



Leicester
City Council

**WARDS AFFECTED:
ALL**

Planning and Development Control Committee

4th August 2021

Planning and Development Control Committee revised Terms of Reference and revised Planning Good Practice Guidance for Members

Report of the City Barrister and Head of Standards

1. PURPOSE OF REPORT

- 1.1 To note the adoption by full Council of the above

2. RECOMMENDATIONS

- 2.1 That Members note the revised Terms of Reference for the Committee (attached as Appendix A)
- 2.2 That Members note the revised Planning Good Practice Guidance for Members (attached as Appendix B)

3 SUMMARY

- 3.1 That Members note the revised provisions above which have been approved by full Council

4.0 REPORT

- 4.1 The Monitoring Officer worked closely with Key Officers over the previous 12 months to review the Constitution, and in turn Key officers consulted with appropriate Elected Members, including the Chair of Planning Committee and the Portfolio Holder. The proposed amendments included the updating and amending of the Terms of reference of Planning and Development Control Committee (" TOR") and of the Planning Good Practice Guidance for Members. These amendments were approved by Full Council 8th July 2021.
- 4.2 The TOR required updating as they reflected a time when the Council had a Planning Committee that decided Policy. Under the Council's Executive system

of governance, Planning Policy documents which form part of the Local Plan are adopted by Full Council, but other aspects of Planning Policy are undertaken under Executive Powers. Functions which relate to development control and management, planning enforcement and planning applications being the most common, are Council functions which are undertaken by PDCC or delegated to Officers and so there is no change to the TOR in this regard. Members will recall that the Scheme of Delegation which was approved at PDCC on the 23rd June 2021 anticipated the proposed changes to the TOR

- 4.3** The amended TOR omits the long list of operational items that were included in the previous TOR as these were either (i) inaccurate or (ii) not performed or (iii) absorbed within the powers and duties that flow from being the “Local Planning Authority”. A comprehensive list of matters that must be determined by the Committee (and may not be discharged by the Executive) are set out in law (The Local Authorities (Functions and Responsibilities) (England) Regulations 2000) and the current list risks obscuring these functions by misreferencing functions or missing some functions off altogether. The TOR was therefore updated to focus upon the actual work of the Committee, as defined in law and as carried-out in practice.
- 4.4** The only substantive change was that Opposed Traffic Regulation Orders no longer come to PDCC “to consider and make recommendations...” The determination of TROs had always been, and remains, an Executive function discharged either by the Director or, where significant Transport Schemes include TROs, through the Executive Decision making mechanism. Objections, where received, are fully considered by the Director before making a decision on whether to confirm or reject a TRO. For Executive Decisions which include TROs, the power of call-in remains.
- 4.5** The Planning Good Practice Guidance for Members was also reviewed and updated. The main changes are as follows ; Section 13.4 of the previous version has been deleted to avoid duplication of circulation of correspondence; Section 16 (Departures from Officer recommendations) has been expanded to provide more guidance and to improve the robustness of decision-taking; and Section 23 (gifts and hospitality) added to align with recent Local Government Association Guidance
- 4.6** Members are asked to note the amended provisions which are attached as Appendix A and Appendix B

5.0 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

There are no direct financial implications arising from this report.

Stuart McAvoy Finance Manager

5.2 Legal Implications

There are legal implications as this report is for noting only

Jane Cotton Solicitor Planning and Highways

6 CLIMATE CHANGE IMPLICATIONS

None

7 OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8 BACKGROUND PAPERS

None

9. REPORT AUTHOR

Jane Cotton, Solicitor Planning and Highways

APPENDIX A:

Planning and Development Control Committee Terms of Reference

Appendix B:

Planning Good Practice Guidance for Members