



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Constitution Committee

17 October 2022

Report by Councillor Linda Wootten,
Cabinet Member for Corporate
Governance and Licensing

Proposed amendment to the Planning Procedure Rules and any other amendments to the Council's Constitution

Report Author

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Purpose of Report

This report provides the Constitution Committee with an opportunity to consider revisions to the Council's Constitution.

Recommendations

- 1. That consideration be given to the proposed amendment to the Planning Procedure Rules, as set out in the report and determine whether it be recommended to Full Council.**
- 2. Members are invited to suggest further amendments to the Constitution for consideration.**

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All or insert specific ward(s)

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.1 There are no financial implications arising from this report.

Completed by: Alison Hall-Wright, Assistant Director of Finance

Legal and Governance

1.2 Any amendments to the Council's Constitution set out in this report would need to be recommended to Full Council for adoption.

Completed by: Mandy Braithwaite, Legal Executive

2. Background to the Report

2.1 During debate at the Full Council meeting on 26 May 2022, Councillor Richard Cleaver circulated and proposed an amendment to the Planning Procedure Rules as set out in Part 4 of the new Constitution. The amendment read as follows:

Insert a new paragraph to define the relevant ward Councillor as 'those wards which fall inside or adjacent to the boundary of the planning application in question'

2.2 The Constitution Committee at its meeting on 18 July 2022 considered the above amendment to the Constitution and agreed to formally submit it to Full Council for adoption.

2.3 Full Council at its meeting on 25 July 2022 considered several amendments to the Constitution, including the proposed new wording for the 'relevant ward councillor.' This proposal was deferred back to the Constitution Committee to re-consider the proposed wording in the context of the content of the Local Code of Practice for the Planning Committee.

2.4 The wording of the minute from Full Council on 25 July was as follows:

"It was proposed and seconded that a new paragraph be added under section 6 of the Planning Procedure Rules as follows:

"The relevant Ward Councillor is defined as a Councillor representing those wards which fall inside or adjacent to the planning application".

This proposal related to the definition of 'relevant Ward Councillor' in respect of those Councillors entitled to speak during consideration of a planning application at the Planning Committee.

The following points were noted during debate of the motion:

- Clarity was sought regarding the proposed wording and whether under the proposition a Councillor from an adjoining electoral ward to that of the site of an application would be entitled to speak as a relevant Ward Councillor. This was confirmed as being correct.*
- Clarification was provided that the proposal related solely to the public speaking element of consideration of a planning application at the Planning Committee and was separate to the provision set out elsewhere in the Constitution regarding a Ward Councillor's right to 'call-in' an application to the Planning Committee*
- Any Councillor had the right to request to speak at the Planning Committee through Chairman's discretion*

*A procedural motion to defer this motion to the Constitution Committee was proposed and seconded. The Chairman and Vice-Chairman of the Planning Committee would be invited to attend the meeting and the proposed wording could be re-considered in the context of the content of the Local Code of Practice for the Planning Committee. Upon being put to the vote the procedural motion was **AGREED.**"*

3. Key Considerations

3.1 Members are asked to consider whether they would recommend the above definition of 'relevant ward Councillor'.

- 3.2 Members are also asked whether they have any further amendments to the Constitution that they wish to discuss, and potentially recommend, to the meeting of Full Council scheduled for 24 November 2022.

4 Other Options Considered

- 4.1 Determine to make a recommendation to Full Council on amendments to the Constitution.
- 4.2 Determine not to make any recommendations to Full Council on amendments to the Constitution.

5 Attachments

- 5.1 Appendix A - Planning Local Code of Good Practice