

WILMSLOW TOWN COUNCIL

TERMS OF REFERENCE FOR THE PLANNING COMMITTEE

The Committee shall consist of the following:

1. The Chair and Vice-Chair of Council as ex-officio members.
2. Members elected by the council at the Annual Meeting of the Council or at any other time as agreed by the Council.
3. A quorum of the Committee will be a third or three whichever is the greater.

The Planning Committee, under delegated powers from the Town Council, is responsible for the following functions, and associated issues, namely:

- Making recommendations to the planning authority on planning and related applications
- Receiving notifications of Consent for Tree Works
- Making recommendations to the licensing authority relating to applications/transfers/renewals of Licences
- Receiving, and where appropriate, responding to notifications of Planning Appeals
- Receiving, and where appropriate, responding to consultation documents relating to planning and associated matters.
- Making recommendations on behalf of the Town Council to consultations relating to the closure, creation or alteration of public footpaths and rights of way.

REMIT

The Committee will take such legitimate decisions and authorise any expenditure necessary for the execution of its powers and duties as are agreed by a majority of the Committee. The Committee will at all times abide by the requirements of the Town Council's Standing Orders and Financial Regulations in the conduct of its meetings.

The Committee will at all times have due regard for the requirements of primary legislation and statutory instruments in making its decisions, e.g. The Parish Councils (Model Code of Conduct) Order 2001, Crime and Disorder Act 1998 etc.

The Committee may at any time establish a sub-committee of members whose remit is to deal with one or more of the powers and duties of the Committee. The Committee approve terms of reference and protocol, including definition of delegated powers, applicable to any sub-committee under its control.

Notwithstanding any of the responsibilities and powers shown above, the Committee can at any time take proactive action in response to planning issues in Wilmslow, e.g. seeking consultation rights for s.106 agreements and direct action from the planning authority on issues such as Compulsory Purchase Orders, Listed Buildings works and Enforcement matters.

PARTICIPATION BY NON-MEMBERS OF COMMITTEE

A Town Councillor who is not a member of the Committee is permitted to place an item on the Agenda before the Committee and speak upon it. The member is not permitted to propose or second a motion, or to vote upon it.

CONDUCT OF BUSINESS

The business of Committee will be conducted at regular meetings unless there is an urgent reason for action prior to the next meeting. Where it is necessary to make a recommendation on a planning application before the next ordinary meeting of the Committee, or where the Committee decides that a recommendation should be deferred for a site visit, the Chairman, Vice Chairman plus one other Councillor, as a minimum may make the recommendation, under delegated powers, and report their action to the next ordinary meeting of the Committee.

VOTING

Members will clearly indicate their voting intention by show of hands, including an intention to abstain from voting.

Councillors will at all times conduct the business of the Town Council in an appropriate and professional manner and will confine their comments and opinions to the matter under discussion.

PROCEDURES FOR MAKING RECOMMENDATIONS ON PLANNING APPLICATIONS.

The Planning Committee makes recommendations to the planning authority on planning and related applications. When Councillors make a recommendation on an application, they must:

- Act fairly and openly
- Approach each application with an open mind
- Carefully weigh up all relevant issues
- Determine each application on its own merits
- Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another
- Make it clear in any contacts with interested parties that judgment must be reserved until the Committee meeting
- Ensure that there are clear and substantial reasons for the recommendation and that those reasons are clearly stated.

REGISTRATION AND DECLARATION OF INTERESTS

Councillors should follow the Code of Conduct scrupulously in relation to registration and declaration of interests, and, if an interest is declared, in deciding whether the Councillor should participate in the consideration of an application. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. In particular, a member should not favour any individual person, company or group, nor put himself/herself in the position where he/she appears to do so.

If a member of the Planning Committee has had any personal involvement with an applicant, agent, landowner or other interested party (whether or not in connection with the particular matter under consideration by the Committee) which could possibly lead to the reasonable suspicion by a member of the public that there may be any possibility that the involvement could affect the Councillor's judgment in any way, then the Councillor should consider carefully whether the involvement amounts to a personal and prejudicial interest, which would debar him/her from participation in the decision making process.

Each Councillor should carefully consider whether he/she has a prejudicial interest in any planning proposal of an outside body in which the Councillor is closely involved, taking into account whether

he/she had previously taken a firm view on the planning matter, either in meetings of the other body, or otherwise.

The principle about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Councillor's dealings with officers, or with other Councillors. Where a Councillor has a personal interest, it must always be declared. It does not necessarily follow that the Councillor is debarred from participation in the discussion. The Councillor then needs to consider whether the personal interest is a prejudicial one, as defined by the Code. If a Councillor has such an interest, he/she should not participate in discussion on the matter and must leave the meeting, and must not seek improperly to influence a decision-maker. The test that Councillors should apply is not whether they themselves think they are prejudiced, but whether others, knowing all the facts, might reach that conclusion. The responsibility for declaring an interest lies with the Councillor with the Clerk there to advise if requested. Councillors should err on the side of caution in declaring an interest when they are not sure.

Councillors should make their declarations at the beginning of the meeting, identifying the item on the agenda and the nature of that interest.

LOBBYING

Applicants or other interested parties may wish to discuss a proposed development with Councillors before a planning application is considered for recommendation. Alternatively, lobbying may occur when interested parties make representations on an issue to Councillors, either as a result of the issue being included on the agenda of a Committee meeting, or to obtain Councillors' assistance in placing the issue on a future agenda of the Committee.

Lobbying can help Councillors' understanding of the issues and concerns associated with a planning application or other issue within the Committee's remit. However, Councillors are under an obligation to determine matters on their merits. This means that they must not make up their minds before full discussion on the item has taken place at a duly convened meeting. To avoid compromising their position before the meeting, Councillors will:-

- Avoid as far as possible meeting an applicant or potential applicant alone;
- Avoid making it known in advance whether they support or oppose the proposal;
- Restrict their response to giving procedural advice;
- Direct lobbyists or objectors to planning officers, who will include reference to their opinions where relevant in their report;
- Where a Councillor has been lobbied, he/she will report to the Committee that he/she has been lobbied, (although it is not necessary for the Councillor to disclose the name(s) of the lobbyist(s)) and may report the views of the lobbyist(s). However Councillors must act in the public interest and not favour or appear to favour any person, group or locality;
- If a Councillor states his/her support for or opposition to a proposal before the matter is formally considered at the relevant meeting, whether or not there has been lobbying, he/she could find that he/she has some difficulty in being able to claim to retain an open mind on the issue and to be prepared to determine the application on its merits. This is known as predetermination. If a Councillor does express an opinion, he/she should make it clear that it is a preliminary opinion and that he/she will only be a position to take a final decision when all the evidence and arguments have been considered.

Providing that Councillors comply with the above and do not have a personal and prejudicial interest in a matter they are able to:

- Listen and receive views from residents, constituents or other interested parties. The Planning Committee will make provision for this discussion at the beginning of the Planning Meeting;
- Make comments to residents, constituents, interested parties, other Councillors or officers;
- Seek information through the appropriate channels;
- Bring to the Committee's attention views/opinions of residents, constituents or other interested parties;
- Participate in the decision making process.

If, however, a Councillor has not complied with the requirements and has made it clear that he/she has predetermined the matter he/she should not speak or vote on the application, It should be noted that signing a petition, whether in support of, or in opposition to, an application is considered to be a predetermination of the issue. Providing that the Councillor does not have a personal and prejudicial interest, he/she may exercise his/her separate rights as a Councillor to speak at the committee meeting providing that he/she advises the Chairman that he/she wishes to speak in that capacity prior to the commencement of the item.

PROCEDURES FOR DISCUSSION/REPRESENTATION FROM MEMBERS OF THE PUBLIC OR APPLICANTS.

At the Chairman's discretion interested parties will be permitted to speak for or against an application for a maximum period of 3 minutes. Members of the Planning Committee will listen to all opinions, but will make no comment prior to the consideration of the application at the Planning meeting. Where interested parties are present both in support of and opposition to an application, a spokesperson from each body of opinion will make a statement to Members, beginning with the spokesperson opposing the application.

REPRESENTATION AT CEC NORTHERN PLANNING COMMITTEE AND CEC STRATEGIC PLANNING COMMITTEE.

The Planning Committee to manage Town Council representation at CEC Northern Planning and Strategic Planning Committee meetings on the following basis.

- A representative of WTC will attend and speak at all meetings when WTC has recommended refusal unless the Committee pass a resolution to confirm a decision not to send representation.

Approved: 17th June 2019