Group be formed to propose any necessary amendments in principle to Part 7 of the Constitution to the next meeting of the Governance Committee;
  - b. The Working Group shall consist of three Members from the Governance Committee;
  - c. The Working Group shall be advised by an Officer nominated by the Monitoring Officer, the Chairman of Development Control Committee and an Officer nominated by the Chief Officer - Planning and Regulatory Services;
  - d. If so minded, the Working Group shall only make proposals in principle to amend Part 7 with in respect of the following matters:
    - i. Rules for Addresses to the Committee at Meetings of Development Control Committee (paras 3.27 - 3.37);
    - ii. Site Inspections (paras 3.17 - 3.26);
    - iii. The order of business (including rights to address the Committee) (paras 3.5 - 3.6).
  - e. The Working Group is not established to agree the precise wording of any suggested changes.

### Outcomes of the Working Group

- 9 Regarding the order of the agenda (para. 3.6), no fundamental changes are recommended. However, an amendment is proposed to request that Members not be repetitive during debate. This is to ensure that the meeting can proceed expeditiously.

- 10 The Group considered the speaking time allowed for speakers (para 3.6 (b)) but felt the current system was working well and declined to make recommendations for change.
- 11 The Group declined to recommend public speaking on enforcement matters or the protection of trees (para. 3.27). These matters are not publicised in the same way as other planning matters and it could be unreasonable to expect anonymous complainants to attend public meetings when the other party would speak. However, Planning Services and Democratic Services would be able to direct interested parties to other ways of ensuring their representations are heard, such as by lobbying Committee Members or by submitting written comments to Planning Services. It was noted that certain works could arise from a tree's position in a Conservation Area rather than under a TPO and so it is recommended that this "gap" is closed.
- 12 In the same paragraph (3.27) it is proposed that the reference to a report of delegated decisions be removed. This is because such reports are no longer presented and all decisions can be readily accessed through the Public Access system.
- 13 The Working Group felt that it would be appropriate to clarify the Committee's processes regarding visual aids (para. 3.34). The Group felt that it was an appropriate time to codify existing practice of limiting the number of slides to three and that these should be still images only. It was noted that the constitution already prohibited written information being used as a visual aid; it was expected that the existing practice should continue of declining any slides that had writing on that was not a reference key or part of the application plans.

#### **Other options Considered and/or rejected**

The Working Group worked through the relevant parts of Part 7 of the Constitution and considering whether any part of them may be improved by amendment.

#### **Key Implications**

##### Financial

None.

##### Legal Implications and Risk Assessment Statement.

It should be noted that the legal position in relation to Development Control and the Development Control Committee is amply set out in the Constitution. In particular, Members are reminded of the need to act as if the Committee were a quasi judicial meeting.

Members are reminded of the need to avoid conflicts of interest, bias or pre-determination.

The Human Rights Act 1998 applies to proceedings of Development Control Committee.

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### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the Council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

### **Conclusions**

It is recommended that the attached amendments be made to Part 7 of the Constitution.

#### **Appendices**

Appendix A - Part 7 of the Constitution.

**Background Papers** - none.

**Martin Goodman**  
**Monitoring Officer**

## **PART 7 - DEVELOPMENT CONTROL COMMITTEE**

(Please also refer to Appendix N - Development Control Protocol)

### **1. Terms of Reference of the Committee**

- (a) All planning, listed building and advertisement applications.
- (b) Revocation, modification and discontinuance orders and planning agreements relating to planning applications.
- (c) Enforcement of planning control; including the issue of Enforcement notices, listed building Enforcement notices, stop notices and abatement notices, and Enforcement and prosecution of contraventions of tree preservation orders, including the requirement for replacement planting.
- (d) Preservation and planting of trees, including the consideration of appeals against tree preservation orders and applications made thereunder.
- (e) All matters arising out of the operation of the Hedgerow Regulations 1997 or any subsequent changes thereto; and,
- (f) All decisions of the Council as Hazardous Substance Authority.

### **2. Membership of the Committee**

19 Members of the Council to be chosen according to political proportionality rules. The Membership of the Committee can be found at Appendix H - Membership of Council Committees, Cabinet and Advisory Committees.

### **3. Procedure at Development Control Committee and Site Inspections**

- (1) *This code will be applied in such a way that the right of the Chairman of the Committee to control the debate will be maintained.*
- (2) *“Local Member” means the Member for the District Council ward affected by a planning application which is to be included on an agenda for consideration by the Development Control Committee.*
- (3) *The agenda for the Development Control Committee will be dispatched a minimum of 5 working days before the meeting eg on the Wednesday of the preceding week for a Thursday Committee meeting. It is incumbent on Members of the Committee to ensure that they remain impartial and receptive to all points of debate before reaching a decision to vote on an application.*

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- 3.1 The Chairman, Vice Chairman and other Members, whether or not Members of the Committee, should recognise the effect that their behaviour can have on the public's perception of the Council and should conduct themselves accordingly. Members should represent the interests of the District as a whole.
- 3.2 Members should remain at meetings of the Committee until the end of the meeting unless they have a compelling reason not to do so.
- 3.3 Where a planning application has been submitted by the District Council and the appropriate Cabinet Member (responsible Portfolio Holder) is a Member of the Committee, that Member is strongly advised to leave the meeting when the matter is considered and not take part in the discussion or voting. Members should also be informed when an application on Council-owned land is to be considered by the Committee even if the applicant is not the District Council.
- 3.4 The Development Control Committee operates in a quasi-judicial manner. Accordingly, Members who enter the meeting during discussion of an application, or are not present during the whole of the discussion, should not vote on the application as they will not have heard all the arguments for and against the proposal. Members must make declarations of Interest, Lobbying and Pre-determination before any applications are debated. Copies of lobbying material received should where practicable be forwarded to the Chief Officer Planning and Regulatory Services.
- 3.5 Any Local Member who wishes to reserve an item for debate at Development Control Committee is asked to notify the Chairman/Vice Chairman prior to the meeting.

Subject to the Chairman's right to control the debate:

- (a) Any reports deferred for any reason from previous meetings of the Committee will normally be reserved for debate.
- (b) The Chairman will indicate those applications in respect of which members of the public have asked to speak, which shall automatically be reserved for debate.
- (c) When a Local Member has indicated to the Chairman of the Committee that s/he would wish to address the Committee on a particular application, the application will be reserved by the Chairman for subsequent discussion.
- (d) The Chairman will then read out the details of each remaining planning application from the index to the report, so that Members of the Committee who wish to move an amendment to the Chief Officer Planning and Regulatory Services' recommendation or make a

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comment on any particular application may so indicate, when such applications will automatically be reserved for debate.

- (e) The Chairman will then put all unreserved items to the vote en bloc; and,
- (f) The Chairman will then deal with items before the Committee in the following order:
  - (i) Items deferred from previous meetings of the Committee.
  - (ii) Items with public speakers.
  - (iii) Items reserved by Members of the Committee.
  - (iv) Enforcement cases.
  - (v) Amendments or variations to existing permissions; and,
  - (vi) Objections to Tree Preservation Orders.

3.6 In respect of any item reserved for debate the following procedure will be followed:

- (a) The Chairman will read out the application reference and address. The Officer will introduce the item and outline the key considerations and constraints, summarise the consultation responses and representations and provide the recommendation.
- (b) Address to Committee:- Speakers, who have previously registered to do so are invited to address the Committee in the following order, for a maximum of 3 minutes, (Local Members will have 4 minutes):
  - (i) A member of the public wishing to speak against the application.
  - (ii) The applicant, agent or another member of the public wishing to speak in favour of the application.
  - (iii) The Local Council representative (Town Council or Parish Council)
  - (iv) The Local Member(s) (whether or not a Member of the Committee) wishing to speak for a maximum of 4 minutes speech time. (Normal rules relating to motions and amendments as set out in the Constitution apply).
- (c) Those addressing the Committee including the local member(s) will not normally participate further in respect of that item. However, at

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the Chairman's discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item.

- (d) Members of the Committee will have the opportunity to ask questions of the Officers present.
- (e) Normal discussion of the Planning merits will then take place.
- (f) If a Member wishes to raise a new aspect to the debate on the item as a result of information brought to light during the debate then they will be allowed to do so at the discretion of the Chairman.
- (g) Members are requested not to speak at length, **or repeat views** on items where they are in full agreement either with the Officers' report or with the views of a Member who has spoken earlier in the discussion.
- (h) The vote will be taken after a motion has been moved and seconded, and after the Chairman, or other mover of a motion, has summed up. The Chairman will advise the meeting on the result of the vote including whether planning permission has been granted, refused etc.
- (i) The Legal Officer will inform the Chairman (unless already requested) of a need for him/her to advise the Committee in respect of any issues that arise from the debate, to ensure that the decision is based upon accurate and relevant law and to advise the Committee with regard to the legal impact of any proposed recommendation or motion.

### Decisions Contrary to Officer Recommendation

- 3.7 All Members are encouraged to raise any queries or issues they may have regarding a specific application report with the appropriate Area Team Manager as soon as possible, and in any event before the Chairman's briefing. This will enable Officers to consider the issues raised and discuss them with the Chairman.
- 3.8 Under normal circumstances a Member, having considered the Officers report and who has any factual questions or concerns about an aspect of that report, may contact the Development Control Manager or the Chief Officer Planning and Regulatory Services. This will enable such matters to be discussed at the Chairman's briefing, that normally takes place 2 working days before the Committee meeting, and to prepare for any additional advice for the meeting. If a Member's concerns relate to matters which require a visual assessment, the Area Team Manager or the

Chief Officer Planning and Regulatory Services may discuss the desirability of arranging a Committee Site Inspection with the Chairman. Committee Members are encouraged to attend these Site Inspections whenever possible.

- 3.9 On receipt of concerns from a Committee Member, the Development Control Manager or the Chief Officer Planning and Regulatory Services may choose to withdraw the report from the agenda to allow for further discussion or re-assessment.
- 3.10 A Planning Officer if so requested should assist in giving general policy reasons for refusal or conditions for approval to be attached to any permission. In the event of an appeal or a judicial review, it is imperative that the correct grounds for refusal or conditions for approval be cited on the published notice of decision.
- 3.11 In the event of a motion contrary to the Officer's recommendation being formally moved, the Officer(s) present will have the opportunity to address the Committee on the implications of such a decision having regard to the provisions of the Development Plan and all other material considerations, inclusive of implications for any subsequent appeal, before a vote on the motion is taken. Where appropriate the Officer may recommend to the Chairman (whose sole decision it shall be whether to accept that recommendation) that a decision on the application be deferred to enable a further report to be presented to the Committee addressing these issues raised by the debate and the implications.
- 3.12 Where a decision to grant or refuse permission contrary to the Officer recommendation occurs the reasons for such a decision taken by Committee should be clearly minuted. In the event of an appeal where the Committee has made a decision contrary to Officer advice, the appropriate Local Member or a Member of the Committee is expected to be actively involved in the Appeal if by written representation and to attend any Hearing or Public Enquiry when such is held.

### Report Deferrals

- 3.13 Any decision to defer a report should be taken BEFORE any other decision to approve or refuse the report. Should the Committee be minded to refuse/approve the report pending deferral to await further information, then, when the report comes back to the Committee, debate must centre around the effect of the additional information on the proposal keeping in mind the opinion to approve or refuse voiced in the first instance. Public speakers may not speak again.
- 3.14 Should a report be deferred for further information without the Committee's opinion on whether it is minded to approve or refuse, then a

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debate may take place on the whole of the report together with the additional information.

- 3.15 If a report is withdrawn or deferred without the opportunity for a registered public speaker to present their views then the public speaker(s) will be given the opportunity to address the Committee when the item is re-presented for decision.
- 3.16 Members may feel that the application should be viewed on site before a decision is made in which case an amendment/resolution for a Site Inspection is put to the Committee and, if approved, a set procedure is then followed at the Site Inspection.

### Site Inspections

- 3.17 A single Site Inspection time will be used for applications deferred by Committee and those identified for a pre-meeting inspection. This inspection will usually take place on the day of the Committee meeting.
- 3.18 Sites for pre-meeting inspections should be identified to the Chairman by Development Control Committee or Local Members at the earliest possible opportunity and in any event a full 3 working days before the Committee meeting, eg by 5pm on a Monday when the Committee meeting is at 7pm on a Thursday.
- 3.19 The Site Inspection will be open for all Development Control Committee and Local Members to attend.
- 3.20 No representations will be heard at Site Inspections and no recommendation will be formulated or a vote taken. The purpose is to view relevant features on or around the site.
- 3.21 The inspection will then inform the debate at the following Development Control Committee meeting.
- 3.22 Members' Site Inspections will be carried out where applications are to be determined by the Development Control Committee. The Chairman, in consultation with the Chief Officer Planning and Regulatory Services, will normally identify the need for any Site Inspections in advance of the meetings. Members who believe that a Site Inspection is appropriate in a particular case are encouraged to contact the Chief Officer Planning and Regulatory Services as soon as possible. This will include selecting appropriate viewpoints. Only exceptionally should an item be deferred for a Site Inspection. All Site Inspections will only be arranged where the proposal to hold a Site Inspection fits at least one of the following criteria.
- 3.23 A Site Inspection may be determined to be necessary if;

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
  - ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
  - iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
  - iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
  - v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.
- 3.24 When requesting the Chairman of the Development Control Committee to authorise a Site Inspection, the person making such a request (whether the Chief Officer Planning and Regulatory Services or an elected Member) must state under which of the above five criteria the Inspection is requested and must also provide supporting justification.
- 3.25 The purpose of a Site Inspection is to view the site and its surroundings and to relate the application proposals to the site. Officers will explain the submitted drawings. Neither the applicant nor any supporters or any objectors should take part. Where an applicant has to be present to allow access to the site, the visiting Members should stand away from him or her (or if necessary, ask the Applicant to stand away) and should not engage in any discussions.
- 3.26 Members should avoid any discussion of the merits of the case on site, on the journey to/from the site, or anywhere other than the Committee meeting.

Rules for Addresses to the Committee at Meetings of Development Control Committee

- 3.27 Addresses to the Committee will be allowed on planning applications being considered by the Development Control Committee. Public speaking will not be permitted ~~on decisions made under the delegated authority of the Chief Officer Planning and Regulatory Services or~~ on Enforcement items, ~~or~~ Tree Preservation Orders, ~~or applications for works to trees.~~
- 3.28 Registering to Speak - Apart from Local Members, those wishing to speak must contact the District Council before 5pm on the day of the meeting at the latest. However at the Chairman's discretion, late registration may be accepted until the start of the meeting. Local Members have until the start

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of the meeting to register. Only one public speaker against the application and one public speaker supporting the application will be permitted except where the Chief Officer Planning and Regulatory Services or Development Control Manager instructs otherwise e.g. for special meetings of the Development Control Committee.<sup>1</sup>

- 3.29 Main Objector - the first objector (e.g. the objector whose request is received first by the Council) will be the public speaker and subsequent objectors will be so advised.
- 3.30 Main Supporter - where an applicant or agent indicates a desire to speak they will be given preference over other supporters.
- 3.31 Local Member(s) - will be able to speak for a maximum of 4 minutes.
- 3.32 Local Council - a representative of the Town or Parish Council(s) in which an application site is situated.
- 3.33 Time Limits - Only the main objector and main supporter may speak, each being allowed 3 minutes. A Local Council representative will be able to speak for a maximum of 3 minutes. A Local Member may speak for a maximum of 4 minutes. After the speaker has spoken there will not normally be an opportunity for any speaker to participate or address any of the issues raised in the subsequent debate. However, at the Chairman's discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item.
- 3.34 Visual Aids - ~~All speakers are allowed to use visual aids such as plans, drawings, photos etc and these will be displayed on the projector in the meeting room during the speaker's speaking time.~~ All speakers are permitted to use up to 3 still images (such as plans, drawings, photos, etc) which will be displayed in the meeting during the speaker's speaking time. No other visual aids may be used. All speakers who wish to have permitted visual aids displayed must provide them to Development Services Team before 5pm at the latest the day before the meeting e.g. if the meeting is to be held on a Thursday then contact must take place before 5pm on the preceding Wednesday.

*(Written information is not permitted to be used as a "visual aid" by public speakers.)*

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<sup>1</sup> As an exception, a Local Member who is also a Member of the Committee may indicate a wish to address the Committee as a Speaker, during the declarations of interest or predetermination, as set out in the Agenda.

- 3.35 Those applications in respect of which members of the public have asked to speak shall automatically be reserved for debate at the Committee.
- 3.36 If a report is withdrawn from the agenda or deferred without the opportunity for a registered public speaker to present their views then the public speaker(s) will be given the opportunity to address the Committee when the item is re-presented for decision.
- 3.37 If an application is deferred after addresses to the Committee have taken place, then public speaking will not be permitted when the application is re-presented for decision. If an objector or supporter has not exercised their right to speak in the first instance then their right to speak is waived when the application is re-presented for decision.

#### Training

- 3.38 Members must not participate in decision making at meetings dealing with planning matters unless they have undertaken suitable training, including any training designated by the Cabinet as mandatory.
- 3.39 Members are encouraged to attend Planning training sessions, which will be provided from time to time, as these are designed to extend their knowledge of planning procedures, policies and practice.

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**THE COUNCIL'S POLICY FRAMEWORK (Appendix F Of The Constitution)**

**Governance Committee - 1 November 2022**

**Report of:** Head of Legal and Democratic Services

**Status:** For information

**Also Considered by:** Council - 15 November 2022

**Key Decision:** No

**Contact Officer:** Charlie Sinclair, Ext. 7165

**Recommendation to Governance Committee:** To note the report.

**Recommendation to Council:** To note the report

**Reason for recommendation:** To update Councillors on the Policy Framework as set out in Appendix F of the Constitution.

**Introduction and Background**

- 1 At Annual Council the Council's Policy Framework, as set out in Appendix F of the Council's constitution is agreed.
- 2 Each year a review takes place for any policies and strategies to ensure we are complying with legislation and other guidance.
- 3 Following the annual review, it came to light that a further change may be required to bring the current practice in line.
- 4 The change requested was that the Community Safety Strategy and action plan be removed from the Framework, and be treated as a key decision in the same way that the Community Plan was for consistency.
- 5 As the Community Safety Strategy and Action plan is a Statutory Policy under the Council's Policy Framework, it must be adopted by Full Council as we have a statutory duty to provide a Community Safety Strategy as set out within the Crime and Disorder Act 1998, and therefore it is unable to be adopted by Cabinet.

**Key Implications**

Financial

## Agenda Item 6

There are no specific financial implications arising from this report.

### Legal Implications and Risk Assessment Statement

There are no specific legal implications arising from this report.

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

#### **Appendices**

None

#### **Background Papers**

Council's Constitution

**Martin Goodman**

**Head of Legal and Democratic Services, and Monitoring Officer**

**Governance Committee - 1 November 2022 - Work Plan (As at 19/10/22)**

1 November 2022	2 February 2023	Summer 2023
Development Control Committee Working Group Feedback - Final Report Changes To Appendix F Of The Constitution 2023 Parliamentary boundary Review	Report Of The Joint Independent Remuneration Panel	

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