

APPENDIX 3 Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Strategic Alliance Joint Committee	<p>That this Joint Committee is not established this year or in future years.</p> <p>There is no longer a need for this Joint Committee.</p>	Part 3 – remove terms of reference from this part plus any other references,
Annual approval of Meetings Schedule	<p>To move responsibility for this to the Council.</p> <p>Currently the Cabinet determines the Calendar of Meetings annually. The proposal is that this will be dealt with by the Council. It is a matter of good practice that this be decided by Council. The Schedule provides the meeting times and frequencies for all the Committees as well as Council itself.</p>	<p>In Part 3 of the Constitution move:</p> <p>(zn) Determine the calendar of meetings annually and make any subsequent amendments throughout the period subject to 4.1 of the Council Procedure Rules.</p> <p>To the Council functions section.</p> <p>NB 4.1 allows the Chair to alter the time or place of meetings before the summons is sent.</p>
Delegation Scheme	<p>Following the management restructure agreed by Council on 2nd March 2020, the Delegation Scheme was revised to take account of there being no CEO in the establishment.</p>	<p>Scheme of Delegations within the Functions Scheme in Part 3 of the Constitution.</p>

	Delegations now reflect the roles of the Head of Paid Service, Monitoring Officer, Section 151 Officer Directors and Heads of Service.	
Planning Committee	Members at this meeting will be asked to appoint a Planning Committee of 13 Members. This smaller Planning Committee is part of a review of the operation of the Planning Committee. The following items require constitutional change, however there are a number of other changes that will be put to the Planning Committee in the near future.	In Planning Committee's Terms of Reference in Part 3 of the Constitution, replace the reference in the first sentence to a Committee of 18 Councillors with a reference to 13 Councillors.
Planning Committee Substitutes	<p>Currently all Members of the Council can be substitutes. This presents problems as it cannot be guaranteed that any substitute has received Planning training before attending Planning Committee. Without that training there is a risk to the Planning process.</p> <p>It is proposed that each Party Leader decides the appropriate number of substitutes for their Party. The attendance at training by the Planning Committee Members and Substitutes in each Party is to be ensured by the Party Leader.</p>	<p>In Planning Committee's Terms of Reference in Part 3 of the Constitution, replace the second sentence reference to all Members being substitutes with the following:</p> <p>Each Party Leader will supply an annual list of the substitute Councillors from their Party to the Governance Manager in advance of the Annual Meeting.</p> <p>Nominated Members of each political group may act as substitutes on the Committee and will undertake training alongside Planning Committee Members.</p>

<p>Planning Committee – call in of planning applications by Members</p>	<p>The current call in practice of giving members 48 hours before the determination of the application to call the application to Committee has often not been successfully used. This can be for several reasons. Members may not see the email within the timescale; it can extend the timescale for determination by up to six weeks when the applicant was expecting a decision imminently; the application will inevitably be determined out of time risking performance reputation and financial cost to the Council; Members may not provide any or relevant planning issues in time. Consequently the expectations of customers are rarely met.</p> <p>The replacement call-in process will give members the opportunity to ask that the application is presented to Planning Committee at any time in the life of the application. The request will be reviewed and determined by the Chair of Planning Committee and Head of Planning. This will remove the pressure to respond quickly at the end of the process, better manage customer expectations and better manage the process of making decisions.</p>	<p>Part 3 of the Constitution, Planning Committee Terms of Reference, add the paragraphs in the attached Appendix, paragraphs c and d.</p>
<p>Planning Committee Terms of Reference in relation to Member and Officer applications.</p>	<p>It is proposed in the amended version attached that there is clarification on the Officers affected by this requirement for Officers and Members applications to be considered by Planning Committee. An applicant may be an employee of the Council in a service area (at a leisure centre or depot for instance). In these circumstances it is unlikely that planning officers will have contact with the applicant as an employee of the Council. The applicant may not think there was a need to</p>	<p>Part 3 of the Constitution, Planning Committee Terms of Reference, add the paragraphs in the attached Appendix, paragraph (e)</p>

	declare that they are a Council employee and planning officers will have no knowledge of them either. Officers may be set up for a fall unwittingly. The amendment deals with this situation.	
Planning Committee site visits	As a matter of good practice, the Council should change the current arrangements to allow for all Members of the Committee who will be determining the application to attend the site visit. This is an important part of the information gathering process for Members of Planning Committee and should not be restricted to specific Members.	To be by all Members (and where appropriate Substitutes) of the Planning Committee. Planning Protocol additions / amendments: 11.5 The Planning Committee will undertake the site visit as a formal group and will enter and leave the site as such. Members should not enter into discussions with applicants, agents or third parties whilst on the site visit. Debate on the application other than for clarification of matters of fact for the site visit will only take place at the subsequent Committee meeting as all relevant parties may not be in attendance at the site.
Certain Planning Applications which are statutorily the role of the Executive but which have been within the Terms of	These applications are:- <ul style="list-style-type: none"> • Making Local Development Orders (section 61A TCPA); • Creating Simplified Planning Zones (section 82 TCPA); 	Add to the Delegation Scheme in Part 3 of the Constitution, under the delegation of the Head of Planning in consultation with relevant Portfolio Holder.

Reference of the Planning Committee.	<ul style="list-style-type: none"> • Creating Enterprise Zones (section 88 TCPA). • Discharge of Conditions 	
Member not to be involved in determining an application in their own ward.	The role of a Committee Member when an application in their ward is being considered has been reviewed. The pressure to speak and vote to satisfy objectors from their ward who are present can be great, but very often compromises their role as a Planning Committee Member. These changes will protect Members in this situation by allowing them to speak as ward Members but not taking part as a Planning Committee Member.	<p>Planning Protocol additions/amendments:</p> <p>2.1 When an application is put before the Committee where the site is situated in a Planning Committee (or Substitute) Member's ward, that Member should withdraw from Committee benches. This will allow them to speak on behalf of the residents they represent if required. Planning Committee members should not vote on applications within their electoral ward</p>

Appendix

5.6 Planning Committee Functions	Matters not delegated
The determination of all submissions made under The Town and Country Planning Act 1990 and The Town and Country Planning (General Permitted Development) Order (or any associated or related legislation or regulations) for the consent of the Local Planning Authority is delegated to the Head of Planning Health / Planning Manager – Development Management /	(a) In the opinion of the Head of Planning or the Planning Manager – Development Management the application raises matters which should be determined by the Planning Committee.

Development Management Team Leader / Planning Policy Team Leader except where:	
	(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development to which no objections have been received
	(c) A Councillor has notified the Head of Planning, the Planning Manager – Development Management or the application case officer by e-mail within 3 weeks of the publication of the weekly list that the application should be determined by the Planning Committee and the notification is supported by one or more planning grounds.
	(d) A Councillor has notified the Head of Planning, the Planning Manager - Development Management or the application case officer by email before the application has been determined the planning reasons why the application should be determined by Planning Committee, and the Head of Planning or Planning Manager Development Management has agreed with the Planning Committee Chair or Vice Chair that the reasons justify Planning Committee determination.

	<p>(e) The application is submitted by</p> <ul style="list-style-type: none"> i - a current NEDDC Councillor ii – a current NEDDC officer who has any involvement in the determination of or advising on planning matters iii – any member of i or ii immediate family <p>when the proposal is not in accordance with the development plan or there has been objection from any consultee or member of the public.</p> <p>Immediate family means parent, sibling, spouse/partner and child.</p>
Making Tree Preservation Orders (TPO's).	To consider any objections or other representations made in opposition to the proposed making of a TPO.