

**Meeting:** Council

**Date:** 16 May 2024

**Wards affected:** All Wards

**Report Title:** Constitution Amendments – Local Code of Good Practice - Members and Council Officers Involved in the Planning Process

**When does the decision need to be implemented?** As soon as possible

**Cabinet Member Contact Details:** Councillor Jackie Thomas, Cabinet Member for Culture, Tourism & Events and Corporate Services, jackie.thomas@torbay.gov.uk

**Lead Officer Contact Details:** Amanda Barlow, Monitoring Officer, amanda.barlow@torbay.gov.uk

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## 1. Purpose of Report

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- 1.1 This report sets out changes to the Council's Constitution in respect of operational arrangements for the Planning Committee and to reflect the current status of the Neighbourhood Forums in the Local Code of Good Practice - Members and Council Officers Involved in the Planning Process.

## 2. Reason for Proposal and its benefits

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- 2.1 The proposals in this report ensures that the following section of the Constitution is up to date and fit for purpose:
- Local Code of Good Practice - Members and Council Officers Involved in the Planning Process.

## 3. Recommendation(s) / Proposed Decision

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1. That Council approves the following revised Constitution document, as set out in Appendix 1 to this report:
- Appendix 1 - Local Code of Good Practice - Members and Council Officers Involved in the Planning Process.

## Appendices

- Appendix 1 - Local Code of Good Practice - Members and Council Officers Involved in the Planning Process

## Background Documents

None

## Supporting Information

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### 1. Introduction

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- 1.1 Article 13 – Review and Revision of The Constitution sets out the arrangements for revisions to the Council’s Constitution. This enables the Monitoring Officer to keep the Constitution under review and to make changes that are required for technical or legal reasons. The Monitoring Officer to also make other changes to the Constitution that he/she believes are in the best interests of the Council and/or local people, in consultation with Group Leaders, with an escalation provision to report matters to full Council for a decision.
- 1.2 The following amendments are proposed to Local Code of Good Practice - Members and Council Officers Involved in the Planning Process, as set out in Appendix 1:
- To include reference to the Broadsands, Churston and Gamlpton Neighbourhood Forum and remove reference to the Paignton Neighbourhood Forum as the Paignton Neighbourhood Forum no longer exists.
  - To provide guidance to Councillors who are Members of Brixham Town Council or Broadsands, Churston and Gamlpton Neighbourhood Forum or Torquay Neighbourhood Forum and also a Member of the Planning Committee regarding their role at Planning Committee and declaration of interests.
  - Paragraph 16.2 - To remove the ability for members of the public to submit written materials, photos or mock ups at the Planning Committee or electronic presentations for inclusion as part of the officer presentation. Members of the public are able to make formal representation within the statutory deadlines, therefore submission of additional information at the Planning Committee does not give the applicant or Planning Officers sufficient time to check the accuracy of the information or arrange for a formal response to be presented at the meeting. Members of the public are still able to speak at the Planning Committee meeting to present their views if they register by 11 am on the day of the meeting as well as submitting additional written representations via the Planning Portal or emailing [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk) up to

4pm on the Friday before the meeting and may refer to their submitted documents if they have registered to speak, provided that they agree this in advance with the Planning Officer so that they can include it in their presentation.

- Paragraph 16.3 allows for submission of models subject to certain conditions.

## 2. Options under consideration

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- 2.1 To leave the current sections of the Constitution in place however, this does not reflect the current/intended operational processes in respect of the Planning Committee.

## 3. Financial Opportunities and Implications

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- 3.1 None

## 4. Legal Implications

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- 4.1 None

## 5. Engagement and Consultation

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- 5.1 The revised section of the Constitution has been circulated to all Councillors and discussed with Group Leaders and their suggestions have been incorporated into the final version of the documents, in accordance with the current Article 13 of the Constitution.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 Not applicable

## 7. Tackling Climate Change

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- 7.1 Not applicable.

## 8. Associated Risks

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- 8.1 None

## 9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	We live stream our Planning Committee meetings which helps makes them more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.	There is no differential impact.	
People with caring Responsibilities	We live stream our Planning Committee meetings which helps makes them more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access	There is no differential impact.	

	to the internet, they have the option to attend in person.		
People with a disability	<p>The Council remains committed to promoting equality and ensuring that it meets its obligations under the Equality Act. As part of the implementation of this proposal we will be reviewing the reasonable adjustments provided to Members of the Planning Committee to ensure accessibility and participation in the Committee meeting and its business, such arrangements will be reviewed at least once a year.</p>	<p>The proposals identified in paragraph 16.2 of the Good Practice Guide clarify the current operational policies for determining Planning Applications and are aimed to make it clear to the public how they can present information to the Planning Committee.</p> <p>For some people with disabilities having a physical model of a Planning Application could aid with the interpretation of information. Due to the relatively small numbers of Applications where a model is likely to be produced it was felt that allowing models with certain caveats, set out at Paragraph 16.3, would be a reasonable adjustment for some people with disabilities.</p> <p>Whilst not a normal requirement for determining an application, an agent/applicant could use a model as part of the public consultation process and the Council would notify Members of the Planning Committee of this so that they could access this during the consultation process.</p> <p>The Committee agenda is provided in a reasonable time to make an assessment of the submitted application. Information is presented electronically prior to the meeting so that all parties can access this beforehand. Members undertake a site visit prior to the meeting and a verbal presentation outlining the key points is given by the Planning Officer at the meeting. Members of the Committee are able to request reasonable adjustments.</p>	
Women or men	We live stream our Planning Committee	There is no differential impact.	

	<p>meetings which helps makes them more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.</p>		
<p>People who are from a black, Asian or minority ethnic background (BME) (Please note Gypsies / Roma are within this community)</p>	<p>We live stream our Planning Committee meetings which helps makes them more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.</p>	<p>There is no differential impact.</p>	
<p>Religion or belief (including lack of belief)</p>	<p>We live stream our Planning Committee meetings which helps makes them</p>	<p>There is no differential impact.</p>	

	<p>more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.</p>		
<p>People who are lesbian, gay or bisexual</p>	<p>We live stream our Planning Committee meetings which helps makes them more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.</p>	<p>There is no differential impact.</p>	
<p>People who identify as transgendered</p>	<p>We live stream our Planning Committee meetings which helps makes them more accessible to those with other</p>	<p>There is no differential impact.</p>	

	<p>commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.</p>		
<p>People who are in a marriage or civil partnership</p>	<p>We live stream our Planning Committee meetings which helps makes them more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.</p>	<p>There is no differential impact.</p>	
<p>Women who are pregnant / on maternity leave</p>	<p>We live stream our Planning Committee meetings which helps makes them more accessible to those with other commitments such as full-time</p>	<p>There is no differential impact.</p>	



	<p>employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.</p>		
<p>Socio-economic impacts (Including impact on child poverty issues and deprivation)</p>	<p>There is no differential impact.</p>	<p>There is a potential impact on those who are less financially prosperous that they would be at a disadvantage if we allowed the submission of models at the meeting as they are very expensive and many people would not be able to afford to have them produced, which was one of the reasons for clarifying that they would not be accepted at the Planning Committee meetings.</p> <p>There is potential concern over the accuracy of any physical model produced in terms of scale, topography, position, height and that this could lead to misinterpretation of the application. This is why Paragraph 16.3 proposes that any model must be undertaken by a professional with an accurate scale and fair representation of the existing and proposed changes.</p> <p>The model would not be able to be seen by attendees watching the livestream and would therefore put them at a disadvantage. However, it would be mentioned on the agenda that a model would be available to view at 5 pm and so members of the public could choose to attend the meeting in person if they wanted to view the model.</p> <p>Physical models may be used as part of the public consultation and pre-application process by the applicant/agent. However, detailed scale plans and virtual presentations can be submitted for consideration at the Planning Committee in advance of the meeting. Members also undertake a site visit to view the site</p>	

		to understand the proposal. This is in accordance with National Planning Policy guidelines.	
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	We live stream our Planning Committee meetings which helps makes them more accessible to those with other commitments such as full-time employment who can either watch them live or at a later date via YouTube. For those without access to the internet, they have the option to attend in person.	There is no differential impact.	

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None