

SECTION 1 - INTRODUCTION

- (i) This part of the Constitution sets out which bodies and individuals are responsible for particular functions of the Authority. These fall into two categories:

- Council functions
- Local choice functions; and
- Executive functions

- (ii) These are described in more detail in this part of the Constitution. Also included in this part of the Constitution are details of the membership of boards and committees, the Scheme of Delegation to Officers, and the list of Proper Officer designations. The list of Proper Officer designations sets out the officers responsible for certain functions under a particular piece of legislation.

Council Functions

- (iii) Full Council can discharge all the Council's non-executive functions, but it cannot discharge executive functions or take executive decisions. The list of "Non-executive functions" is fixed by law, principally the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Some non-executive functions may only be discharged by full Council, whereas others can be delegated to Committees, Sub-Committees and Officers. This is set out in section 2 of this Constitution. These are also sometimes referred to as non-executive functions and under law are functions that cannot be the responsibility of the Cabinet. In some instances, for example adopting the annual budget, the decision can only be taken at a meeting of the full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a board, committee or an officer - where this is the case it is identified in this part of the Constitution.

Local Choice Functions

- (iv) There are a number of functions for which Councils are able to determine responsibility locally. These are known as "local choice functions". These local choice functions which this Council has determined will be the responsibility of Council or a committee and which will be the responsibility of the Cabinet are listed in Section 3 of this part of the Constitution sets out which local choice functions will be the responsibility of Council, a committee or Cabinet respectively.

Executive Functions

- (v) All other functions are executive functions. Decisions about these functions may be taken by the Leader, the Cabinet, individual Cabinet members, Cabinet committees, joint arrangements with other authorities and officers. Further information about the executive delegation scheme and its operation is set out in Section [5.4](#) of this part of the Constitution.

(b) **Review Sub-committee**

Consideration of requests for a review in accordance with the Council's Guidance.

(c) **Determinations Sub-committee**

To receive reports from the Monitoring Officer or her appointed Investigating Officer and to decide either:

- to determine finding of no failure to comply with the Code of Conduct
- to determine finding of failure to comply with the Code of Conduct and impose relevant sanctions
- Refer the matter for other action

in accordance with the Council Guidance.

3.1.2 Membership, Quorum and Other Matters

- (i) Each Sub-committee must be Cehaired by a District Council member.
- (ii) The quorum is three District Council members.
- (iii) The Sub-committee may co-opt at least one Parish Council member when decisions are taken concerning a Parish matter.
- (iv) The Sub-committee may co-opt at least one independent person as appropriate.
- (v) No member who considered a complaint at the Initial Assessment/Determination Sub-committee may consider the same complaint at the Review Sub-committee.

4. PLANNING COMMITTEE

Membership: Eleven councillors

Quorum: Three councillors

Functions	Matters Reserved for a Decision
The determination of all non-executive decisions under the Planning Acts including all planning applications and	(a) The application is contrary to the provisions of an approved or draft development plan policy and is

Functions	Matters Reserved for a Decision
<p>applications for advertisement consent, listed building consent and conservation area consent is delegated to the Strategic Director of Place except where:</p>	<p>recommended for permission, and in the opinion of the Strategic Director of Place the application is likely to:</p> <ul style="list-style-type: none"> (i) be potentially controversial, or (ii) be of significant public interest, or (iii) have a significant adverse impact on the environment, or (iv) raise matters which should be referred to the Planning Committee.
	<p>(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development which is unlikely to have any major impacts and to which no material (in the opinion of the strategic Director of Place) planning objections have been received.</p>
	<p>(c) A legal agreement (S106 or similar) is required except in the case of minor non-contentious agreements or minor amendments to existing legal agreements.</p>
	<p>(d) (i) <u>Excluding those types of applications detailed at (d) (iii)</u>, The ward member of the ward to which the application relates or the ward member of adjoining ward (if that adjoining ward is materially impacted by the application) has notified the Strategic Director of Place (in writing or</p>

Functions	Matters Reserved for a Decision
	<p>by email within 4 weeks of being notified of the application) that the application should be determined by the Planning Committee</p> <p>And</p> <p>(ii) in the opinion of the Chair having consulted the Strategic Director of Place (or his nominated officer):</p> <p style="margin-left: 20px;">A the notification is supported by one or more material planning grounds, and</p> <p style="margin-left: 20px;">B the item relates to a matter of local concern,</p> <p>Provided that where the relevant ward member or neighbouring ward member has a disclosable pecuniary interest in the application in question, this “call-in” shall automatically be triggered for consideration by the Chair under (d)(ii) above.</p> <p>Where the Chair decides that an application does not satisfy (d)(ii) A or B above, written reasons shall be given to the requesting member.</p> <p>(iii) - <u>Agricultural Prior Approval</u> - <u>East Midlands Airport Informal Notification</u> - <u>Certificate of Alternative Appropriate Development</u> - <u>Certificate of Lawful Development – Existing</u> - <u>Certificate of Lawful Development – Proposed</u> - <u>County Council Consultation</u></p>

Functions	Matters Reserved for a Decision
	<ul style="list-style-type: none"> - <u>Demolition Prior Approval</u> - <u>Discharge of Conditions</u> - <u>Habitat Regulations Assessment</u> - <u>Hedgerow Removal Notice</u> - <u>Neighbouring Authority Consultation</u> - <u>Non Material Amendment</u> - <u>Overhead Lines Notification</u> - <u>Pre Application Advice</u> - <u>Pre Application Advice – Major Applications querying whether Planning Permission is required</u> - <u>Prior Approval for Householder development</u> - <u>Works to trees in the conservation area</u>
	<p>(e) An application is recommended for approval by officers and that application is submitted by:</p> <ul style="list-style-type: none"> (i) a serving member or officer of the Council; or (ii) the close relative of a serving member or officer of the Council <p>except for the approval of an application which in the opinion of the Strategic Director of Place (of his nominated officer) is unlikely to have any major impacts and to which no objections have been received.</p>

Functions	Matters Reserved for a Decision
	<p>(f) The Strategic Director of Place refers any application or matter to the Committee including (but not limited to) any consultation on an executive function.</p> <p>Where the matter referred to the Committee relates to an executive function, the Committee's view shall be subject to being agreed with the relevant portfolio holder or agreed by Cabinet.</p>
Making orders to revoke or modify planning permissions, to impose conditions to remove buildings or repair listed buildings.	All matters reserved.
Making tree preservation orders.	To consider objections or other representations.
Serving Building Preservation Notices or Listed Building Repair Notices.	All matters reserved except where necessary to serve a notice in an emergency.
Public Footpath Orders under the Town and Country Act 1990.	To determine matters referred to it following the receipt of objections or other representations.
Footpath Diversion Orders under the Highways Act 1980.	To determine matters referred to it following the receipt of objections or other representations.

SECTION 7 - SCHEME OF DELEGATION TO STAFF - COUNCIL AND EXECUTIVE FUNCTIONS

1. SCOPE OF THE SCHEME

This scheme sets out the extent to which the powers and duties of the Authority are delegated to officers.

2. EXERCISE OF DELEGATED POWERS

- 2.1** Functions, tasks and responsibilities listed in this scheme of delegation may be exercised by the nominated officer(s) and includes anything which facilitates, or is conducive or incidental to, the discharge of these functions, tasks, or responsibilities.
- 2.2** Where an officer has been given delegated authority by this scheme he or she may authorise any member of his or her staff to act on his or her behalf except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.3** An officer may always refer a delegated matter to the Cabinet or the Council or to one of its Boards or Committees for consultation or decision rather than take the decision him/herself.
- 2.4** When exercising delegated powers officers must always have regard to the financial, legal and human resource implications of the decision. When necessary, advice should be taken.
- 2.5** Before taking a decision under delegated powers, an officer shall notify the relevant portfolio holder of any action which is likely to be contentious or politically sensitive.
- 2.6** The Chief Executive, Strategic Director of Housing & Customer Services and Strategic Director of Place shall keep portfolio holders informed of the work of their service area.
- 2.7** When exercising delegated powers officers shall consult with staff in another service area if the decision is likely to impact on the work of that service area.
- 2.8** When exercising delegated powers an officer shall always have regard to the requirements of the Constitution.
- 2.9** The functions delegated to the Strategic Directors under this scheme of delegation are those functions, which fall within their areas of responsibility. Both Strategic Directors can exercise the powers of the other Strategic Director if that Strategic Director is unavailable for any reason and/or there is other good reason why that Strategic Director should exercise the delegated powers in place of the other.

- 6.2.45 To grant and determine temporary lettings and licences of Council owned land and buildings.
- 6.2.56 To enter into deeds of dedication on such terms as the [Strategic Director](#) sees fit.
- 6.2.67 To agree perpetual and fixed term easements and wayleaves on such terms as the [Strategic Director](#) sees fit.
- 6.2.78 To determine rent reviews and to instigate and participate in arbitrations.
- 6.2.89 To agree terms for the surrender of leases.
- 6.2.940 To authorise action to determine a lease in the event of rent arrears or other breach of covenant.
- 6.2.104 To agree terms for waiving covenants, whether freehold or leasehold.
- 6.2.112 To approve and issue consents for assignments, sub-lettings, alterations, additions and changes of use.
- 6.2.123 To make and settle claims for dilapidation.
- 6.2.134 To appropriate land belonging to the Authority at proper value.
- 6.2.145 To agree the grant and renewal of leases of land and buildings where the annual rental does not exceed £40,000.
- ~~6.2.16 To dispose of freehold land where the market value does not exceed £30,000.~~
- 6.2.157 Following consultation with Asset Management Group, to approve the Asset Management Policy.
- ~~6.2.18 Notwithstanding the above, to undertake acquisitions and disposals of land up to a value of £10,000 per site in accordance with and to give effect to the Council's policies and programmes (subject to provision of a monthly list of such acquisitions and disposals to the appropriate Cabinet member and the Corporate Scrutiny Committee).~~
- 6.2.169 To determine applications for discretionary non-domestic rural rate relief following consultation with the ward member(s) for the settlement concerned and the portfolio holder.

4.2: MEMBERS' SUBSTITUTE SCHEME PROCEDURE RULES

1. INTRODUCTION

- 1.1 The Council recognises that the purpose of the Local Government (Committees and Political Groups) Regulations is to ensure that, in the decision-making process, the political balance of and representation on committees and sub-committees of the Council is maintained. This Scheme for the use of substitutes has been adopted to ensure this principle is maintained.

2. APPLICATION

- 2.1 The scheme will apply to all committees, sub-committees and working groups of the Council except:
- 2.1.1 the Cabinet and any sub-committee established by the Cabinet;
 - 2.1.2 the Audit and Governance Committee and any sub-committee established by the Audit and Governance Committee;
 - 2.1.3 Licensing Sub-Committees and Taxi Licensing Sub-Committee

3. NOMINATION AND APPOINTMENT

- 3.1 The Council, when establishing appointments to committees and working groups of the Council, will also appoint substitutes for elected Members to those bodies on the nomination of the political group leaders. Substitutes to other working groups will be appointed by the establishing body, as appropriate. The substitutes themselves must also be elected members.
- 3.2 The number of substitutes appointed will relate to the number of seats that each political group or grouping has on the body concerned as follows:
- 3.1.1 more than 5 seats - ~~6~~3 substitutes
 - 3.1.2 2 to 5 seats - ~~4~~2 substitutes
 - 3.1.3 1 seat - ~~2~~4 substitute.
- 3.3 On appointment, it shall be the responsibility of a substitute member to keep up to date with the business of the body to which he or she has been appointed to ensure effective decision making.
- 3.4 Cabinet Members may not substitute for Scrutiny Committee Members.

regarded as non commercial issues that must be ignored when entering into a contract for the supply of supplies, services or works). This shall at all times be subject to the provisions of 5.2 below.

5.2 In relation to any contract for the supply of services not through an existing framework or existing arrangement, the officer shall have regard to the considerations set out in the Public Services (Social Value) Act 2012. Specifically, the officer must consider how the services might (in addition to the service requirement) improve the economic, social and environmental well-being of the district and how the procurement itself might be conducted to secure that improvement.

5.3 All procurement documents (including business questionnaires, specifications and contracts) shall be completed prior to advertising the contract opportunity.

Procedures for Determining Which Procurement Option to Follow

5.4 Where an officer has reasonably determined not to use any available options in the Procurement Hierarchy, the following provisions shall apply.

5.5 When the officer has assessed the value of the proposed arrangement (see above), the appropriate procurement route shall be determined in accordance with the Threshold Table (below).

5.6 Notwithstanding the provisions in the Threshold Table, lower value procurements can be conducted using a more sophisticated process as long as it remains objectively reasonable and proportionate to do so and secures open, transparent and fair competition.

Threshold Table

Contract Value		Process	Award Procedure based on	Advertise Contract Opportunity	Documentation
From	To				
Minor Purchases					
£0	£999	No prescribed process	Officer's discretion	N/A	Purchase Order
Band A					
£999	£245,000 999	Quotation	Seeking a minimum of three written quotations	N/A	Purchase Order Budget holder to record details when authorising order
Band B					

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£25K	£49,999	Quotation	Seeking a minimum of three written quotations using Invitation to Quote documentation	Contracts Finder for contracts £25k plus only	Purchase Order Budget holder to record details when authorising order
Band CB					
£5025 K	FTS EU	Formal Tender	Full Tender Process	NWL Web site Contracts Finder	ITT documentation using NWL E-tendering Portal
<p>NOTE: the FTSEU threshold is a figure set out by the EU Government and the World Trade Organisation's (WTO) Government Procurement Agreement (GPA). And These varies from time to time. Please seek advice from the Procurement Team.</p>					
Band DC					
FTSEU	Above	Formal Tender	Full Tender Process	EU Find a Tender Service (FTS) NWL Web site Contracts Finder	ITT documentation using NWL E-tendering portal

Authority to award contracts

5.7 Officers may only enter into a contract if they have sufficient authority to do so. Legal advice in respect of authority to award contracts can only be given to the extent that such authority is set out in the Constitution. Officers are responsible for knowing the extent of any delegated authority they may have and ensuring they do not exceed that.

5.8 The Authority's Constitution contains the Scheme of Delegation, which sets out what decisions can be made by which body, individual or group of individuals. For the purposes of awarding contracts, the following Authorisation Table provides an initial indication of where those decisions sit. However, officers should take advice from Legal Services as to the appropriate source of authority to award where they are unsure.

Authorisation Table and Signatories

5.9 It is for individual Officers to ascertain the limits of their authority to award contracts and orders. Some Officers have unlimited authorisation levels, please see Paragraph 11 – Designated Authorised Officers of Section 7 – Scheme of Delegation to Staff, Council and Executive Functions. An officer may award a contract provided that the value of that contract does not exceed their level of financial authorisation (see paragraph D.5 of the Financial

Band B Contracts

6.4 For any single contract, not related to or part of any larger procurement, whose value is between £25,000 and £49,999, three written quotations sought using a formal Invitation to Quote and provided using a Response to Invitation to Quote, shall be obtained. Template Invitation and Responses shall be provided by the Procurement Team,

6.5 Where officers are seeking formal Responses to Invitation to Quotes:

6.5.1 the opportunity shall be advertised on the Source Leicestershire website, Contracts Finder and the Authority's website, by the Procurement Team

6.5.2 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;

6.5.3 officers must select the quotation which offers value for money for the Authority. In Band B contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;

6.5.4 The Head of Service shall be responsible for keeping a record for audit purposes of:

(a) all those contractors that were requested to provide a quotation;

(b) the reasons why those particular contractors were selected to provide a quotation; and

(c) the reason for selecting the winning quote;

6.5.5 notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new quotations should be obtained each time, to ensure the prices paid represent value for money for the Authority.

6.6 Subject always to the Council's duty to obtain value for money, where the relevant Head of Service is satisfied that there are sufficient reasons for three formal Responses to Invitation to Quotes having not being obtained in respect of a Band B contract, that Head of Service may authorise the award of a Band B contract even though fewer than three formal Responses to Invitation to Quotes have been obtained.

6.7 All Band B contract opportunities shall be published on Contracts Finder.

Band CB Contracts

6.874 For any single contract, not related to or part of any larger procurement, whose value is £250,000 or more, but less than the relevant FTSEU threshold, the officer shall conduct a formal tender using a template to be provided by the Procurement Team and accompanied by terms and conditions prepared with advice from Legal Services.

6.985 Where officers conduct a formal tender:

6.985.1 the opportunity shall be advertised on the Source Leicestershire website, Contracts Finder and the Authority's website, by the Procurement Team;

6.985.2 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;

6.985.3 officers must select the quote which offers value for money for the authority. In Band CB contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;

6.985.4 Notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new tenders should be obtained each time, to ensure the prices paid represent value for money for the Authority.

6.1096 The FTSEU threshold is an amount set out by the by the Government and the World Trade Organisation's (WTO) Government Procurement Agreement (GPA)~~EU~~ and can vary year to year. The Cabinet Office confirms the amounts in Sterling. Please seek advice from the Procurement Team as to the current FTSEU thresholds.

7. CONTRACTS TO WHICH THE PUBLIC PROCUREMENT REGULATIONS APPLY (BAND DC – FTSEU)

7.1 For any contract whose value is more than the threshold amounts set out the Public Contracts Regulations 2015 (as amended from time to time), tenders shall be sought in accordance with those regulations.

7.2 The procuring officer must note that the Public Contracts Regulations 2015 contain minimum timescales for a procurement exercise and therefore it is imperative that advice is sought from both the Procurement Team and Legal Services well in advance of the commencement of the procurement exercise.

Procedure Rules). The below table provides a guide for Officers in salary bands A-I, who should check with their line managers and/or the finance department as to what they are and are not authorised to commit the Council to.

5.10 The authority to award a contract (i.e. decide that the contract should be given to a particular supplier) is separate from authority to sign the contract. Contracts under which the Council will be liable for sums up to £250,000 may be signed by any officer (or awarded by issuing a purchase order) provided that the contract value does not exceed their financial authorisation. All contracts above £250,000 must be signed by the Head of Legal and Commercial Services or their appointed nominee.

5.11 Contracts under which the Council will not incur any costs (such as Information Sharing Agreements or grant documents where the Council is receiving the grant) and contracts for the provision of goods or services in return for a revenue payment may be authorised by any Team Manager, Head of Service, Director or the Chief Executive.

4.8 FINANCIAL PROCEDURE RULES (FINANCIAL REGULATIONS)

1. INTRODUCTION

1.1 What are the Financial Procedure Rules?

1.1.1 Section 151 of the Local Government Act 1972 states that “every authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

1.1.2 Financial Procedures provide the framework for managing the Council’s financial affairs. Financial Procedures are supported by more detailed Financial Management Standards which set out how the procedures will be implemented.

1.1.3 The procedures identify the financial responsibilities of the full Council, the Cabinet and officers.

1.1.4 To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:

(a) The term, “Chief Finance Officer,” refers to the Section 151 Officer who is currently the Head of Finance.

(b) The term, “Chief Officers”, refers to the Council’s Chief Executive, and Directors.

(c) The term, “Monitoring Officer”, refers to the Head of Legal and Commercial Services.

(d) The term, “Chief Internal Auditor”, refers to the Audit Manager

~~(d)~~(e) (a) The term “Budgetholder” refers to any Officer with designated responsibility for a revenue and/or capital cost centre in the annually agreed revenue budget and capital programme. The budgetholder is responsible for financial management and compliance with these rules. This might include Chief Executive, Directors, Heads of Service and Team Managers..

1.2 Why are they important?

1.2.1 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as

the Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under Section 114.

OTHER OFFICERS

~~Team Managers~~Budgetholders

- A.21** The ~~Budgetholders~~Chief Executive, Directors, Heads of Service and Team Managers are responsible for ensuring that Heads of Service and the relevant Strategic Director ~~Cabinet members~~ are advised of the financial implications of all proposals and that the financial implications have been agreed by the Head of Finance. The Strategic Director shall then in turn advise Cabinet.
- A.22** It is the responsibility of ~~Team Managers~~Budgetholder to consult with the Head of Finance and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.
- A.23** ~~Team Managers~~Budgetholders are responsible for the control and accountability of resources consumed and generated by their service areas.

OTHER FINANCIAL ACCOUNTABILITIES

Virement

- A.24** The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- A.25** When a proposal arises to spend money or forego income from a budget area where an underspending would otherwise occur and the overall net expenditure of a Service Area is not altered by such changes this may be approved by the relevant Director/Head of Service/Team Manager in consultation with the Head of Finance.
- A.26** Where in exceptional or unexpected circumstances a Directorate is faced with a material increase in its net expenditure, which cannot reasonably be contained within its resource allocation figure for the year, the Chief Executive or Directors must (wherever possible, prior to incurring the expenditure) submit a request to Cabinet for a supplementary estimate to cover the additional expenditure. The Cabinet will also decide how the expenditure will be funded, e.g. from revenue, loan or otherwise.
- A.27** The Chief Executive, Directors and Heads of Service shall monitor revenue expenditure and the Asset Management Group (Capital Working Party) shall monitor Capital expenditure on a regular basis. Significant matters will be reported to the Cabinet as necessary.

- 14.1** A site visit may be held if the Head of Planning and Infrastructure in consultation with the Chair of the relevant committee considers it will assist members in reaching their decision. This would be, for example, where the impact of the proposed development is difficult to visualise from plans and supporting material. Members should try to attend site visits organised by the Council where possible.
- 14.2** Site visits will be organised in accordance with the following procedures:
- 14.2.1** The Head of Legal and Commercial Services will invite the local Member to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chair of the relevant Planning Committee the local Member for the adjacent division will also be invited.
 - 14.2.2** The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.
 - 14.2.3** Objectors will not normally be invited to attend a site visit or participate in any discussions on site.
 - 14.2.4** On assembling at the site, at the time specified, the Chair will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning and Infrastructure or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning and Infrastructure, or clarification sought on matters which are relevant to the site inspection, the Chair will bring the site visit to a close.
 - 14.2.5** When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application. Information gained from the site visit should be reported back to committee so that all members have the same information.
- 14.3** Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless you feel it is essential for you to visit the site other than through attending the official site visit and you have first spoken to the Head of Planning and Infrastructure about your intention to do so and why

(which will be recorded on file) and you can ensure you will comply with these good practice rules on site visits.

15. PLANNING APPLICATION DEBATES AND REPRESENTATIONS

15.1 At Planning Committee, each application shall be debated as follows:

15.1.1 At the meeting the Head of Planning and Infrastructure (or his nominated officer) will present his/her report first.

15.1.2 Subject to paragraph 15.3, the objectors will make their representations, subject to a time limit of 3 minutes (except at the discretion of the Chair), ~~and may be asked questions by the Committee.~~

15.1.3 Subject to paragraph 15.3, the applicant will then make his or her representations, subject to a time limit of 3 minutes (except at the discretion of the Chair), ~~and may be asked questions by the Committee.~~

15.1.4 Subject to paragraph 15.3, the ward member (and any neighbouring ward members whose wards are materially impacted by the application) may make their representations, subject to a time limit of 5 minutes, ~~and may be asked questions by the Committee.~~ If the relevant ward member or neighbouring ward member has a Disclosable Pecuniary Interest that is affected by an application, they may not speak but may nominate an alternate member to speak on behalf of their ~~consitutents~~constituents.

15.1.5 Where the Chair exercises their discretion to extend the time limit for either the objectors or the applicant, then similar provision shall be made for the other parties (should they so wish) to ensure that all parties receive a fair hearing.

15.1.6 Members of the Planning Committee may seek points of factual clarification from applicants (or their agents), statutory consultees or people making representations to the Planning Committee on matters relating to the application or any representations that have been made. In such exceptional circumstances, questions should be raised through the Chair and in the event that the Chair feels a point of clarification is not appropriate then they will have the discretion not to allow the question to be put to the speaker.

15.1.7 Officers may comment on the representations and the merits of the application and any points of clarification as necessary during the debate.

15.1.78 The Committee will proceed to debate the application. The Rules of Debate set out in Rule 14 (Rules of Debate) of Section 4.1 (Council Procedure Rules) of Part 4 (Rules of Procedure) of this Constitution shall apply except that Rule 14.1 shall not apply meaning that the debate can proceed without a motion being moved and seconded.

15.1.89 Following the Committee's debate, officers may comment on the content and themes emerging from the debate in order to assist in framing the debate in a planning context.

15.1.910 The Chair will then ask for a motion in respect of the application to be moved and seconded and, subject to any of the motions listed in paragraphs 14.10.1 to 14.10.9 of Rule 14 (Rules of Debate) of Section 4.1 (Council Procedure Rules) of Part 4 (Rules of Procedure) of this Constitution being moved, the Committee shall make a decision by simple majority. All votes of the Planning Committee shall be recorded votes. The minute will include the reasons for the decision.

15.2 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee. Members will be given the opportunity to inspect all letters received before the decision on the application is made.

15.3 There will be occasions when applicants, objectors and/or ward members whose ward is affected by the application, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will apply:

15.3.1 The applicant will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. The ward members, applicant and the objectors will be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do this and, if so, they will be invited to the meeting at which the decision is to be made. They must register to speak at the meeting by 12.00 noon on the last working day prior to the meeting and if they fail to do so they will not be allowed to speak unless the Chair exercises his discretion to permit them to do so. People wishing to speak at Planning Committee cannot hand out documentation to members of the Committee. Photographs may be handed out provided that a minimum of 15 copies have been delivered to the Council by 12.00 noon on the last working day prior to the meeting. Speakers can also use the Council's IT system to make electronic submissions to the Committee provided that the submission is delivered to the Council