

APPENDIX 1A - CONSTITUTION FOCUS GROUP

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 5 SEPTEMBER 2018 AT THE RUDMAN ROOM - COUNTY HALL, TROWBRIDGE, BA14 8JN.

33 Protocol 4: Planning Code of Good Practice

The Focus Group considered a report detailing proposed changes to Protocol 4 in relation to Site Visits, following a recommendation endorsed at Overview and Scrutiny Management Committee, accepted by the Cabinet Member. The Cabinet Member and the Chairman of the Planning Committee Systems Task Group, who had proposed the change in procedure to allow site visits to be arranged prior to a committee meeting, had both approved the proposed wording.

The Focus Group considered the proposal, and after discussion were happy with the proposed wording subject to removing references to site visits being made 'very exceptionally'. However, it was also felt that sections of the wider protocol were in contradiction with each other, and therefore any proposed changes to the section on site visits should await a wider review of the whole protocol to ensure all parts were consistent.

Resolved:

To request that a review of the entirety of Protocol 4 take place before any changes to the Site Visit arrangements be recommended.

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 24 MAY 2019 AT NORTH WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN

23 Protocol 4 of the Constitution

The Focus Group considered proposed revisions to Protocol 4 of the Constitution, the Planning Code of Good Practice, to improve clarity, enhance procedures and provide improved guidance and protection for members.

The Cabinet Member for Spatial Planning, Development Management and Property had been invited to the meeting, along with the Chairmen of the Strategic Planning Committee and all Area Planning Committees.

The Focus Group considered all the changes in turn, and made comments including but not limited to the following:

- The need for clarity on the applicability of the Code in relation to member involvement with enforcement matters, and a separate procedure for enforcement for the assistance of members;
- Consistent use of 'material' interest rather than 'significant' interest, which was not clear;
- Consistent wording in relation to interests and relevant non-spousal persons;
- It was requested further wording on members speaking in a personal capacity be drafted, in respect of seeking advice before doing so, noting the legal position, and potential contradiction with government guidance;
- Additional wording for nominated stand in for planning call-in and other matters in relation to death or incapacity;
- Requested redrafting on predetermination and bias to strengthen and clarify the position;
- Requested redrafting on sections relating to members meeting parties and referral of any information to planning officers;
- That the Scheme of delegation would need to be reassessed to ensure it aligns with Protocol 4 where necessary;
- Further wording in relation to training, recognising it was not legally possible to prevent someone being appointed to a committee without training, even though this would render decisions of that committee open to potential challenge.
- To ensure substitute members are also invited on site visits

It was agreed these and further changes would be circulated to the Focus Group and planning committee chairmen, and considered at the next meeting.

Resolved:

To consider a further draft of Protocol 4 electronically and at the next meeting.

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 14 JUNE 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

30 Protocol 4: Planning Code of Good Practice

The Focus Group received a revised version of Protocol 4 following their consideration and comments at the meeting on 24 May 2019. The Cabinet Member and Chairmen of the planning committees had been invited to attend the meeting.

The Focus Group made additional comments requesting that ongoing training also be stated to be mandatory within the constitution along with initial training as currently stated. It was noted that Full Council could appoint any member to a committee, but that the lack of proper training of a member could open the

council up to legal challenge, and the Monitoring Officer would need to consider the matter carefully in such a situation, and that Group leaders needed to bear this in mind.

Changes were also sought to avoid confusion between discussions between members and others before an application was submitted, and formal pre-application discussions with planning officers. There were also clarifications sought on when members should seek guidance from the Monitoring Officer, how to draw attention to rules on pecuniary or other relevant interests and the need to provide policy reasons when refusing applications.

The Focus Group agreed a briefing should be made available to all members on the proposals.

Resolved:

To recommend Standards Committee endorse the proposed changes to Protocol 4 to Full Council.