



PLANNING COMMITTEE PROTOCOL

TOWN COUNCIL MEETING

REPORT 17/20

9 MARCH 2020

The purpose of this Report is to ask Members to consider and accept a Protocol in relation to the work of the Town Council's Planning Committee.

No. DETAILS

1) BACKGROUND

Although the Planning Committee has had formal Terms of Reference since its inception, it has recently been suggested that it would be good practice to develop and adopt a more detailed Protocol in relation to its Powers and Responsibilities.

2) THE PROTOCOL

- a) Councillor Ian Bond agreed to prepare an initial draft that was discussed by the Committee at its meetings of 28 November and 9 January and with the Clerk in between meetings.
- b) A further draft was considered by the Planning Committee at its meeting of 18 February the Committee unanimously resolved to *submit the draft Protocol to the March meeting of the full Ventnor Town Council for formal adoption.*
- c) A copy of that draft is attached to this Report

3) RECOMMENDATION

Members are recommended to:
adopt the Protocol attached to this Report.



This Protocol identifies the powers, processes and procedures for the Town Council's Planning Committee.

1) Powers

The Town Council has delegated the following powers to its Planning Committee:

- a) To make representations to the Local Planning Authority on any planning application referred to the Town Council and on any other planning matter that affects the Town
- b) To make recommendations to the Town Council in relation to the approval or otherwise of any development plan or strategy proposals under planning legislation affecting the Town.
- c) To make recommendations in relation to any representations between the Town Council and the Local Planning Authority on the involvement of the Town Council in the discharge of planning functions.
- d) The Committee does not have the power to determine planning applications.
- e) The full powers of the Committee are set out in its Terms of Reference, which can be viewed on the Town Council's website.

2) Process

- a) The Assistant Clerk will note all Planning Applications that relate to Ventnor from those listed by the Isle of Wight Council. The full list of applications may be viewed by the public using the Isle of Wight Council's website.
- b) The Assistant Clerk will convene meetings of the Planning Committee to enable it to consider all such applications and hear any representations, prior to their expiry date for comments.
- c) Committee meetings will be held in public (except when confidential business is being discussed); the public will be invited to attend and given the opportunity to comment on any application under consideration.
- d) The Assistant Clerk will post the Committee's assessments to the Isle of Wight Council's website in advance of the deadline for comments.
- e) Draft Minutes of Meetings will be circulated to Committee Members and posted to the Town Council's web site within seven days of the meeting.
- f) Minutes of Meetings will be made available to the next meeting of the Town Council and be approved formally by the Planning Committee at its next meeting.

3) Pre-application Advice

- a) The general approach of the Town Council's Planning Committee is **not** to hold private meetings with developers; the Committee is aware of the importance of public perception in planning and the need to avoid any appearance that the Town Council might be conducting secretive negotiations or colluding with developers.
- b) However, as highlighted in the National Planning Policy Framework, there are circumstances when a developer may consult with a parish or town council before submitting a planning application; developers should provide information about the proposed development which is relevant to the Town Council in writing.
- c) Any informal meetings and telephone conversations between a developer and individual Members or staff will be documented in writing and subject to disclosure under the Freedom of Information Act 2000.
- d) Town Council staff will arrange any meetings with Members and will attend and write a follow-up letter.
- e) Neither the Town Council's Planning Committee nor any individual Member, in their contact with an applicant or developer, will indicate to them firm acceptance, or otherwise, of any project or scheme.

4) Declarations of Interest

Where a Member has a personal interest in any application, they should declare the interest as soon as possible and if appropriate take no part in considering the application.

5) Conduct

- a) Members must be aware of their obligations under the Town Council's Code of Conduct.
- b) Individual Members must not enter into informal discussions about future applications or possible applications with a developer; to do so may lead to a complaint for a potential breach of the Code. Decisions by Members are required to be made with an open mind; consideration of a proposal at a Planning Committee Meeting by a Member who has previously met with the applicant may risk claims that the informal views expressed amount to bias or predetermination in their later decision making.
- c) If it is considered that a site meeting is needed then individual Members are strongly advised to attend with other agencies (e.g. highways, officers from the Isle of Wight Council) or with the Clerk or Assistant Clerk, and not on their own.
- d) It is an offence under the Bribery Act 2010 for an applicant or their agent to promise or give a financial or other advantage to a council or councillor with the expectation of an improper consideration of an application. If the developer or agent is an incorporated body, the Town Council may request sight of its anti-bribery policy.