



Cambridge City Council Civic Affairs

Date: Wednesday, 5 February 2025

Time: 5.30 pm

Venue: Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ [access the building via Peashill entrance]

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

- 1 Apologies
- 2 Declarations of Interest
- 3 Minutes (Pages 3 - 10)
- 4 Public Questions
- 5 Constitutional Changes to Cambridge City Council in regards of Planning (Pages 11 - 128)
- 6 Draft Pay Policy Statement 2025/26 (Pages 129 - 142)

Civic Affairs Members: McPherson (Chair), Gawthrop Wood (Vice-Chair), Bennett, Robertson, Sheil and Young

Alternates: Bick, Clough and Holloway

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Further information on public speaking will be supplied once registration and the written question / statement has been received.

CIVIC AFFAIRS

5 December 2024

5.30 - 6.41 pm

Present: Councillors McPherson (Chair), Gawthrope Wood (Vice-Chair), Robertson and Young

Also present (virtually) Councillor: Bennett

Officers:

Head of Shared Internal Audit Service: Jonathan Tully

Isabel Brittain: Deputy Chief Finance Officer

Committee Manager: Claire Tunncliffe

Others Present:

Ernst & Young Audit Partner: Mark Hodgson

FOR THE INFORMATION OF THE COUNCIL

24/35/Civ Apologies

Apologies were received from Councillor Sheil.

24/36/Civ Declarations of Interest

No declarations were declared.

24/37/Civ Minutes

The minutes from the meeting held on 11 September 2024 were agreed as a true and accurate record.

24/38/Civ Public Questions

No public questions were received.

24/39/Civ Review of Polling Districts, Polling Places and Polling Stations

The Committee received a report on the review of polling districts, polling places and polling stations which must be conducted every five years. The next compulsory review had to be completed by 31 January 2025.

The Electoral Services Manager said the following in response to Member's questions.

- i. Would be happy to investigate all suggestions for potential polling stations to consider their suitability.
- ii. Information for Tellers was provided by Officers to the Election Agents which was expected to be shared with their relevant personnel.
- iii. Laminated crib sheets were made available to Polling Station Staff to hand out to Tellers on the day of the elections. It was expected that Tellers would then pass on to the next incoming Teller when there was a change throughout the day.
- iv. Noted the comment it was important for Election Agents to highlight with their Tellers any change in the rules and regulations.

The Committee unanimously resolved to:

- i. Approve the amendments to three polling districts in Cambridge, as laid out in the Proposed Changes, at Appendix A of the Officer's report.
- ii. Agree that the polling place for each polling district is the polling district boundary. (See definition of terms at 4.1).

24/40/Civ Annual Governance Statement and Local Code of Governance

The committee received a report from the Head of Shared Internal Audit Service regarding the Annual Governance Statement 2022/23 and an updated Local Code of Corporate Governance.

The Head of Shared Internal Audit informed Members that under the title External Audit on page 44 of the agenda pack, this paragraph had been updated (~~deleted text struck through and additional text underlined shown below~~) as recommended by the Independent Person via e-mail.

External Audit

~~Ernst & Young (now EY) are the appointed external auditor, and their results report (ISA260) will be presented to the Civic Affairs committee later in 2023. For 2021/2022 financial year EY issued "unqualified" audit opinions on the financial statements, value for money conclusion and whole of government accounts which provided assurance to the Council.~~

In November 2022 EY provided an "unqualified" audit opinion in their [annual report for 2021/2022](#) which provided assurance. The Council was amongst

only 12% of local authorities to publish their Statement of Accounts on time for that financial year.

In October 2023 the Public Sector Audit Appointments highlighted a cumulative backlog of 918 delayed opinions in the Local Government sector. The Department for Levelling Up, Housing & Communities proposed a backstop deadline, and legislation was approved to allow accounts to be signed without a full external audit.

Progress updates have been reported to the Civic Affairs Committee in [July 2023](#) and [July 2024](#) with an Interim Value for Money report. The Council has published information about the delay on [our website](#).

In response to the Members' questions the Head of Shared Internal Audit said the following:

- i. The Accounts and Audit Regulations require the Council to review its governance arrangements and prepare an Annual Governance Statement (AGS) to accompany the Statement of Accounts.
- ii. Although the draft statements were published earlier, the Council must continue to account for the significant events up until the date that the Statement of Accounts are approved.
- iii. Noted the comment to the reference to Area Committees in the Code of Governance which were currently suspended. Would remove the reference before publication.
- iv. Would provide information on the five complaints relating to Cambridge City Council which had been upheld by The Local Government and Social Care Ombudsman (LGSCO) outside of the meeting as did not have the information available in the meeting.
- v. From a transparency point of view, it was important to make the public aware that there was a complaints process, and to highlight the Council worked with the Ombudsman.
- vi. The Member and Officer protocol referenced in the report could be found in part 5 of the Council's constitution (p352).
[Constitution - Cambridge City Council](#)
- vii. Would share the draft AGS 2023/24 with the Committee.
- viii. A revised 2023/24 AGS would be brought to a future Committee meeting with the next Statement of Accounts.

The Committee **unanimously resolved** to:

- i. Approve the Annual Governance Statement (AGS) attached at Appendix A of the Officer's report in advance of the Statement of Accounts. Noting the arrangements for compiling, reporting on and signing the AGS;
 - the progress made on issues reported in the previous year
 - the current review of effectiveness
 - the issues considered for inclusion in the current AGS
- ii. Note and endorse the amendments to the updated Local Code of Corporate Governance attached at Appendix B.

24/41/Civ Statement of Accounts 2022-23 - Audit Opinion

The committee received a report introduced by the Interim Deputy Chief Finance Officer in regarding the Statement of Accounts 2022/2023.

Presenting the Audit Results Report was the Audit Partner from Ernst & Young (EY).

In response to Members' questions, the Audit Partner, EY, and the Interim Deputy Chief Finance Officer said the following:

- i. Highlighted the local background and context of the Executive Summary. The position had developed over the past few years resulting in unaudited financial statements for 31 March 2023. The main reasons for the Council's financial statements not being prepared, audited and signed to date included:
 - The post pandemic timelines resulted in audit teams trying to move delayed audits on to completion, whilst finance teams were trying to catch up, dealing with current priorities and future planning. This used a significant amount of limited audit resource, leading to a lack of capacity to move onto the 2022/23 audit year.
 - In addition, there were several new technical issues and challenges to address during this period, including, accounting for infrastructure assets, while having to consider the updated pension fund valuations, which led to some delays to the prior year 2021/22 audit being completed, with the audit opinion being signed on the 30 November 2022.
 - As a result, and taken together, this has ultimately led to a lack of capacity to be able to commence the 2022/23 audit year with sufficient time to be able to complete the audit.
- ii. There would be no further audit taken for the period.
- iii. Due to the wider requirements of the local audit system reset, this meant EY did not have the required resources available to complete the

- detailed audit procedures needed to obtain sufficient appropriate audit evidence to issue an unmodified audit report on the 2022/23 financial statements. Therefore, EY were disclaiming opinion on the financial statements.
- iv. Had followed legislation set out by the Government to reset the local audit agenda. This clearly was not ideal and did not provide the Council the assurances that would have usually been received, but this was the current situation.
 - v. Believed the accounts for 2022/23 were published on time but the Council missed the 31 May deadline to publish the 2023/24 Financial Statement and were still outstanding.
 - vi. EY continued to be the appointed auditor.
 - vii. Confirmed there was not enough resources to perform an audit by the back stop date of 28th Feb 2025. The 2023/24 Financial Statement not being available had contributed to the delay, therefore was it was unrealistic to expect the audit to be completed in two months.
 - viii. EY had two primary responsibilities, to audit the financial statements, no detailed audit testing had been undertaken but planning work had been completed to identify the risks that needed to be addressed. Those audit risks could be viewed at page 96 of the agenda pack.
 - ix. The second area was in relation to value for money. EY had performed all procedures in this area and were satisfied the arrangements the Council had in place were adequate.
 - x. In relation to 2023/24, EY would not be performing audit procedures due to insufficient time to start and conclude an audit by the back stop date.
 - xi. With regards to the 2024/25 audit, would hope the Council could publish the draft financial statements to the timetable given in the accounting audit regulations. EY would then perform the required audit procedures.
 - xii. The Committee should be aware that it took time to unwind a disclaimed audit opinion as there was not the assurance opening balances and comparatives. It would be a further three years before the Council returned all things being equal to a position where there was an unqualified audit opinion on the Council's financial statement.
 - xiii. There was 250 approximately, other local authorities across the country in a similar position to the Councils who were likely to have a disclaimed audit opinion.
 - xiv. The first year the Council could expect an unqualified audit opinion would be 2026/27, all things being equal.
 - xv. Fees for public sector audits appointments were set each year.
 - xvi. To rebuild assurances between now and the 2026/27 audit period, additional work would be essential. It would be for the public sector audit

- appointments to determine what remuneration each audit firm should get to enable to reach an unqualified audit opinion.
- xvii. All audit firms working for the public sector were in the same position, the local authority audit market was broken. Legislation was trying to fix the market in which all audit firms were operating.
 - xviii. Reiterated that the Public Sector Audit Appointments as the contract holder set the audit fees and reviewed the level of remuneration for work performed. They were currently determining the fees for 2022/23.
 - xix. The Council had not published the 2022/23 financial statements by the due date of 31st May but June 22nd. At that point there was a risk of significant weakness as the Council could not publish on the date due. Further work on the value for money concluded it was not unreasonable to be 23 days late in the context of where the local audit currently was.
 - xx. The incoming expenditure account had aligned with international accounting standards.

The Head of Shared Internal Audit stated he would be happy to speak with EY to determine if there were any opportunities for the Internal Audit Team to provide assurance to Members. It was important not to duplicate work and it was not a substitute for a full external audit.

Before the vote the Head of Internal Audit shared with the Committee, comments made by the Independent Person for information.

The Committee **unanimously resolved** to:

- i. Receive the Audit Results Report presented by EY and the unaudited statement of accounts for 2022-23.
- ii. Approve the Statement of Accounts for the year ended 31 March 2023 based on the current Reset and Recovery legislation.
- iii. That the Chair of the meeting be authorised to sign the Management representation letter as shown in Appendix A of the Officer's Report for Those Charged with Governance.

24/42/Civ Officer Delegated Decisions

Record of Officer Delegated Decision - To Implement the Joint Negotiating Committee for Chief Executives of Local Authorities Pay Award for 2024-25.

The Committee noted the decision.

Record of Officer Urgent Decision - To Implement the National Joint Council
Local Government Services Pay Agreement 2024

The Committee noted the decision.

The meeting ended at 6.41 pm

CHAIR

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REPORT TITLE: Constitutional Changes to Cambridge City Council in regards of Planning.

To:

Executive Councillor

Civic Affairs Committee (5th February 2025)

Report by:

Jane Rodens Area Development Manager

Email: Jane.rodens@greatercambridgeplanning.org

Wards affected:

All

1. Recommendations

1.1 It is recommended the Civic Affairs Committee:

- a. Recommends to Council approval of the changes to the Council Constitution as set out in Appendices A and B
- b. approves the amended Public Speaking Rights at Planning Committee Appendix C
- c. approves the Members Planning Good Practice Guide Appendix D

Members are to note that there are proposed changes being made to the City Constitution as part of the review of governance arrangements, these updates will transfer into any updated constitution moving forward.

2. Purpose and reason for the report

2.1 The reason for this recommendation is to revise the Council constitution to allow for the Planning Committee to determine the extent and form of the officers scheme of delegation. A revised scheme of officer delegation is also proposed following an extensive review of the Planning Committee process with members which resulted in 49 recommendations aimed at enhancing the effectiveness of the Planning Committee and increasing consistency of approach across the Shared Planning Service to aid understanding and support increased participation and in the process. The report is accompanied by updated Public Speaking Guidance and a Member Good Practice Guide that complement the revisions to the Constitution proposed. A copy of the report containing the 49 recommendations is attached at Appendix E.

3. Alternative options considered

- 3.1 Not to revise the Constitution, Public Speaking and Member Good Practice guide. This would not realise objective of greater agility, consistency or transparency underpinning the Committee Review project previously considered by the Planning Committee and has been rejected.

4. Background and key issues

- 4.1 In 2020 the Planning Advisory Service (PAS) undertook a review of all three Planning Committees that are supported by the Greater Cambridge Shared Planning Service (GCSP). A further review has been undertaken by a Member and Officer working group, where 49 recommendations have been made. Some of which are to streamline the Planning Committee process and improve transparency, improving the experience for all “users” of the Planning Committee process. Improving statutory and service Key performance indicators (KPIs) for decision making on planning and related applications.

A Planning Reform Working Paper: Planning Committees (December 2024) has been published which is to bring a standardisation and certainty to applicants when an application is to be determined by a Planning Committee. Over 90% of decisions are currently delegated to Officers (from 1/1/24 to 1/11/14) in the GCSP. Whilst this is broadly in line with the current national average according to PAS. This reform paper has the aim to focus Planning Committees time to the most sensitive / complex applications.

In 2024 there were 151 Planning applications heard between the three planning committees that GCSP cover, equating to over 156 hours (equivalent to nearly 4 and a half weeks) of Member and officers time spent in the committees, in a total of 37 meetings. The committee process represents a very significant investment in scarce capacity and resources by each of the Councils and it is therefore critical, given the opportunity cost of that time, that this investment is targeted to have the greatest benefit for the Communities that both Councils serve. This reflects the need identified by PAS and agreed by Members, of making the most efficient use of officer and member time at Committees by focusing on the most sensitive / complex applications.

The below recommendations are in Appendices B, C and D of this report and have been considered and endorsed, or at the time of writing this report are due to be considered by the following Planning Committees.

- a. Cambridge City Planning Committee – 8th January 2025 (Endorsed)
- b. South Cambridge District Council – 15th January 2025 (Endorsed)
- c. Joint Development Control Committee – 22nd January 2025 (Endorsed)

Where there have been recommended amendments at the committees, these have been made to the Appendices in this report.

The proposals seek to:

- Align the three Planning Committees approach through a clear set of common criteria which help filter and more clearly define those applications that are to be brought before committee.
- Refine the types of applications that are reported to committee for determination - ensuring the Planning Committee is able to focus on the more complex, significant and controversial applications to be determined.

To achieve this objective, the recommendations seek to establish a single Greater Cambridge Shared Planning Service Scheme of Delegation in respect of planning and related functions (in Appendix B) and introduce a Delegation Panel for Cambridge City Committee and Joint Development Management Committee. This is complemented with the revised scheme for Public Speaking at Planning Committee (Appendix C) and a Members Planning Good Practice Guide (Appendix D).

Following discussion at SCDC Planning Committee, Paragraphs 3.10 to 3.12 of Appendix D have been revised with Paragraphs 3.10 to 3.12 to ensure the wording relating to the different types of interest is consistent and further clarified. Any further revisions proposed at the Joint Development Control Committee meeting will be reported verbally.

The relevant Planning matters are recommended to be removed out of the South Cambridgeshire District Council and Cambridge City Council Constitutions and placed in these three documents. The constitutions for South Cambridgeshire District Council and Cambridge City Council in regards of Planning do not currently align nor are they up to date in terms of reflecting the most recent Government Guidance and legislation in relation to planning. Having the detail of officer delegations outside of the constitutions, means that in future changes in legislation or refinements to the officer scheme of delegation can be carried out more efficiently without a need to amend the constitution. This will be particularly helpful in response to the planning reform agenda of the Government which may impact process changes to the current planning regime.

The changes that are being recommended to the Council Constitution are in Appendix A of this report. The sections that are to be removed and placed in the documents are detailed in the Appendix along with where the new Greater Cambridge Shared Planning Service Scheme of Delegation in respect of planning and related functions December 2024 is to be referenced.

In Summary the details of the Scheme of Delegation to Planning Committee is removed along with the areas of Delegation to Officers, the details of the Joint Development Control Committee and The Planning Code of Good Practice.

Members are to note that there are also proposed changes being made to SCDC Council Constitution as part of the review of governance arrangements, these updates will transfer into any updated constitution moving forward.

5. Consultation, engagement and communication

5.1 The proposed revisions form part of a wider programme focused upon developing the Planning Committee which have been subject to an extensive period of engagement with Members and users of the Shared Planning Service. The proposed detail changes outlined in the Appendices have been subject of reports to each Planning Committee served by the Greater Cambridge Shared Planning Service. The Changes to the Officer scheme of delegation have been the subject of significant engagement with Legal officers within 3C Legal Services.

6. Anticipated outcomes, benefits or impact

6.1 The anticipated outcomes and benefits are that, the Planning service refines the types of application that are brought to Planning Committee and aligns the process which determines how a decision is made in order to allow the Committees to consistently focus on the more complex, significant and controversial applications whilst also improving consistency and transparency to the processing of all planning and related applications to be determined.

7. Implications

7.1 Relevant risks

The risks associated with the process are those that already apply to the Councils constitution and Scheme of Delegation; that ambiguity or a lack of clarity around the drafting and process

bring reputational damage and prevent the timely determination of planning matters by the Local Planning Authority in line with national requirements. To mitigate that risk, alongside the ISO 9001 Quality Assurance process already in place across the Shared Planning Service, the revisions proposed have been prepared by and in close consultation with officers from the respective Legal Services and Democratic Services Teams.

Financial Implications

- 7.2 The cost of the Planning Committee meetings, reflecting the amount of Member time, but also the significant officer input to prepare, attend and administer a meeting are already significant. The Councils existing staff and resources budgets cover these costs. The changes recommended are not anticipated to increase the frequency of Planning Committee meetings but are designed to make the investment of time and resources effective. These proposals do not introduce additional costs but will indirectly support ongoing work to increase impact and effectiveness the Council and the Shared Planning Service.

Legal Implications

- 7.3 The recommended changes do include amendments to the schemes of delegation, and constitution; these recommendations have been agreed by all three of the Planning Committees and therefore are being recommended in this report for changes to the constitutions.

Equalities and socio-economic Implications

- 7.4 The proposed changes are not anticipated to impact any specific protected characteristics and accordingly an equalities assessment has not been carried out in respect of the Appendices attached.

Net Zero Carbon, Climate Change and Environmental implications

- 7.5 *None*

Procurement Implications

- 7.6 *None*

Community Safety Implications

- 7.7 *None*

8. Background documents

Local Government (Access to Information) Act 1985

8.1 *None*

9. Appendices

9.1 *Appendix A: Changes to Cambridge City Council Constitution*

Appendix B: Greater Cambridge Shared Planning Service Officer Scheme of Delegation in respect of planning and related functions December 2024 and associated

Appendix C: Public Speaking Rights at Planning Committee

Appendix D: Members Planning Good Practice Guide

Appendix E - Committee Review Outcome Report, August 2024 (excluding appendices)

Cambridge City Council Constitution Summary of Track changes

1. Deletion and update of the table in Part 3, Section 8, 8.2. pg 68

Change of section title “Joint Development Control (Cambridge Fringes)” to “Joint Development Management (Cambridge Fringes)”

Remove the reference to “JDCC Terms of Reference and Standing Order . pdf (Cambridge.gov.uk)” and replace with “Greater Cambridge Shared Planning Service Scheme of officer delegation in respect of planning and related functions” and relevant link to document.

2. Deletion and update of 5.7 page 104

Insert “Details in the Greater Cambridge Shared Planning Service Scheme of delegation in respect of planning and related functions” as the last bullet points on page 104.

Deletion of “Delegated by Planning Committee / Executive” onwards to the start of section 10. The deletion of pages 104 to 110.

3. Deletion of Appendix B2 (Page 151 – 155)

4. Deletion of Public speaking at Planning Committee (Page 180 – 182)

Inclusion of “Greater Cambridge Shared Planning Service Scheme of officer delegation in respect of planning and related functions” after Planning committee (see...) on page 178

Deletion of pages 180 – 182 – 1. Public Speaking at Planning Committee

5. Deletion of Part 4: Planning Code of Good Practice Pages 351 -362

6. Update of the contents page to reflect the above changes.

Page iv – 8.2, page 68 - “Joint Development Control (Cambridge Fringes)” to “Joint Development Management (Cambridge Fringes)”

Page vi – Appendix B2. 151 – Delete

Page xii / xiii– Part 4 Planning Code of Good Practice – Delete

SECTION 8: JOINT COMMITTEES AND OTHER PARTNERSHIP BODIES

8.1 Introduction

8.1.1 This section sets out the joint committees and partnership bodies on which the Council is represented. It gives details of who is responsible for making appointments to the different bodies and the bodies' purpose or terms of reference.

8.2 ~~Joint Development Control (Cambridge Fringes)~~

Joint Development Management (Cambridge Fringes)

Appointed by:	Council (6 politically proportional to seats on Council)[note: 6 Members appointed by South Cambridgeshire District Council]
Terms of Reference:	
For full details please see:	
JDCC Terms of Reference and Standing Orders.pdf (cambridge.gov.uk)	

Greater Cambridge Shared Planning Service Scheme of officer delegation in respect of planning and related functions

8.6 Cambridge City Joint Area Committee- disbanded by County Council 31.7.20

Who represents the City Council	
Appointed by:	
Terms of Reference:	

5.7 Joint Director of Planning in respect of planning and development control

Service area delegations

- Planning Service
- Building Control (3C service)
- Dangerous Buildings, structures and excavations
- Street Naming
- Regulatory functions under the Buildings Act and other legislation concerned with safety, sanitation, health and structural condition of buildings.
Specific area delegation by the Executive
- To approve grants from the Historic Buildings Fund and to approve Access Grants up to the value of £5,000
- To operate and negotiate building control fees as necessary (recording the fees agreed) in response to the dictates of the market and other relevant circumstances in adjusting fee levels on major developments that are likely to be subject to particular competition from private Approved Inspectors as long as overall budget targets are met
- Details in the Greater Cambridge Shared Planning Service Scheme of delegation in respect of planning and related functions

Specific regulatory power delegated

- To act as the proper officer under Section 191 of the Local Government Act 1972 with respect to ordnance survey.

~~Delegated by Planning Committee/ Executive~~

~~A1 To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the schedule below) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008) and the Planning (Listed Buildings and Conservation areas) Act 1990 **except** in any of the following circumstances:~~

- ~~The application is for 'Major'¹ development (see note for definition of 'Major' at end of A1) where:

 - ~~There are third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal.~~~~
- ~~The application is advertised as a formal departure from the Development Plan policy and where the officer recommendation is for approval.~~

- The application is for development of between 1-9 dwellings, where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application is for development involving a change of use where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application involves the City Council as applicant or landowner and the development is not of a minor nature.
- The application is for the demolition of a listed building or a Building of Local Interest.
- The application is submitted by a Member or officer of the City Council.
- The application is for a 'non-material' change/amendment in relation to a development that was previously approved by Planning Committee or an Area Committee, and the Chair, Vice-Chair and Spokesperson of that Committee object to the exercise of the delegated power within 14 days of notification.
- The application is one where, within 21 days of the date of publication of the weekly list, or within 14 days of receipt of any subsequent significant amendment to the still current proposal, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the planning grounds on which the request is based.
- The application requires a Planning Obligation (or any subsequent amendment thereof) containing terms that are not in accordance with, or are additional to, those required by the Council's Planning Obligation Strategy.
- The application is one that in the opinion of officers should be determined by Committee because of special planning policy or other considerations.

Note: ¹ Major development comprises:

- 10 or more dwellings, or a site area of 0.5 ha. or more where the number of dwellings is not shown;
- Other developments where the floor space to be built is 1000 square metres (gross) or more, or where the site area is 0.5 ha. or more in size.

A2. To serve Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices, and Discontinuance Notices for advertisements (subject to prior consultation with the Head of Legal and Practice).

A3. To instruct the Head of Legal Practice to commence prosecution proceedings for the display of illegal advertisements (including fly posting) and for non-compliance with any formal notices issued.

A4. To instruct the Head of Legal Practice to serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission.

A5. To instruct the Head of Legal Practice to serve Listed Building Enforcement Notices under S38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A6. To instruct the Head of Legal Practice to serve notices requiring urgent works to unoccupied Listed Buildings under S54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A7. To decide whether to serve a Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003 where there are no third party representations that are contrary to the officer recommendation (subject to prior consultation with the Head of Legal Practice) and to instruct the Head of Legal Practice to commence prosecution proceedings for non-compliance with a Remedial Notice or to carry out works in default.

A8. To make representations as a 'responsible authority' on applications for public entertainment licenses under the Licensing Act 2003.

B1. To determine all applications for works to trees under the Town and Country Planning Act 1990, and for works to hedgerows under the Environment Act 1995, **except** in any of the following circumstances:

- The application is one where there are third party representations on amenity grounds that are contrary to the officer recommendation and that cannot be resolved.
- The application is one where, within 14 days of being notified, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the grounds on which the request is based.

B2. To serve, and unless objections are received, confirm Tree Preservation Orders and Hedgerow Replacement Notices.

B3. To instruct the Head of Legal Practice to take enforcement action or instigate proceedings under part (viii) of the Town and Country Planning Act 1990 relating to violations against protected trees, and under S97 of the Environment Act 1995 relating to violations against protected hedgerows.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

Schedule referred to in Delegation A1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

- Outline and full planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Reserved matters following outline planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.

- Renewals of planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Removal/variation of planning conditions.
- Discharge of conditions.
- Agreeing the terms of Planning Obligations under S106 of the Town and Country Planning Act 1990.
- Advertisement Consent.
- Lawful Development Certificates.
- County Council Regulation 3 applications.
- Prior notifications and approvals under a Development Order.
- Goods Vehicle Operating Licences.
- Listed Building Consent.
- Conservation Area Consent.
- Consultations from neighbouring authorities.
- Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, or any subsequent amendment or successors to those Regulations.
- Screening and scoping opinions under the Conservation (Natural Habitats, etc) Regulations 1994 or any subsequent amendments or successors to those Regulations
- Screening and scoping opinions under the Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) Regulations 2001 or any subsequent amendments or successors to those Regulations

Planning enforcement:

Delegation to Shared Director of Planning (in consultation with Head of Legal Practice and Chair/Vice Chair/Spokes of Planning Committee):

A To take direct action or works in default as required in relation to Section 178 (Non Compliance with an Enforcement Notice) and Section 219 (Non Compliance with a Section 215 Notice) of Town and Country Planning Act 1990 (as amended) and to recover from the person who is then the owner of the land any expenses reasonably incurred by the Council in undertaking this work under Regulation 14 of the Town and Country Planning General Regulations 1992

B For commencement of prosecution following non-compliance with an Enforcement Notice under Section 179 or Planning Contravention Notice under Section 171D of the Town and Country Planning Act 1990 (as amended)

C To seek an injunction to restrain a breach of planning control under Section 187B of the Town and Country Planning Act 1990 (as amended)

D To make an application for a Confiscation Order under the Proceeds of Crime Act 2002 (as amended)

Delegation to Shared Director of Planning, the Enforcement and Monitoring Officer, the Delivery Manager (Development Management) and/or the Delivery Manager (Strategic Sites)

Subject to a valid request for 'call in' to Planning Committee, To issue and serve Enforcement Notices under Sections 172 and 215 clearance of untidy land and Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 of the Town and Country Planning Act 1990 (as amended), after consultation with the Head of Legal Practice. Authority to include signing, service, varying or withdrawing Enforcement Notices.

To issue and serve Temporary Stop Notices under Sections 171E to 171H and Stop Notices under Section 183 of the Town and Country Planning Act 1990 (as amended) and associated Enforcement Notices after consultation with the Head of Legal Practice. Authority to include signing, service, varying or withdrawing Temporary Stop Notices and Stop Notices.

Delegation to the Enforcement and Monitoring Officer, the Delivery Manager (Development Management) and/or the Delivery Manager (Strategic Sites)

All other enforcement related tasks, investigations, operational decisions, investigations and service of notices relating to development, trees and hedges, the historic environment, advertisements, and hazardous substances, all under the relevant legislation and to close cases where it is not expedient to pursue enforcement action.

In consultation with the Executive Councillor, scrutiny committee chair and spokes make Article 4 Directions in respect of public houses and BLI's (Local Heritage Assets) where evidence suggests significant harm is possible through the exercise of permitted development rights.

Scheme of Delegation as agreed by the Joint Development Control Committee July 2020:

The following powers are delegated to the Joint Director of Planning and Economic Development in respect of planning and development control matters. . The Joint Director of Planning and Economic Development may authorise any other officers within the Greater Cambridge Shared Planning Service to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further.

Such delegations shall be evidenced in writing.

1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee **except** in any of the following circumstances:

a) Where the application is for Outline or Full Permission or is a reserved matters application in respect of:

1. The provision of residential units where:

(a) the number of residential units to be provided is 100 or more.

2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area of 1 hectare or more;

3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose;

4. Regulation 3 development for all new facilities.

b) Where:

- There are any parish council representations that are contrary to the officer recommendation for approval or;

- There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;

c) The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.

d) The application is submitted by a Member or Chief Officer or planning officer of either of the Councils.

e) The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any Member of the City Council or of the District Council requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.

f) The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.

g) The application is for a "non-material" change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiation in response to objections raised to the original approval, and in both cases where the Chair, Vice-Chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.

5. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgement to decide whether to refer any matter contained within this Scheme to the Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members of the Joint Committee.

Schedule referred to in Delegation 1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

- a) Outline and full planning permission and any subsequent pre- and post decision amendments.
- b) Reserved matters following outline planning permission and any pre and post decision amendments.
- c) Renewals of planning permission and any pre- and post-decision amendments.
- d) Removal/variation of planning conditions.
- e) Discharge of conditions.
- f) Advertisement consent.
- g) Lawful Development Certificates.
- h) Regulation 3 applications.
- i) Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.
- j) Listed Building Consent.
- k) Conservation Area Consent.
- l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.
- m) Entering into and Signing of Planning Performance Agreements.

Appendix B2: Development Control Forums**DEVELOPMENT CONTROL FORUM****OPERATIONAL GUIDELINES****Receipt of Petitions and Notification of Development Control Forum**

1. Neighbour consultation letters on planning applications draw attention to the possibility of a Development Control Forum being held on an application. There is a further reference in a 'Your Chance to Comment' leaflet and there is also a separate 'Development Control Forum' leaflet. The information is also available on the Council's website.
2. Petitions requesting a Development Control Forum should be sent to the Committee Section, who should then send a copy to the development control support team in the Planning Department. In the event of petitions being sent directly to the Planning Department, the Planning Department should retain a copy and send the original to the Committee Section.
3. On receipt, the Committee section in liaison with the planning case officer, will check that the petition meets all the eligibility criteria for a Development Control Forum to be held. Senior officer advice will be taken where necessary. If the petition does not meet the eligibility criteria the Committee section will contact the lead petitioner(s) immediately to let them know that a Development Control Forum will not be held and that the petition will be reported direct to the relevant Committee through the officer's report on the application.
4. The eligibility criteria are:

A petition that solely relates to comments on an eligible planning application that is under consideration. The petition must state clearly what the planning concerns are about the application and whether it is an outright in principle objection to the development or not. If it is not the petitioners are encouraged in the petition to briefly say in their own words what changes might be made to the development to overcome their concerns. Petitioners will be expected to explain what changes they are seeking at the Development Control Forum meeting itself.

- A petition containing at least 25 signatures and addresses of Cambridge City residents
- A petition of objection that is received within the initial 21 day consultation period
- A petition of support but only if there is also a qualifying petition of

objection to be considered. It must be received within 7 days of the close of the initial 21 day consultation period

5. Applications that are not eligible to be considered at a Development Control Forum are:

- Applications to alter, extend or carry out other works to a house and its surroundings ('householder applications')
- Applications to create a new single house or other single residential unit
- Applications for a change of use of an existing building(s)
- Applications for works or alterations to existing buildings or other structures creating no additional floor space
- Applications for new commercial development of less than 200 square metres (gross) additional floor space
- Applications for advertisements
- Applications to determine whether a use of land or buildings needs planning permission ('lawful development certificate')
- Applications for works or alterations to listed buildings (applications for Listed Building Consent)
- Applications to demolish a building(s) in a conservation area (applications for Conservation Area Consent)
- Applications by telecommunications code system operators asking whether the local authority's 'prior approval' is needed to the siting and appearance of works that would otherwise be 'permitted development' not requiring planning permission (Prior Approval notification)
- Petitions expressing an outright in principle objection to the application with no suggestions for a compromise solution
- Petitions not received within the above timescales

Normally a Forum will not be held for a petition relating to an amendment to a current application or where a Forum has already been held on the current application. Senior officers and Chair and Spokesperson(s) of the relevant Committee that will determine the application have the final decision on such requests.

6. If the request is eligible, the Committee section will liaise with the planning case officer about the date of the Development Control Forum. It will normally

be on the next available reserved Wednesday in the week after a Planning Committee meeting provided that:

- The 21 days consultation period has elapsed
- At least 7 days (not working days) notice is given to all those who are entitled to attend and take part in the Forum

7. The Committee section will contact the lead petitioner(s) and the applicant (or the agent where there is one) to confirm the date of the Forum meeting. Petitioners and applicants will be expected to meet the next available date, because of the tight deadlines the Council has in determining planning applications.

8. If two or more petitions are received for the same application the petitioners will be encouraged to make a joint presentation. If this is not possible they will normally share the overall time allocation set out in the meeting procedure.

9. The Committee section will send written invitations to:

- The lead petitioner(s)
- The applicant and agent
- Members of the Committee that will be responsible for determining the application
- Ward Councillors
- Planning Officers

All other City Councillors will also be informed that the meeting is taking place. The press too will be informed.

The invitations to the meeting should include:

- Application details
- Planning case officer and Committee section contact details for further information and advice
- Brief summary of purpose of the Forum and meeting details

The Development Control Forum Meeting

10. The Press and Public are entitled to attend meetings as observers.

11. A senior officer in the Planning Department will chair the meeting. Normally this will be the Head of Development Services or his deputy.

12. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.

13. The format of the Forum will be as follows:

- **Introduction by Chair and declaration of Councillor interests**
– up to 5 minutes
- Presentation of the application by the applicant/agent (up to 3 representatives) – **up to 15 minutes**
- Presentation of the views of the petitioners against the application (up to 3 representatives) – **up to 15 minutes**
- Presentation of the views of the petitioners in support of the application (where applicable) (up to 3 representatives) – **up to 15 minutes**
- Presentation by the planning officer – **up to 10 minutes**
- Member questions and issues arising – **up to 30 minutes**
- Summing up by the petitioners against the application – **up to 5 minutes**
- Summing up by the petitioners in support of the application – **up to 5 minutes**
- Final comments of the Chair

In exceptional circumstances the order of proceedings may be changed at the discretion of officers and the Chair and Spokesperson(s) of the relevant Committee.

After the Meeting of the Forum

14. The Committee Section representative will take notes of the meeting. The notes will be a summary of the proceedings. Nothing said by Councillors at the meeting will in any way be binding on the Committee that subsequently determines the application. The draft notes will be circulated to the Chair and the planning case officer for agreement. The finalised notes will be sent to the following, normally within 7 working days of the Forum meeting:

- The petitioners' representatives
- The applicant's representatives
- All Councillors of the relevant decision making Committee
- Ward Councillors
- Any other Councillor who attended

The notes of the meeting will be appended to the Committee report.

15. The planning case officer should contact the applicants/agent after the meeting to discuss the outcome of the meeting and to follow up any further action that is necessary. The applicant will be encouraged to keep in direct

contact with the petitioners and to seek their views on any proposed amendment/s.

16. The Council will follow its normal neighbour notification procedures on any amendments to the application.

17. Along with other individuals who may have made representations on the application, the petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by Committee and of their public speaking rights. The Committee report will be publicly available five clear days before the Committee meeting.

Appendix 2: Public speaking rights

1. *Public speaking rights at Council meetings and committees*

Set out below is the scheme that allows members of the public to speak at Cambridge City Council meetings.

If you have any questions on the scheme, please contact the Council's Committee Section at The Guildhall, email democratic.services@cambridge.gov.uk

To which bodies does the right to speak apply?

Meetings of the full Council, all committees, sub-committees and working parties; with the exception of:

- Planning Committee (see ~~below~~) and Licensing Sub-Committees and Taxi Licensing Sub-Committees, which have their own schemes for public speaking rights;
- Any working parties which are not open to the public;
- The Employment Appeals Sub-Committee

It also applies where an executive councillor is making a decision in public without the presence of a scrutiny committee. Where this is the case, references in this scheme to the Chair shall be read as referring to the executive councillor.

Is it a right to ask questions or to make statements?

Both.

How should questions or statements be addressed?

At Council meetings, to the Chair of the relevant committee, or to the relevant member of the Executive, as determined by the Mayor. At Committee meetings etc., to the Chair of the meeting or to the appropriate Executive Councillor if it relates to an Executive function. However, in both cases, the Chair or Executive Councillor may invite another member or an officer to respond.

For the benefit of Councillors and others, speakers should begin by saying who they are, if they are speaking for themselves or a group/organisation and if the latter an indication of how many people are involved.

Are questions and/or statements confined to matters on the agenda or permitted on all matters within the Committee's (or other body's) areas of responsibility?

Last updated 05.09.24

Greater
Cambridge Shared
Planning Service
Scheme of officer
delegation in
respect of planning
and related
functions

- Where the question concerns actual or potential legal proceedings involving the Council;
- Where responding to a question would involve a disproportionate use of resources in compiling an answer;
- Where there has been insufficient time to research an answer before the meeting.

The Chair or Executive Councillor may refuse to permit a question or a statement if it (or something similar) has already been put or made to another meeting of a Council committee or other body. The Chair may also discourage repetition and limit rights of address if more than one member of the public wishes to make a similar point. The Chair may determine the order in which questions and statements may be put.

When in the meeting are questions or statements made?

This is left to the discretion of the Chair but, ordinarily, questions and statements will be dealt with at the beginning of the meeting. However, where a statement or a question relates to a matter on the agenda it may be appropriate for it to be put immediately preceding the consideration of the item by the committee or other body.

Can there be any debate on questions or statements?

The Chair may comment on a response to a question or a statement if it has been referred by him/her to another member or to an officer but there is to be no general debate. If a question or statement relates to an item on the agenda, points arising from it may be pursued when the item is under consideration. If an item is not on the agenda, members are entitled to request its inclusion at a future meeting.

What if there is any dispute about procedure or the interpretation or application of these rules?

The Chair's decision is final.

1. Public speaking at Planning Committee

Members of the public, or applicants or their agents, who want to speak about an application which is to be considered at a meeting of the committee can do so if they have:

- In the case of members of the public, already submitted a written representation on an application; and
- Notified the Administrator by 12.00 noon on the day before the meeting.

A member of the public who has made a written representation on a planning application which is to be determined by the committee, will be notified in writing about the committee date and their public speaking rights in the week before the committee meeting.

At the Committee Meeting

A list of public speakers is available at the meeting. Agenda items for which there are public speakers are taken first, normally in the order of the agenda.

Each speaker will be allowed three minutes in which to make their representation. The Chair will tell the speaker when the three minutes has elapsed and the speaker must stop when requested by the Chair. The Chair has discretion to extend this time limit.

If more than one person wants to make a representation about the same application, then they should chose someone to act as a spokesperson. When several people wish to speak on the same application but wish to raise different issues, the Chair may agree to those speakers making representations. In these circumstances, less time may need to be given to each speaker.

The Chair will ask the speaker to come to the table at the beginning of the discussion of the report on the relevant application. The Chair will then invite them to speak following the Officer's introduction to the report on the application.

The speaker should address the Chair of the Committee, which is the normal convention for Committees.

Speakers should remember to:

- Keep to 3 minutes or whatever other period has been agreed.
- Keep to the planning issues raised by the application.
- Highlight the main points they wish to raise and be as brief and concise as possible.
- Be courteous.
- At the end of public speaking, the Committee will discuss and determine the planning application.

If a speaker is attending the meeting to speak about a particular matter which Councillors are considering on that day, the Chair of the meeting will arrange for the relevant item and associated report to be considered early in the meeting, so that the speaker can leave as soon as the debate on that matter has finished. Speakers can, of course, stay for the whole of the remaining public meeting if they wish.

The Public Participation Scheme is intended for Cambridge citizens and business people and not specifically employees in relation to issues directly affecting their employment by the Council. For further advice on this contact the relevant committee manager responsible for the meeting you are interested in.

9. Where hospitality is made available to a group of councillors as part of an event or visit in which the Council is participating, the Democratic Services Manager may make a block entry in the Register for members affected and will tell the members in question that he has done so.

ACCEPTANCE OF GIFTS AND HOSPITALITY

10. You should be very cautious about accepting gifts and hospitality which you think may have been offered because you are a councillor. Generally, anything other than modest promotional gifts (diaries, calendars etc) or modest hospitality (eg light refreshments at a meeting) should be refused. Especial care should be taken where someone has, or may in the future have, dealings with the Council.
11. If refusal of a gift might cause embarrassment, an appropriate alternative to refusal might be to donate the gift to the Mayor's Charity Fund for raffle or auction.

FURTHER GUIDANCE

If you need further guidance at any time about the Register or about whether to accept gifts of hospitality, please contact the Head of Legal Practice or the Head of Committee Services.

~~PART 4: Planning Code of Good Practice~~

~~(For review 2017)~~

1. Introduction
2. Relationship to the Members' Code of Conduct
3. Development Proposals and Interests under the Members' Code
4. Open and Fair Decision Making
5. Contact with Applicants, Developers and Objectors
6. Site Visits
7. Public Speaking at Meetings
8. The role of Officers
9. Decision Making
10. Development Control Forums
11. Training

1. Introduction

- 1.1 This Code offers guidance to Councillors about good practice in the planning process. It supplements the Council's Code of Conduct for Members and aims to ensure that the Council makes and is seen to make planning decisions properly, openly, impartially, and for justifiable reasons.
- 1.2 This Code applies to Members involved in the planning process. It applies to formal decision-making and to less formal occasions, such as development control forum meetings, meetings with officers or the public

and consultative meetings, planning enforcement matters or site-specific policy issues as well as to the consideration of planning applications.

- 1.3 The purpose of the planning system is to consider development proposals in the public interest. To be successful the planning system relies on Councillors and officers acting in a way that is fair and clearly seen to be fair and even handed. Councillors have a special duty to their constituents but a wider duty to the community of the City of Cambridge. Where planning matters are concerned the interests of the wider public have to be considered as well as the Development Plan and all other relevant material considerations.

2. Relationship to the Members' Code of Conduct

- 2.1 This Code is intended to supplement the adopted Member Code of Conduct. It is unlikely that there will be any conflict between the two codes but, if there is, the provisions of the general Code will take precedence.
- 2.2 It is very important that Members are careful to apply both the general Code of Conduct and this Code in dealing with planning issues. Failure to do this may place the Council at risk of legal challenge or a finding of maladministration and for individual Members the potential for complaint about them to the Monitoring Officer.

3. Development Proposals and Interests under the Members' Code

- 3.1 IF YOU HAVE A CODE OF CONDUCT INTEREST IN ANY MATTER, YOU MUST DISCLOSE THE EXISTENCE AND NATURE OF YOUR INTEREST AT ANY RELEVANT MEETING, INCLUDING INFORMAL MEETINGS OR DISCUSSIONS WITH OFFICERS AND OTHER MEMBERS. IT IS BEST TO DISCLOSE YOUR INTEREST AT THE BEGINNING OF THE MEETING AND NOT JUST AT THE COMMENCEMENT OF DISCUSSION ON THAT PARTICULAR MATTER. THE MEMBERS' CODE OF CONDUCT SETS OUT THE CIRCUMSTANCES WHICH GIVE RISE TO A DISCLOSABLE PECUNIARY INTEREST OR A PERSONAL INTEREST.
- 3.2 If you have a disclosable pecuniary interest, or a personal and prejudicial interest, you may not participate in making the decision, either formally or informally. You should also avoid giving any impression of participation, as it is important to maintain public confidence in the impartiality of councillors in decision-making. (A personal interest is

classed as “prejudicial” if it is “one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest.”)

3.3 There are other things you should avoid if you have a disclosable pecuniary interest or a personal and prejudicial interest. These include the following:

- You try to avoid representing ward or local views on a matter in which you have such an interest. In these circumstances it is appropriate to ask another ward councillor to take on this role;
- You should avoid getting involved in the processing of the application by using your position as a councillor to get access to officers or papers;
- You should not lobby other members of the Council, including the circulation of letters or emails, or by raising the matter in group or similar meetings;
- You may address the meeting that considers the application or other matter in the same way that members of the public may address the meeting. However you should then withdraw from the meeting (formal or informal) at which the matter is under consideration. You may not sit in at the meeting, even as a member of the public and you may not vote. This is the position even if you are not a member of the committee which is making the decision;
- If you are submitting your own planning application, or have a disclosable pecuniary interest or a personal and prejudicial interest in a planning application, you should be particularly careful to avoid any impression of either seeking or receiving special treatment. You should also make sure that the Head of Planning Services is aware of the interest. You may wish to consider employing an agent to act on your behalf in dealing with officers and/or addressing the committee. However, as mentioned above, you may exercise the same speaking rights as are afforded to members of the public, provided that you then withdraw from the meeting when the item is considered.

4. Open and Fair decision making

4.1 Cambridge City Council Planning Committee takes decisions on planning matters openly and in public. For a decision to be open and fair:

- Those taking the decision should not be biased or have pre-determined how they will decide;
- Those taking the decision should not have a prejudicial interest in the outcome;
- The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
- The reasons for the decisions should be clearly set out

Avoiding Bias or Pre-determination

- 4.2 It is entirely permissible for Committee Members who are democratically accountable decision makers, to be pre-disposed towards a particular outcome. Nonetheless they must address the planning issues before them fairly and on their merits. That means they can have a view on the application but must not make up their mind on how to vote before formally considering the application and any representations. Committee Members must have an open mind on the merits of a proposal before it is formally considered at the committee meeting. They must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.
- 4.3 If the committee's decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the committee members were biased, or had pre-determined the application, the court will assess the case on the basis of what a fair-minded observer, knowing the relevant facts would think.
- 4.4 Section 25 of the Localism Act 2011 came into effect on January 15 2012 and provides that a decision maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because;
- (a) The decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter; and
 - (b) The matter was relevant to the decision.
- 4.5 The position remains the same that Councillors should approach planning applications with an open mind and are able to weigh all the arguments right up to the point at which a decision is made. The safest course is to avoid statements as to support or opposition for an application (that may leave the impression that minds have been made up). If a Member has made such a statement they must be satisfied they can still consider the application with an open mind and be prepared to take into account any matters in favour or against the proposed development until the decision is made.
- 4.6 Care should be taken with the following, where you are likely to be a decision-maker:

- Making statements in advance of the meeting that you have made up your mind how you are going to vote;
- Taking up a campaigning role for or against an application;
- Acting as an advocate for groups opposed to or supporting the application;

4.7 Issues around bias and predetermination are difficult and getting it wrong can lead to legal challenge and/or reference to the Local Government Ombudsman. Each case needs to be considered on its facts and if you are in any doubt you should seek advice from the Head of Legal Practice.

5. Contact with Applicants, Developers and Objectors

5.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process and is important to local democracy; those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or a member of the Planning Committee. However, unless care is taken, lobbying can lead to the impartiality of a member being called into question and to difficulties for the member participating in the decision.

5.2 When being lobbied, members should have regard to the advice in Section 4 about the dangers of appearing to approach a decision with a "closed mind". However, unless you have a disclosable pecuniary interest or a personal and prejudicial interest, you can:

- Listen to/receive viewpoints from residents or other interested parties
- Make comments and express views to residents, interested parties, other members or appropriate officers
- Give non-technical advice on planning procedures, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officers report to Committee
- Seek information through appropriate channels
- Alert the decision-making committee to issues and concerns that have been drawn to your attention.

5.3 If you are approached by applicants or others seeking planning, procedural or technical advice, they should be referred to officers.

- 5.4 If you are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents' associations) or supporters, you should inform the case officer dealing with the application. It is generally better to put formal meetings on an official basis, with Planning Department support and a note taken of the meeting. This applies to all stages of the planning process, including the pre-application stage.
- 5.5 If you receive any approaches which raise new issues or bring new information to light, you should let the case officer know what these are as soon as possible. If a developer offers any planning gain or offers to accept any conditions on development in return for consent, be sure to let the case officer know as soon as possible.
- 5.6 If any approach by a developer or anyone else gives you cause to feel uneasy, please approach the Head of Legal Practice.
- 5.7 In addition, if you consider any issue or fact to be a relevant consideration, and other members may not be aware of it, be sure to raise it when the application is considered. You should not rely on information which is not in the public arena in reaching a decision.
- 5.8 In personal dealings with applicants, objectors etc, you should be mindful of the need to avoid giving a firm commitment to support/oppose the application if you are to participate in the decision. Bear in mind that your overriding duty is to the whole community not just to the people in your ward, that planning decisions need to be taken on planning grounds and that you should avoid the appearance of improperly favouring any person, company, group or locality
- 5.9 You should not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal including pre-application proposals. If acceptance of some hospitality is unavoidable, it should be kept to a minimum and should be declared and recorded in the Council's hospitality register. The Council's policy is that all hospitality beyond the insignificant (tea and biscuits or similar) should be entered in the register. If significant hospitality is offered, you should seek advice from the Head of Legal Practice before accepting.

6. Site Visits

- 6.1 Individual Planning Committee members may wish to visit a site on which they have been asked to determine an application. If you decide to visit a site, you should avoid putting yourself in a position where you could be accused of partiality by any interested party to the application.

It is best to visit a site unaccompanied by the applicant or by objectors. However, if a site visit is carried out in the presence of the applicant and/or their agent, or of residents/objectors, you should bear in mind the advice given in paragraphs 4.2 and 4.3 of this Code. You should avoid being put under undue pressure from any interested party to visit a site.

- 6.3 You should not enter onto private land or premises without first obtaining the permission of the owner. Where possible, you should seek to familiarise yourself with the site from a public viewpoint. If you go onto a site, you should only do so if satisfied that it is quite safe to do so. You should not, for instance, enter a site where excavations or building works are in progress unless guided by a responsible site manager. If you anticipate a need to ask to enter onto land, you should attempt to make arrangements in advance and should carry (and produce) your Council identity card.
- 6.4 You should ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- 6.5 Formal Committee site visits may be arranged at the request of members, but this is likely to be practical only where there is a clear and substantial benefit. When they occur a record will be kept of why the visit is being held and who attended. An officer, who will point out any relevant factors and issues concerning the site and its surroundings, will accompany committee members. A site visit is not a meeting to discuss the planning merits of the scheme or to make decisions.

7. Public Speaking at Meetings

- 7.1 You should not allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give an appearance of bias or special access to councillors.
- 7.2 All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as confidential under the provisions of the Local Government Act, 1972, in which case the public will be asked to leave the room.
- 7.3 Applicants, agents and members of the public who have made written representations on an application will be allowed to speak at Planning Committee meetings, but only in accordance with the agreed Council procedures.
- 7.4 YOU SHOULD AVOID OVERFAMILIARITY WITH APPLICANTS, OBJECTORS AND OTHER MEMBERS OF THE PUBLIC WHEN

ATTENDING MEETINGS, AS THIS IS OPEN TO MISINTERPRETATION.

8. The role of Officers

- 8.1 Planning officers must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct; primarily the Royal Town Planning Institute's Code of Professional Conduct. The views, opinions and recommendations of planning officers may on occasion differ from the views, opinions or decisions of the Committee or its Members. Officers are there to give professional and impartial advice, to make sure that members have all the information they need for decision making. They are there to advise on the context of the planning application in terms of the development plan and all other relevant material planning considerations. Officers will give a clear, accurate written analysis of the issues and a recommendation with reasons for the decision they are suggesting. Officers are there to advise (other than where the decision has been delegated to them) and to carry out the decisions of the planning committee.
- 8.2 It is critical to the openness and transparency of the planning service that mutual trust between members and their officers is demonstrated and that there is clear understanding of and respect for the other's role.
- 8.3 All members should pay particular attention to the professional advice and recommendations from officers. Planning decisions are not an exact science so interpretations may vary from time to time. You are not bound to follow officers' advice or recommendations, but you should only depart from advice or recommendations where you have good reason to do so, based on clear and legitimate planning grounds. These will need to be voted on and recorded. The Council has adopted an 'Adjourned Decision Protocol (ADP)' procedure that will apply in major application cases where a decision contrary to the advice of officers is being considered.

9. Decision Making

- 9.1 If you ask for a proposal to go before the Planning Committee rather than be determined through officer delegation, make sure that your reasons are recorded and repeated in the report to the Committee and that wherever possible you attend the meeting to speak to the item. Any such request must state the planning grounds on which it is based.
- 9.2 You should demonstrate through your conduct at the meeting that you are giving careful, fair and balanced consideration to the issues under discussion. It is particularly important that applicants and members of the public have confidence in the way in which decisions are reached. The conduct of members can be important in ensuring that faith in the planning process is maintained.

- 9.3 You should keep in mind your obligation to make decisions in accordance with the Development Plan unless material considerations indicate otherwise, as required by section 38(c) of the Planning and Compulsory Purchase Act 2004.
- 9.4 The Council's own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public. You should be particularly careful to ensure that any decision on a Council application is based purely on relevant planning considerations.
- 9.5 You should make a decision only after you have considered all the relevant information needed to make a decision. If you feel you have had insufficient time to digest new information or that you need further information, you should say so and, if necessary, ask for a deferral or abstain.
- 9.6 You should not vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- 9.7 If you are expressing a view contrary to officer recommendations or the development plan, you should identify clearly the planning reasons leading you to take a different view. The use of the Adjourned Decision Protocol will be considered in appropriate cases.

10. Development Control Forums

- 10.1 The provisions of this Code apply equally to member participation in Development Control Forums. In particular:
- You should declare any disclosable pecuniary or personal interest;
 - You should not participate in a Development Control Forum if you have a disclosable pecuniary or personal and prejudicial interest;
 - Member decisions are not made at Development Control Forums and you should be careful to avoid giving the impression that you are approaching the merits of the application with a closed mind.

11. Training and Development

- 11.1 Planning decisions are often complex and differ in nature from some of the other decisions taken by the Council. It is crucial that planning decisions are based on legitimate planning grounds and that appropriate weight is given to possibly competing factors. The Council offers training and development to councillors on planning law and procedure and Members who sit on regulatory committees will need to have had at least

minimum planning familiarisation training before they attend their first meeting.

- 11.2 Post hoc review of new development by the Planning or Joint Development Control Committees will be arranged on a bi-annual or more frequent basis to aid ongoing development of Members and officers. Bite sized updates and briefing sessions will be provided on committee days along with thematic training sessions on specific topics each municipal year.

APPENDIX TO PLANNING CODE OF GOOD PRACTICE

MEMBER GUIDANCE ON REQUESTS TO REFER PLANNING APPLICATIONS TO COMMITTEE

1. The scheme of delegation for planning, allows any Member of the City Council and any County Member representing a City Ward to request that an application be referred to the Planning Committee for determination, provided the request is made within the timescales set out, that it is in writing, and that it states the planning grounds on which the request is made. Late requests should be avoided.
2. Members are advised to check the progress of the application with the case officer before making a request and also to inspect the application file. This may avoid the need for a referral.
3. It is important that the planning grounds for referral are stated in the written request. An information leaflet entitled 'How to Comment' explains what factors can typically be considered in assessing planning applications, depending on the circumstances of the case. This leaflet is sent out with neighbour notification letters. Planning grounds can include: whether the development accords with planning policy; whether the development is appropriate for the area; whether the development would cause harm to neighbouring amenity; whether the proposal would cause traffic congestion or be a danger to highway safety. Loss of property value, loss of trade to businesses and moral objections are not planning grounds. The case officer can give further advice if required.
4. Members may feel that a particular planning application raises planning issues of the kind described above that ought to be discussed and determined at Committee, rather than being determined under delegated powers. However, in deciding whether to make such a request, it is important that Members consider their role and responsibility in the decision making process.

5. On receipt of a written request by a Member for an application to be determined by Committee, the case officer will acknowledge the request in writing or by telephone. The case officer will also check with the Member that it is necessary for the application to be determined by Committee, rather than under delegated powers. There may be particular circumstances, depending upon the officer recommendation where a committee decision is not necessary; this should be discussed with the planning case officer.
7. Members' representations are summarised in the officer report.
8. It is not appropriate for a Member to request that Committee determines an application if they have a disclosable pecuniary or personal and 'prejudicial' interest in it under the Council's Member Code of conduct.

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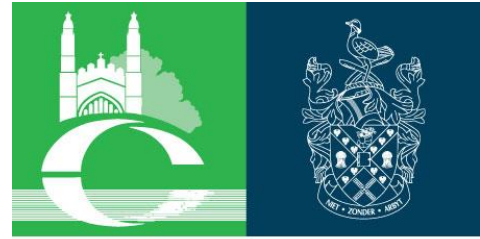
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GREATER CAMBRIDGE
SHARED PLANNING

Greater Cambridge Shared Planning Service Officer Scheme of Delegation in respect of planning and related functions December 2024

This Scheme of Delegation relates to all those matters delegated to the Joint Director of Planning and Economic Development by Part 3 and Part 4 of South Cambridgeshire District Council Constitution dated 8 March 2024 (as amended) and Para 5.7 of Section 9 of Part 3 of Cambridge City Council Constitution dated 06 December 2023 (as amended)

Delegated authority given by South Cambridgeshire District Council and Cambridge City Council Planning Committees to the Joint Director of Planning and Economic Development.

Defined terms

“Application” means any application received by the Council under the Town and Country Planning Act (1990) as amended, The Listed Building and Conservation Areas Act (1990) as amended including any application for the making of a tree preservation order, application for the approval or the modification, variation, revocation of an existing tree preservation order, including any application to undertake any tree works to trees whether or not the trees are within a conservation area, or any other legislation affording the Council a right to exercise its duties and functions as set out under Schedule B.

“Council” means either South Cambridgeshire District Council or Cambridge City Council as the context requires, and “Council” and “Councils” shall be construed accordingly.

“Delegation Panel” means the panel comprising of the Joint Director of Planning and Economic Development in consultation with the Chair and / or Vice Chair of the relevant Council’s Planning Committee, set up specifically for the purposes of deciding whether a Planning Application is to be determined by the relevant Planning Committee.

Any member in relation to an application within their ward is permitted to make a written representation to the Delegation Panel concerning whether the application should be heard by Planning Committee.

Upon request and with the Chair or Vice Chair’s agreement, any member (or a member on their behalf) in relation to an application within their ward can attend the Delegation Panel to explain the reasoning for calling-in a proposal.

“Director” means the Joint Director of Planning and Economic Development, or such other Director as shall perform the functions of the Joint Director of Planning and Economic Development.

“JDMC” means the Joint Development Management Committee

“JDMC ToR” means the JDMC terms of reference dated July 2020 as amended from time to time (Appendix 1).

“Major Development” means any Application which falls within the definition of major development as set out in the Town and Country Planning (Development Management Procedure (England) Order 2015) (As amended) involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;

- (c) the provision of dwellinghouses where:
- (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the GIA floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

“Minor Development” means any Application which falls outside of the definition of Major Development.

“Planning Committee” means the Planning Committee of either South Cambridgeshire District Council or Cambridge City Council or the Joint Development Management Committee as the case may be.

“Representation” means a written communication(s) received by the Council from a Third-party in response to a public consultation to an Application and which raises material planning considerations. Multiple written communications from a Third-party are to be construed as a singular Representation relative to any referral to the Delegation Panel unless made in the form of a petition.

“Scheme” means this Scheme of Officer Delegation.

“Third-party” means anyone who has made a Representation who is not the applicant or their representative, a parish council or statutory consultee.

Scheme of Delegation

The schedules referred to in this Scheme are Part 3 Table 3 (Responsibility for Council functions (Committee) (As amended) of the South Cambridgeshire District Council’s constitution and Part 3, 5.5 (As amended) of the Cambridge City Council’s constitution.

Scheme of Officer Delegation in relation to South Cambridgeshire District Council and Cambridge City Council Planning Committees

The Scheme of Delegation: the Planning Committee delegates authority to the Director to exercise at their discretion, the duties, functions and responsibilities of the Council in relation to paragraphs 1-15 below. The Director may authorise any other Officers within the Greater Cambridge Shared Planning Service to exercise these powers on their behalf. Any Officer so authorised by the Director may in turn delegate further. Such delegations must be evidenced in writing:

1. The identification and Designation of Local Heritage Assets
2. The investigation and determination of responses in accordance with the Local Land Charges Act 1975 (as amended)
3. The implementation and operation of provisions under Part VIII of the Town and Country Planning Act 1990
4. The investigation and discharge of all enforcement functions and capabilities contained within the Town and Country Planning Act, Planning (Listed Building and Conservation Areas) Act and The Hedgerows Regulations 1997 Act and The Hedgerows Regulations 1997.
5. The discharge of functions of Local Government (Miscellaneous Provisions) Act 1976, Section 16.
6. The determination of complaints received pursuant to Part 8 of the Anti-social Behaviour Act 2003.
7. The determination of applications for the registration of land or buildings as Assets of Community Value.
8. To determine, make a decision, respond, investigate, or notify on behalf of the Council in the exercise of its responsibilities, duties and functions any Application **as set out in Schedule A**, and made in relation to any of the Acts (as amended) as set out in Schedule B, subject to any Application made under paragraphs 11 – 15 always being required to be reported to Planning Committee.
9. To determine, make a decision, respond, investigate, or notify on behalf of the Council in the exercise of its responsibilities, duties and

functions any Application **not set out in Schedule A**, and made in relation to any of the Acts (as amended) as set out in Schedule B, **except in any of the circumstances set out in paragraphs 10.1 – 15 below:**

- 10.1. Where a Ward Member or Parish / Town Council writes, or emails, a request for a particular Application¹ to be considered by Planning Committee, sound material planning reasons are given for why this is considered necessary, and the request is accepted by the Joint Director of Planning and Economic Development at Delegation Panel, after consultation with the Chair and / or Vice Chair of Planning Committee subject to: the request having been made within twenty-one days of the date of validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application. Any call-in request must be accompanied by a written statement giving the relevant material planning considerations and why in the opinion of the Parish/ Town Council or Ward Member it is appropriate for the Application to be determined by the Planning Committee; or
- 10.2 Where five or more Third-party Representations on material planning grounds to an Application¹ (that cannot be resolved by way of a condition(s)) are received and following consideration by the Joint Director of Planning and Economic Development at Delegation Panel, having consulted with the Chair and / or Vice Chair of Planning Committee, the Application is decided to be referred to Planning Committee for its determination, subject to: the Third-party Representations having been made within twenty-one days of the date of validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application; or
- 10.3 Where five or more Third-party Representations on material grounds (that cannot be resolved by way of a condition(s)) to an Application related to the making of a tree preservation order are received which are contrary to the officer recommendation, subject to: the Third-party Representations having been made within twenty-one days of the date of validation of the Application,

or within fourteen days of receipt by the Council of any subsequent significant amendment to the Application; or

11. Where the Officer recommendation is one of approval, but the Application represents a significant departure from the adopted development plan. Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State; or
12. Where the applicant is an elected Member or an Officer of the relevant Council, or close relative or family member of either of such persons or where an Application is made on their behalf; or
13. Where an Application is for the substantial demolition of either a listed building (within the meaning of the Town & Country Planning Act (Listed Buildings & Conservation Areas Act 1990) or a building of local interest; or
14. Where a Regulation 3 Application is made pursuant to the Town and Country Planning General Regulations 1992 (as amended from time to time or replaced); or
15. Where an Application is one which in the opinion of Officers' should be determined by the Planning Committee because of special planning policy considerations or the complexity of the application or it is of significant and / or of strategic importance.

¹: Excluding Applications for Tree Preservation Orders or Tree Works

Note:

For the purposes of considering circumstances described in paras.10.1 and 10.2, the Director in consultation with the Chair and / or Vice Chair of Planning Committee, shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns.

2. Significant implications for adopted policy.
3. The nature, scale and complexity of the proposed development.
4. Planning history.
5. Degree of public involvement.

Scheme of Officer delegation in relation to the JDMC

The following powers are delegated to the Director in respect of planning and development management matters. The Director may authorise any other Officers within the Greater Cambridge Shared Planning Service to exercise these powers on their behalf. Any Officer so authorised by the Director may in turn delegate further. Such delegations must be evidenced in writing:

- A. To determine and make decisions in connection with the Applications (as set out in the attached Schedule A submitted under the legislation specified in Schedule B) and which falls wholly or substantially within the areas identified within the terms of reference of JDMC as included in Appendix 1 *except* in any of the following circumstances:
 1. where the Application is in respect of:
 - 1.1. the provision of residential units where the number to be provided is one hundred or more;
 - 1.2. the provision of a non-residential building or buildings where the GIA floor space to be created by the Application is 1,000m² or more *or* is for non-residential development to be carried out on a site that is of one hectare or more; or
 2. the Application includes the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose; or
 3. a Regulation 3 Application made pursuant to the Town and Country Planning General Regulations 1992 (as amended from time to time or replaced); or

4. where the Officer recommendation is one of approval, but the Application represents a significant departure from the adopted development plan. Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State; or
5. where the applicant is an elected Member or an Officer of the relevant Council, or close relative or family member of either of such persons or where an Application is made on their behalf; or
6. the Application is one which in the opinion of Officers should be determined by JDMC because of special planning policy considerations or the complexity of the application or it is significant and / or of strategic importance; or
7. Where a Ward Member or Parish / Town Council writes, or emails, a request for a particular Application¹ to be considered by Planning Committee, sound material planning reasons are given for why this is considered necessary, and the request is accepted by the Joint Director of Planning and Economic Development at Delegation Panel, after consultation with the Chair and / or Vice Chair of Planning Committee subject to: the request having been made within twenty-one days of the date of validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application. Any call-in request must be accompanied by a written statement giving the relevant material planning considerations and why in the opinion of the Parish/ Town Council or Ward Member it is appropriate for the Application to be determined by the Planning Committee; or
8. Where five or more Third-party Representations on material planning grounds to an Application¹ (that cannot be resolved by way of a condition(s)) are received and following consideration by the Joint Director of Planning and Economic Development at Delegation Panel, having consulted with the Chair and / or Vice Chair of Planning Committee, the Application is decided to be referred to Planning Committee for its determination, subject to: the Third-party Representations having been made within twenty-one days of the date of

validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application.

¹: Excluding Applications for Tree Preservation Orders or Tree Works

Note:

For the purposes of considering circumstances described in paras 7 and 8 the Director in consultation with the Chair and / or Vice Chair of the Planning Committee shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns.
2. Significant implications for adopted policy.
3. The nature, scale and complexity of the proposed development.
4. Planning history.
5. Degree of public involvement.

Schedule A: Applications delegated to the Director (not subject to consideration for Committee)

- a) any Application for prior approval, telecommunications, advertisement consent, lawful development certificates, householder development, discharge of conditions, S96 non-material amendment, permission in principle, tree works, or S19 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) to determine the reasons for which any Application would have been refused where this is relevant to appeals against non-determination and, on a without prejudice basis, to suggest appropriate conditions and approve / comment on the terms of Section 106 agreements or Unilateral Undertakings.
- c) negotiating and settling (i) the terms of any planning obligations and/or the discharge of planning obligation/s pursuant to sections 106 and 106A of the Town and Country Planning Act 1990 (as amended) in accordance with the terms of any resolution or decision to grant planning approval by the relevant Planning Committee: and (ii) the authority to enter into any planning obligation for the purposes of acting as the enforcement authority for any planning

obligation imposed on the other Council in the circumstances where it has a legal estate in the Application site.

- d) screening and scoping opinions pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended from time to time or replaced)
- e) to carry out and adopt Appropriate Assessment under the Habitats Regulations.
- f) negotiating and completing applications for planning performance agreements.
- g) any operational matters and decisions, including its enforcement, relating to the implementation of a Community Infrastructure Levy.
- h) consent for drainage works.
- i) prior notifications and approvals under a Development Order
- j) goods vehicles operating licences

Schedule B: The following legislation as amended from time to time or any replacement legislation:

- Local Government Act 1972.
- Local Land Charges Act 1975
- Local Government (Miscellaneous Provisions) Act 1976
- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compensation Act 1991
- Transport and Works Act 1992
- Environment Act 1995 (including Hedgerow Regulations 1997)
- Anti-social Behaviour Act 2003
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Localism Act 2011
- Growth and Infrastructure Act 2013
- Infrastructure Act 2015
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- Levelling up and Regeneration Act 2023

- The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019
- Any new legislation that is relevant to the Councils' Planning functions.

Appendices

The Terms of reference for the Joint Development Management Committee (JDMC), Standing Orders and plans are in Appendix 1.

Development Control Forum details are in Appendix 2

The Cost Sharing Protocols for JDMC are in Appendix 3

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Appendix 1 – Terms of reference for the Joint Development Management Committee

1. Parties:

Cambridge City Council
South Cambridgeshire District Council
(‘the Councils’)

2. Status:

The Joint Development Management Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council
6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

4.1. The Committee’s remit is to discharge the functions (‘the functions’) set out in Annex 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.

4.2. The Committee shall discharge the functions in respect of Major Developments and related matters pursuant to such applications on land that is positively identified in the adopted Local Plans of the two Councils for any purpose and which falls wholly or substantially within the area as shown edged in [blue] on the plans forming Annex 3.

4.3. The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4. The Committee may exercise the powers of delegation contained in sections 101(2), 101(5) and 102 Local Government Act 1972.

5. Standing Orders

5.1. The Committee shall be governed by the Standing Orders set out in Annex 2, as amended from time to time.

6. Administration

6.1. The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.

6.2. Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet or providing facilities to enable remote meetings to take place. Decision notices shall be signed by the Joint Director of Planning.

6.3. Costs shall be shared in accordance with the Cost Sharing Protocol set out in Appendix 3 to the Standing Orders.

Notes:

- 1) A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 or as subsequently amended or replaced and means development including any one or more of the following:
 - a) the mining and working of minerals
 - b) waste development;
 - c) the provision of dwelling-houses where
 - i) the number of dwelling-houses to be provided is 10 or more; or
 - ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
 - d) the provision of a building or buildings where the GIA floor space to be created by the development is 1,000m² square metres or more; or

- e) development carried out on a site having an area of 1 hectare or more

Annex 1 – Functions of the Committee

1. The exercise of each of the Councils' powers and duties in relation to Part III (Control Over Development) of the Town and Country Planning Act 1990 as amended and Chapter II and VI (as appropriate) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of "Major Development" and related applications for approval of details and S106 requests to that permission plus associated Reserved Matters applications including but not limited to:
 - i) the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
 - ii) the power to approve authorise and direct the respective Councils to negotiate and enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990.
2. The review, change, amendment or modification of the scheme of delegation to Officers.
3. The review, change, amendment or modification of the Standing Orders of the Committee.
4. Any matter related to an application previously determined by the Joint Development Control Committee for Cambridge Fringes and which would continue to form a part of this Committees functions.
5. Such other functions as may be delegated to the Committee by the Councils from time to time.

Annex 2 - JDMC Standing Orders

Joint Development Management Committee Standing Orders

Approved on 21 October 2020.

1. Appointment of Chair and Vice-Chair

- 1.1. The Committee shall, at its first meeting, and as a minimum annually thereafter, elect a Chair and Vice-Chair. The Chair and Vice Chair shall be drawn alternately from each of the two Councils comprising the Committee.
- 1.2. In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting, but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.

2. Notice of and Summons to Meetings

- 2.1. The Administrator will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Administrator will send an agenda by post and/or electronically to every member of the Committee. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.
- 2.2. The Administrator will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting. The Administrator will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.
- 2.3. Dates, times and venues for meetings shall be determined by the committee. In the absence of agreement or in cases of urgency, meetings may be called by the Administrator following consultation with the Chair and Vice Chair.

3. Membership

- 3.1. Committee members shall be appointed by the councils from time to time in accordance with the terms of reference. A council may at any time replace one or more of its nominated members by notice given to the Administrator.

4. Alternate Members

- 4.1. Each council will, by resolution, appoint two alternate members in respect of each political group which represents their council on the committee, but shall not appoint an alternate member for a political group which declines to nominate an alternate member. Each council will notify the Administrator of alternate members appointed.
- 4.2. Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.
- 4.3. Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

5. Quorum

- 5.1. The quorum of a meeting will be six with no less than: -
 - 3 Member from South Cambridgeshire District Council and
 - 3 Member from Cambridge City Council

6. Public speaking rights

- 6.1. Members of the public have the public speaking rights set out in The Public Speaking Rights at Planning Committee.

7. Voting

- 7.1. Every question shall be decided by a show of hands or by way of a roll call when the meeting is taking place using arrangements for virtual committee meetings, and subject to Rule 7.2
- 7.2. If any member demands a vote by roll-call and is supported by two other members, the question shall be determined by a vote by roll-call and the Administrator shall record and enter in the minutes the names of each member present and whether they voted for or against or abstained.
- 7.3. Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether they voted for or against or abstained.
- 7.4. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

8. Minutes

- 8.1. The Chair will sign the minutes of the committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

9. Exclusion of Public

- 9.1. Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of 'exempt information') or Rule 12 (Disturbance by Public).

10. Disorderly Conduct: Misconduct of A Member

- 10.1. If at any meeting of the committee any member, in the opinion of the Chair, misconducts him/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

- 10.2. If the member named continues his/her misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member named must leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.
- 10.3. In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may adjourn the meeting of the committee for such period as s/he is in his/her discretion shall consider expedient.

11. Disorderly Conduct: Disturbance by members of the public

- 11.1. If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If s/he continues the interruption the Chair shall order his/her removal from the meeting.
- 11.2. In case of a general disturbance in any part of the Room open to the public the Chair shall order that part to be cleared.

12. Suspension of Standing Orders

- 12.1. Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

13. Attendance at the Committee by other members of the Councils and County Council

- 13.1. A member of Cambridge City Council, South Cambridgeshire District Council or Cambridgeshire County Council who is not a member of the

committee or a member of a parish council (in respect of applications relating to sites in their own parish) may speak at a meeting of the committee at the request or with the permission of that committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak;

[Explanatory note: There might be circumstances in which the Committee may wish to permit a city, district or county councillor to speak on applications even if the application does not relate to her/his ward or division. For instance an executive councillor with relevant strategic responsibility may want to address the committee.]

14. Development Control Forums

- 14.1. The Committee will operate a scheme for development control forums in accordance with Appendix 2.

15. Statements of Community Involvement

- 15.1. Public consultation in relation to pre application matters shall be dealt with in accordance with the SCI or other appropriate procedures of the Council responsible for issuing the consent.

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Appendix 2 – Development Control Forum

Development Control Forums are triggered by receipt of a qualifying petition

Receipt of Petitions and Notification of Development Control Forum

1. Neighbour consultation letters on planning applications within the remit of the committee shall include information about the scheme for development control forums and the relevant consultation period.
2. A Petition should be sent to the Administrator and should identify the matter to which it relates and the grounds of concern.
3. The Administrator will:
 - (a) Liaise with the Planning case officer to obtain the following information:
 - The expiry date of the relevant consultation period;
 - The addresses of the applicant and agent.
 - (b) Check whether the petition meets the criteria established in the scheme – i.e.:
 - It contains at least 25 signatures of residents and/or business owners in the County;
 - It includes the addresses of those who have signed it;
 - It has been received within 7 working days following the end of the relevant consultation period (in the case of petitions of objection) and no later than 6 working days before a Forum meeting (in the case of petitions of support);
 - The application is not: a householder application; an application for a certificate of lawful use; or an application for advertisement consent.

[Note:

- (i) *If any of these criteria are not met, the petitioners should be informed in writing that their petition will be reported to the committee, and that a Development Control Forum will not be held.*

- (ii) *Normally, a Forum will not be convened in the case of petitions relating to amendments to applications, or to applications which have already been the subject of a Forum. However, the Administrator, following consultation with the Chair and Vice Chair, is authorised to decide whether significant new issues are raised, making a Forum appropriate.*
- (iii) *A Forum will not be held to hear a petition of support alone, except where an application, which has not already been subject to a Forum meeting, is resubmitted following an earlier refusal of planning permission.*
- (iv) *Petitions may be submitted by email subject to the following:*
- *An e-mail petition must consist of individual e-mails, showing the sender's e-mail address.*
 - *An e-mail petition must include the sender's postal address.*
 - *The e-mails must be addressed to the organiser (rather than a council or the committee or its members) who must then let the [administrator to be appointed] have print-outs of the requisite number of supporting e-mails. [Random checks will be carried out on petitioners that have used the e-mail procedure.]*
- (c) Liaise with the Planning case officer and Chair and spokespersons about the date of the Development Control Forum and fix a date, time and venue. So far as practical at least 10 days (including weekends) notice should be given to all those attending under (d). For the avoidance of doubt dates for possible Development Control Forum meetings may be programmed in advance of receipt of petitions.
- (d) Send written invitations to:
- The lead petitioners;
 - The applicants and agents;
 - Committee members;
 - Ward councillors;
 - Planning officers;

The press will also be informed.

The invitations to the meeting should include:

- A short summary of the application details (to be provided by the planning case officer);
- The case officer as a contact point for planning enquiries and the Administrator for queries about the petition process;
- An explanation of the fact that up to three representatives of the petitioners and up to three representatives of the applicants may attend and speak;
- Petitioners to be invited to contact the officers for a briefing on the procedures at the Forum.

(e) Inform all other councillors of both councils that the meeting is taking place.

4. If two or more petitions are received relating to the same planning application, the following procedure should be applied:

- In the case of two or more petitions opposed to the application, or two or more petitions in support of the application, the petitioners will be encouraged to make a joint presentation. If agreement on this is not possible between the petitioners, they would share the time allocations given in paragraph 9.

Development Control Forum Meetings

5. The Press and Public are entitled to attend meetings as observers.

6. The Development Control Advisor or other A senior planning officer (other than one of the case officers involved in dealing with the application) will chair the meeting.

7. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.

8. The main purpose of Forum meetings is to enable petitioners and applicants to give their views and to provide the means by which consensus can be built between the parties.
9. The format of the Forum will be as follows for each application:

Presentation of the application by the applicant/agent (up to three representatives) - up to 20 minutes;

- Presentation of the views of the petitioners against the application (up to three representatives) - up to 20 minutes;
- Presentation of the views of the petitioners in support of the application (where applicable) (up to three representatives) - up to 20 minutes;
- Presentation by the case officer - up to 10 minutes;
- Member questions and issues arising - up to 30 minutes;
- Summing up by the applicants/agents - up to 5 minutes;
- Summing up by the petitioners against the application - up to 5 minutes;
- Summing up by the petitioners in support of the application - up to 5 minutes;
- Final comments of the Chair.

After the Meeting of the Forum

10. The Administrator will take minutes of the meeting. The minutes will be a summary of the issues raised and should not be taken to express a view or decision which is in any way binding on the committee. The minutes will be circulated in draft to the Chair of the Forum, the Chair and Vice Chair of the committee and the case officer and finalised within 5 working days of the Forum.

Copies of the finalised minutes will be sent, for information, to:

- The petitioners' representatives at the meeting;
- The applicants' representatives at the meeting;
- Ward councillors;
- Committee members
- the Parish Councils of the areas to which the application relates.

The minutes, and the text of the petition, will also be appended to the report to the committee which invites it to determine the application.

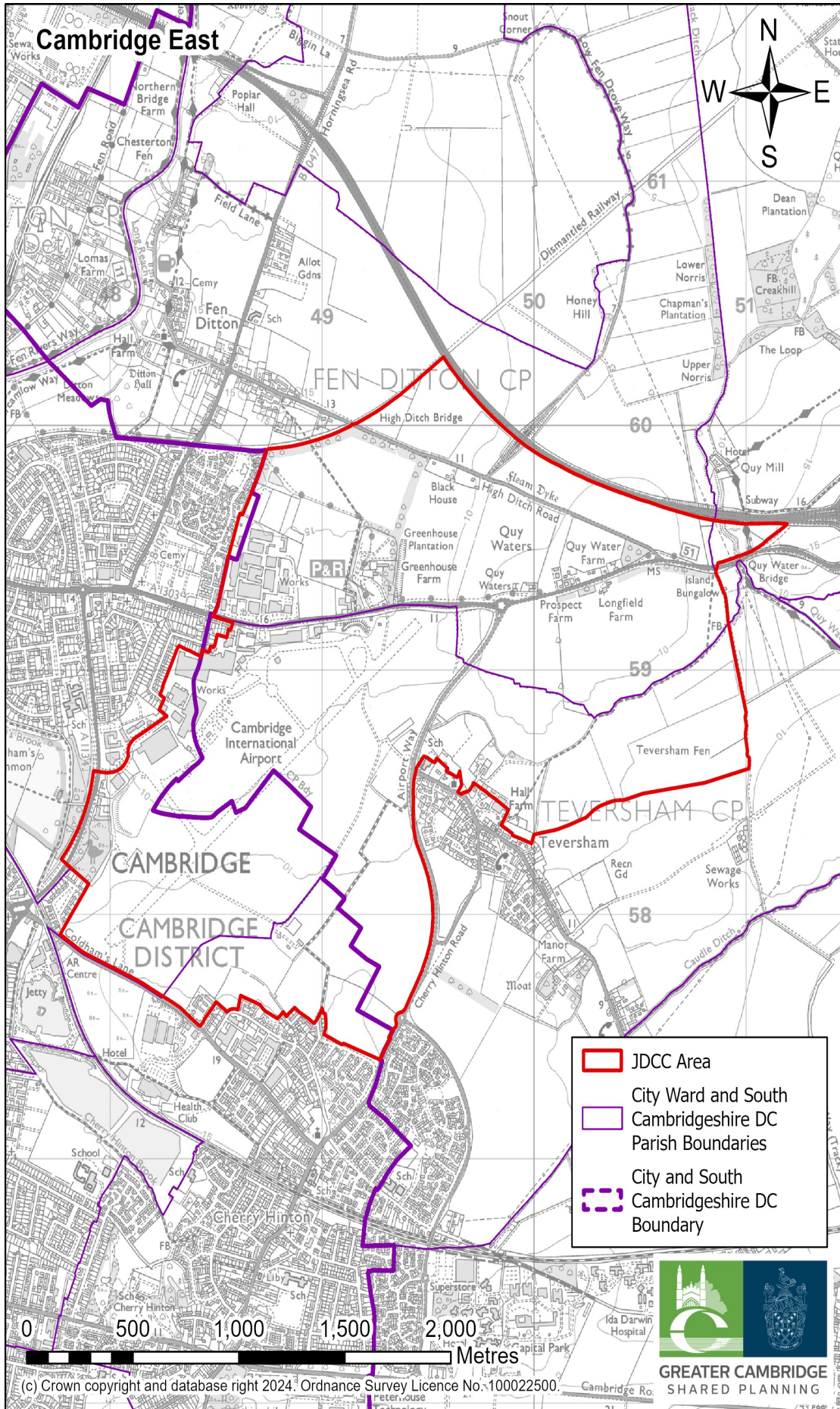
11. The case officer should contact the applicants/agent after the meeting to discuss whether a meeting would be helpful to discuss the issues raised at the Forum and to discuss any changes that may be necessary to the application. The applicant will be encouraged to keep in direct contact with the petitioners and to seek their views on any amendment/s.
12. The case officer will inform the petitioners' representatives of any amendments to the application. Normally, no further Development Control Forum will be held if the planning application is amended - see paragraph 3 (b) (ii).
13. The petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by the committee and will be sent copies of the committee report. The petitioners and applicants will be asked to send any further comments they may have on the report to the planning case officer as soon as possible, so that they can be circulated in good time to members of the committee.

Appendix 3 – Cost Sharing Protocols for JDMC

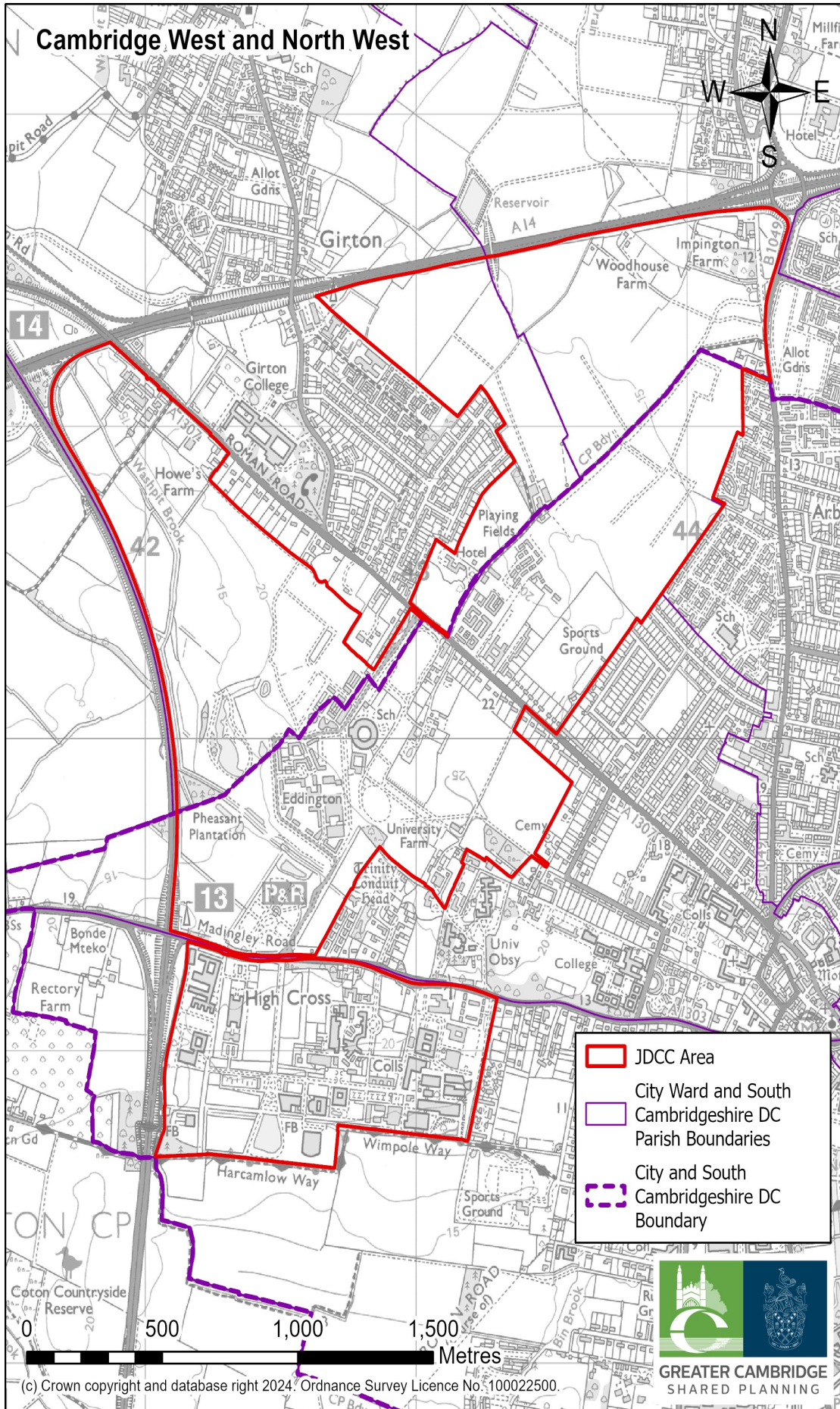
The ongoing costs incurred in relation to the administration of the Committee, legal support and planning service costs shall be borne by the administering authority and recharged in accordance with the shared service agreement between the two Councils.

Exceptional costs that arise in relation to, for example, appeals and legal proceedings will be borne:

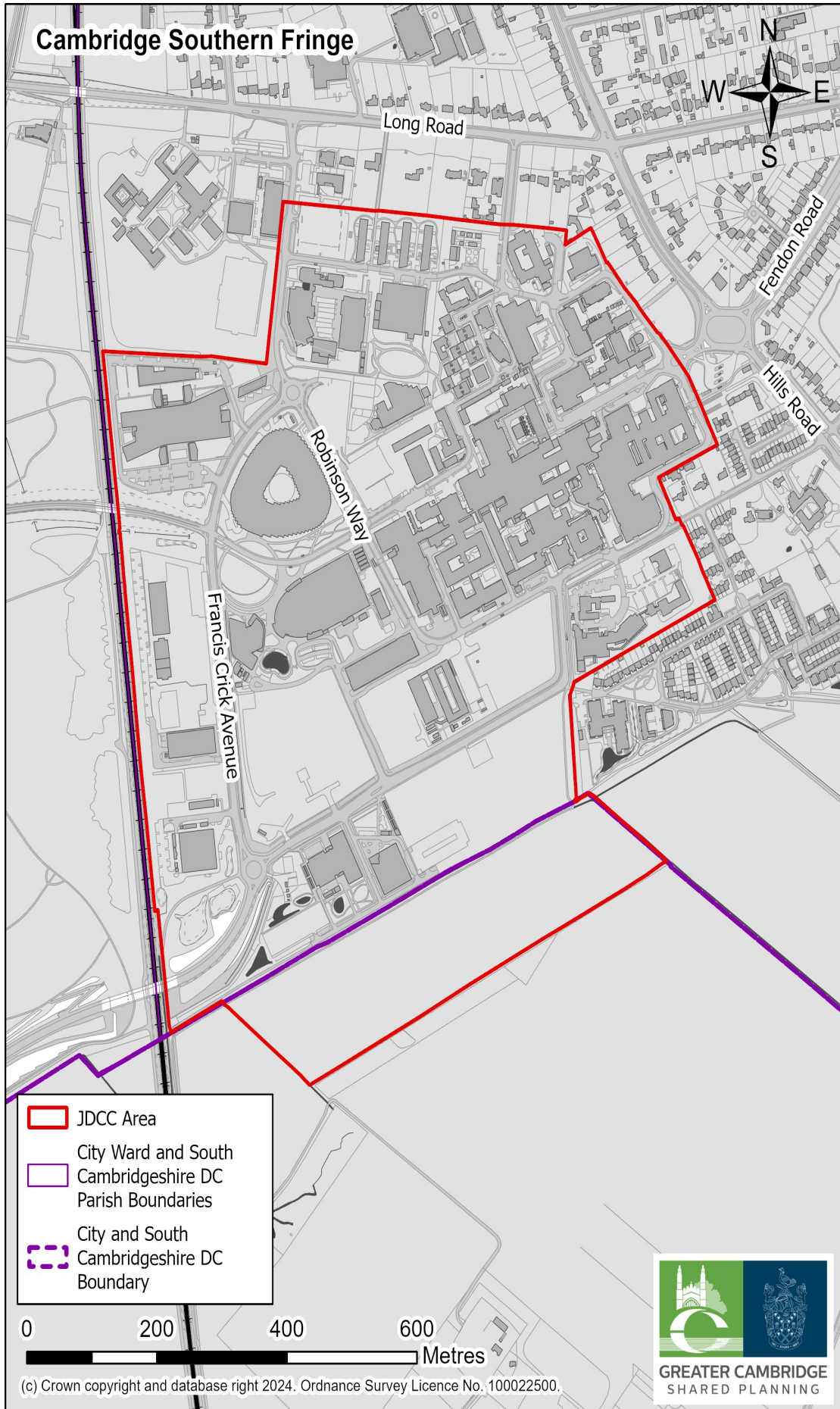
- i) from the joint planning budget,
- ii) ii) where there are insufficient funds within the joint planning budget, then the costs shall be shared proportionally by the Councils.



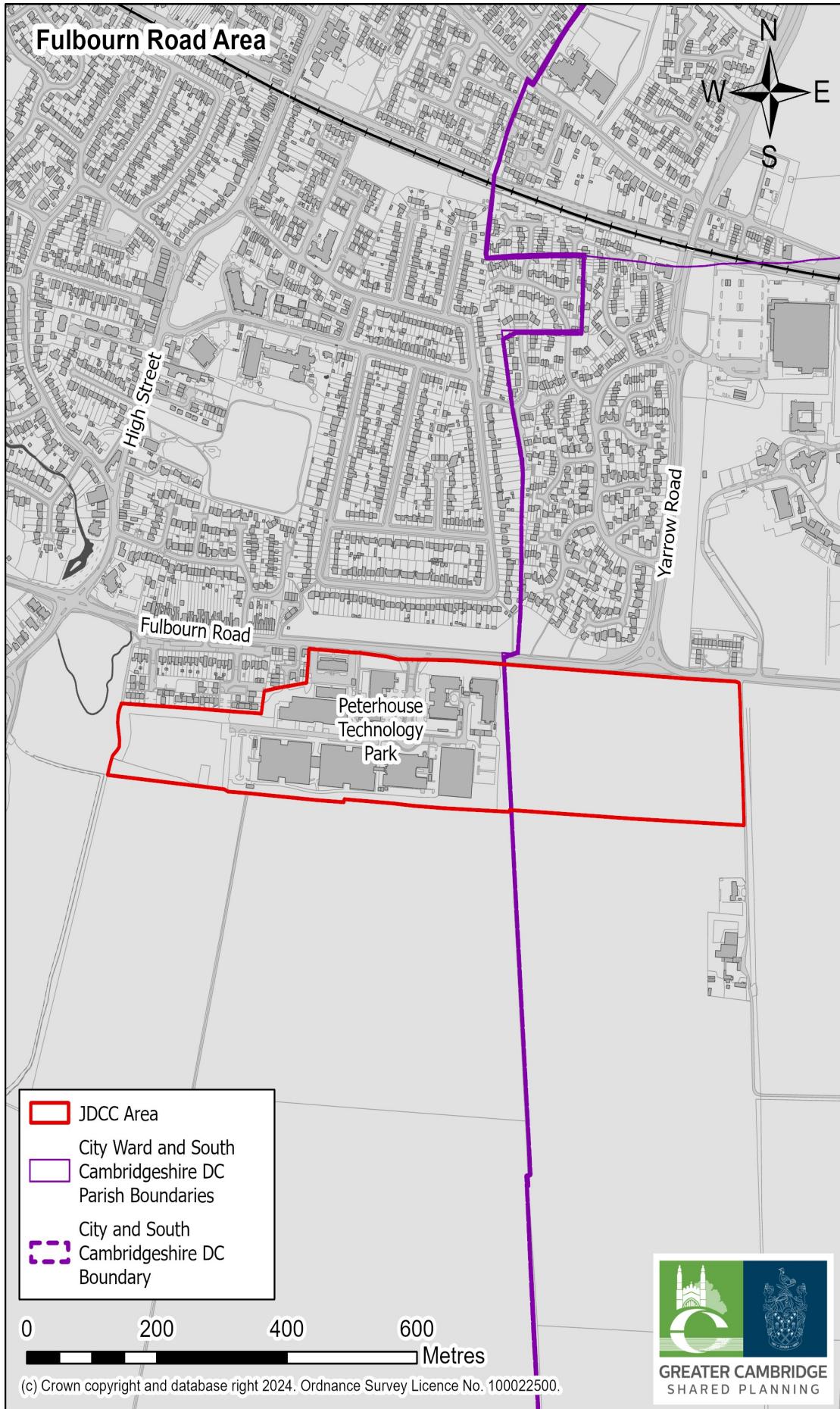
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Public Speaking at Planning Committees:

Cambridge City Council Planning Committee

South Cambridgeshire District Council Planning Committee

Joint Development Management Committee

Members of the public are welcome to attend the Planning and Joint Development Management Committee meetings, this guide sets out how we allow the public to speak at Committee – including who can speak, how to register, the length of speaking time and policy on presentation of material.

1. What is the Planning Committee

Planning Committee and the Joint Development Management Committee (JDMC) are Regulatory Committees consisting of elected Councillors who are responsible for determining planning applications which cannot be dealt with under delegated powers to officers.

2. When and where do Planning Committee meetings take place?

- City Planning Committee usually takes place from 10am the first Wednesday of the month at The Guildhall, Market Square, Cambridge, CB2 3QJ.
- South Cambridgeshire District Council Planning Committee usually takes place from 10am the second Wednesday of the month at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA.
- JDMC takes place at either the Guildhall or South Cambridgeshire District Council offices, usually the third Wednesday of the month from 10am.
- Alternative venues may be used; details will be set out on the agenda and meeting webpage.

3. Can anyone attend Planning Committee meetings?

- Meetings of the Planning Committee are open to the public, so anyone can attend and listen to the meetings.
- Despite being a public meeting, in some very occasional cases, the law does allow the committee to consider some matters in private. For example, an application may contain information of a personal or commercially sensitive nature that the Council would not be able to publicise. In every case, however, the public interest in excluding the press and public from the meeting room must outweigh the public interest in having the information disclosed.

4. Can anyone speak at Planning Committee meetings

- The Planning Committee welcomes public participation at the meeting; examples of those who may wish to speak at the meeting include applicants or an applicant's agent, neighbours or other residents, community groups, Parish Council representatives¹ (where applicable) and Councillors².
- Speakers may speak in support or objection to an application.
- You must register at least two working days before the meeting (more information on registering to speak is set out below)

5. How do I register to speak at Planning Committee?

- Public speaking requests must be registered with the relevant Democratic Services Team by no later than 12noon 2 working days before the meeting (i.e. the Monday before the Wednesday).
- City Planning Committee: Democratic.Services@cambridge.gov.uk
- South Cambridgeshire District Council: Democratic.Services@scambs.gov.uk
- JDMC: Democratic.Services@cambridge.gov.uk
- Requests received after this time will not be allowed.
- Registration by email preferred.
- Speaking requests should include your name, email address, telephone number, the application you wish to speak to as well as the capacity in which you are attending.
- Speakers are encouraged to submit a written copy of their planned speech by 12 noon two working days before the meeting, to be used as a backup in case the speaker is unable to attend due to unforeseen circumstances.

6. How can I attend the meeting?

- Public speakers can attend the meeting in-person, or virtually via Microsoft Teams.

¹ Representatives of a Parish Council must have the formal agreement of the Parish Council to represent their views

² Councillors will need to advise in what capacity they are speaking i.e. Ward Councillor etc

- The relevant Democratic Services Team will provide further guidance for attending each venue.
- There is no need to have made a previous written comment on the planning application to register to speak at committee.
- The agenda for the meeting is set at the time of publication. It is not possible to guarantee when an item will be determined. Public speakers should be prepared to address the Committee at any time after the beginning of the meeting.

7. How should I plan what to say at the meeting?

- Each category of public speaking (see paragraph 11 below) is limited to 3 minutes.
- If more than one person registers to speak per category, the speaking time may be split between the different speakers, or a spokesperson could be appointed.
- The Chair of the meeting has discretion to extend the 3-minute time period for all speaking categories should the application require it. This will be set at the chairs briefing for that committee, however, it can be reviewed at the committee.
- Committee members will have read the planning officer written reports, so try to avoid repeating points that are already explained in that material. Focus your speech on material planning grounds, these can include (but are not limited to):
 - Overlooking/loss of privacy
 - Loss of light or overshadowing
 - Parking
 - Highway safety
 - Traffic
 - Noise
 - Effect on listed building and conservation area
 - Layout and density of building
 - Design, appearance and materials
 - Government policy
 - Disabled persons' access
 - Proposals in the Development Plan

- Previous planning decisions (including appeal decisions)
 - Nature conservation
- Practice in advance of the meeting to ensure you can deliver your speech within the 3 minutes.
- Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action.
- The Chair will say when the speaking time is almost finished to allow time to round up.
- Speakers will be stopped once the speaking time has finished.
- Speakers cannot question Councillors, officers or other speakers and must limit their comments to planning related issues.

8. Guidance about written statements

- If you are not able to attend the committee meeting and wish to submit a written statement, it must be emailed to the relevant Democratic Services Team by 12 noon 2 working days before the meeting.
- A written statement should be no longer than one side of A4 in size 12 font.
- Any inappropriate statements will not be accepted.
- Written statements will not be read out at the meeting but will be published on the meeting webpage.
- Written statements will not be accepted after the deadline.

9. Guidance about virtual attendance

- The Council will endeavour to facilitate online attendance at meetings via the Microsoft Teams platform. However please note the council will take no responsibility for any individual who is unable connect into the meeting. Meetings will proceed in-person in the event of any technical difficulties
- The Democratic Services Teams are unable to provide ICT support for virtual attendance at meetings.

10. Can I submit images to be displayed when I'm speaking

- Yes, but images must be submitted to the relevant Democratic Services Team by 12 noon, two working days before the meeting.
- Any inappropriate images will not be accepted

- The images will need to be verified by the planning officer in advance of the meeting and an officer will display them while you are speaking.
- Images will be uploaded onto the online planning register.

11. What are the categories for public speaking?

- Petitioner (if applicable)
- Speakers in objection
- Speakers in support – including the applicant / agent / supporters
- Parish Council (if applicable)
- Councillors – more than one councillor can speak on an item

12. How are applications considered?

- A planning officer will introduce the item.
- Public speakers will be invited to speak.
- The Planning Committee will discuss/ debate the application.
- The Planning Committee will take a vote on either the officer recommendation in the agenda or a proposal made by a Planning Committee member.
- Should the Committee propose to follow a course of action different to officer recommendation, Councillors must give sound planning reasons for doing so.

13. Chair's discretion to manage the meeting

This document lays out the standard public speaking procedures at a Planning Committee or JDMC meeting. The Chair can vary from these procedures at their discretion to accommodate extenuating circumstances.

1. Introduction

- 1.1 This document offers guidance to Councillors about good practice in the planning process. It supplements the Cambridge City and South Cambridge District Councils' Code of Conduct for Members and aims to ensure that the Councils make and are seen to make planning decisions on proper planning grounds (set out in Appendix 1) and that the Councils make (and are seen to make) decisions properly, openly, impartially, and for justifiable reasons.
- 1.2 This guidance applies to **all** Members (not just planning committee members) at all times when involved in the planning process, not just at Planning Committee. It applies to formal decision-making and to less formal occasions, such as informal pre application advice, , meetings with officers or the public and consultative meetings, planning compliance matters or site-specific policy issues as well as to the consideration of planning applications. It also applies to all, and any, forms of communication and interaction including online or telephone discussions or meetings, emails, electronic and social media communications, posts, statements and comments.
- 1.3 The purpose of the planning system is to consider development proposals in the public interest. To be successful, the planning system relies on Councillors and officers acting in a way that is fair and clearly seen to be fair and even handed. Councillors have a special duty to their constituents but a wider duty to the communities of Cambridge and South Cambridgeshire. Where planning matters are concerned the interests of the wider public have to be considered as well as the Development Plan and all other relevant material considerations.

2. Relationship to the Members' Code of Conduct

- 2.1 This guidance is intended to supplement the two adopted Member Codes of Conduct. It is unlikely that there will be any conflict between the codes but, if there is, the provisions of the general Code will take precedence. An extract from the Code of Conduct relating to General Conduct is set out below:

You must:

- 3.1 provide leadership to the authority and communities within its area, by personal example and
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person
- 3.3 respect the confidentiality of information which you receive as a Member by–
 - 3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 3.3.2 not obstructing third parties' legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute
- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Authority's reasonable rules on the use of public resources for private and political purposes
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –
 - 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 3.7.2 paying due regard to the advice of Officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

extract from South Cambridgeshire District Council Councillor Code of Conduct

3.1 You must treat others with respect.

3.2 You must not—

(a) do anything which may cause your authority to breach its public sector equality duty as defined in section 149 of the Equality Act 2010 or its obligations under the Human Rights Act, 2000.

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

Extract from Cambridge City Council councillors code of conduct

2.2 It is very important that Members are careful to apply both the general Codes of Conduct and this guidance in dealing with planning issues. Failure to do this may place the Council at risk of legal challenge or a finding of maladministration and for individual Members the potential for complaint about them to the Monitoring Officer.

3. Development Proposals and Interests under the Members' Planning Code

General points to consider and beware of

3.1 If you are a member of planning committee you must avoid representing your ward or any local views on a planning matter in which you have a disclosable pecuniary interest. You can discuss your views with another local ward member but lobbying should be avoided (see 4.12, 4.13) In these circumstances it is appropriate to ask another ward member to take on this role of representing the ward for you .

3.2 You must not use your position as a Member to obtain access to planning officers or planning application papers that you submit either as a Member or an agent of an applicant.

- 3.3 You should not lobby other Members of the Council on a planning matter, including the circulation of letters or emails, or by raising the matter in Member group meetings or any other meetings of the Council.

Pecuniary and any other Interests

- 3.4 Members and Officers are required to declare any disclosable interests that they hold. Declaration is usually given upon their election or appointment to office; Members are under a duty to maintain that declaration and amend, as necessary within twenty-eight days of becoming aware of any such changes throughout their term of office.
- 3.5 A register of Members' interests will be maintained by the Council's Monitoring Officer of each Council's Democratic Services Team and is available for public inspection.
- 3.6 Members and Planning Officers are also under a duty to declare interests as and when matters arise or prior to Planning Committee. Guidance on any issue may be sought from the Council's Monitoring Officer or the Legal Adviser to the Committee. The decision as to whether an interest ought to be declared rests with the individual Member or Officer involved. *The interest should be declared at the start of the meeting under the agenda item "Declarations of Interest" rather than the start of the relevant item.*
- 3.7 There are three types of interest, 'personal' 'prejudicial' and pecuniary. A Member will have a personal interest in a Planning Committee decision if the matter relates to an interest in respect of which the Member has given notice in the statutory register of Member's interests; or the decision might reasonably be regarded as affecting their financial position or that of a relative, spouse, civil partner, employer or friend. Where a Member considers he or she has a personal interest in a matter, they must always declare it.
- 3.8 A personal interest becomes a prejudicial interest if a member of the public (with knowledge of the relevant facts) would reasonably conclude that the Member's interest is significant and as such that it is likely to prejudice the Member's ability to objectively and impartially consider the application and to take part in the decision making process for that particular application.
- 3.9 Where any Member of the Committee is unsure as to whether they have a prejudicial interest they should discuss their concerns with the Monitoring Officer or the Legal Adviser who to the Committee without delay and where possible in advance of the Committee. The decision to take part in the Committee's determination of the application is a matter for the individual Member's judgement. However, Members are strongly advised to refrain from any participation at any stage in the consideration and determination of the planning application particularly if they have been so advised by either the Monitoring Officer or the Legal Adviser to the Committee. This course of action is intended to reduce the risk of a challenge of the Committee's decision.

Pecuniary Interests

- 3.10 Pecuniary interests are defined in regulations. Interests which fall into this category are those which include but are not limited to business, employment, trade, profession, contract and wider financial interests, assets such as land, payments, securities, and shares. All Planning Committee Members are encouraged to seek advice from the

Monitoring Officer or the Legal Adviser to the Committee where they have any concerns as to whether a pecuniary interest exists.

3.11 Any Planning Committee Member with a pecuniary interest must, following declaration of the interest at the committee meeting immediately recuse themselves from the meeting and take no further part in the discussion on the application. Members can remain in the Chamber should they wish to do so but must sit in the public gallery until the item has been determined.

3.12 As a member (and not just a member of planning committee) there are things you should avoid if you have a disclosable pecuniary interest. These include the following:

- You should avoid representing ward or local views on a matter in which you have such an interest. In these circumstances it is appropriate to ask another ward councillor to take on this role;
- You should avoid getting involved in the processing of the application by using your position as a councillor to get access to officers or papers;
- You should not lobby other members of the Council, including the circulation of letters or emails, or by raising the matter in group or similar meetings;
- You may address the meeting that considers the application or other matter in the same way that members of the public may address the meeting. However you should then withdraw from the meeting (formal or informal) at which the matter is under consideration, you can remain in the meeting room, and if you do you should sit in the “public gallery” . ;
- To reiterate the advice in 3.1 above, if you are a member of planning committee you must avoid representing your ward or any local views on a planning matter in which you have a disclosable pecuniary interest. You can discuss your views with another local ward member but lobbying should be avoided (see 4.12, 4.13) In these circumstances it is appropriate to ask another ward member to take on this role of representing the ward for you .
- If you are submitting your own planning application, or have a disclosable pecuniary interest in a planning application, you should be particularly careful to avoid any impression of either seeking or receiving special treatment. You should also make sure that the relevant Delivery Manager is aware of the interest. You may wish to consider employing an agent to act on your behalf in dealing with officers and/or addressing the committee. However, as mentioned above, you may exercise the same speaking rights as are afforded to members of the public at the planning committee meeting where your application is to be determined, provided that you then withdraw from the meeting when the item is considered and remain (as a member of the public would) within the public gallery.

4. Open and Fair decision making

- 4.1 Planning Committee takes decisions on planning matters openly and in public. For a decision to be open and fair:
- Those taking the decision should not be biased or have pre-determined how they will decide;
 - Those taking the decision should not have a prejudicial interest in the outcome;
 - The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
 - The reasons for the decisions should be clearly set out, based on proper planning grounds and in accordance with the development plan.

Predetermination, Predisposition or Bias

- 4.2 In addition to declaring personal or prejudicial interests, Members of a Planning Committee must avoid any appearance of bias or of having predetermined their view before taking a decision on a planning application.
- 4.3 Predetermination goes beyond predisposition by failing to weigh up and balance all the relevant factors and taking into account other viewpoints which are reached as a result of the Committee's determination process and importantly includes the Officer's report, the Officer recommendation and presentation and any public participation. Section 25 (2) of the Localism Act 2011 introduced provisions for dealing with allegations of bias or pre-determination. Under the provisions of the Act, a Member is not to be taken to have had, or appeared to have had a closed mind when making the decision just because
- (a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter
 - (b) the matter was relevant to the decision.
- 4.4 It is permissible for a Member to be *predisposed* towards a particular outcome. There is however a distinction between being predisposed and predetermined and it is this distinction which Members need to be aware of throughout the decision making process. It follows, the fact that a Member may have campaigned for or against a proposal does not automatically mean that they have a closed mind, *but* Members must be extremely careful to ensure that it is clear that they have considered, all relevant information and made their decision in accordance with the principles of openness, transparency and their statutory duty.
- 4.5 Members should be prepared to change their view right up to the point of voting on the application having listened to the application in full.
- 4.6 Members can absent themselves from an application where they wish to represent the views of their constituents as a Ward Councillor and in these circumstances they should take no part in the determination of the application.

Predisposition

- 4.7 A distinction is drawn by the Courts between a Member having clearly expressed an intention to vote in a particular way before a Committee meeting (*pre-determination*) and a *predisposition* on the application having formed a preliminary view where that view has

been reached without full knowledge of all the relevant information. Where a Member is clear that they have an open mind and are willing to listen to all the information presented to the Planning Committee before deciding on how to exercise their vote, there will be no predetermination.

Predetermination

- 4.8 If a Member of the Planning Committee has formed a view before the Committee sits, they should consider whether the view they have formed could be regarded as being predetermined. In other words, whether they have already made up their mind (to vote in a particular way) and are unprepared to fully consider the information presented to the Planning Committee before deciding on how to exercise their vote.
- 4.9 If a Member of the Planning Committee has predetermined their position they must not take part in the decision making for that application for to do so represents a breach of the Member Code of Conduct and leave the decision open to legal challenge by way of Judicial Review.

Bias

- 4.10 Bias is defined as the inclination to favour or disfavour certain people or things especially a personal prejudice.
- 4.11 The test for establishing whether a Member has shown bias is: *“would the fair-minded observer, knowing the background, consider that there was a real possibility of bias?”* It is not the Member’s view of whether they are biased but the view of the independent observer. Perception is important and can lead to judicial challenge in the High Court i.e., Judicial Review proceedings. If a Member believes that their participation would lead a fair-minded observer to consider there is a real possibility of bias, they should not participate in the decision making process and should withdraw from involvement in the application’s determination. The Courts have held it is primarily a matter for the Member to judge on whether to withdraw but given the scope for challenge the Member should always err on the side of caution or if in doubt seek guidance from the Monitoring Officer or the Legal Adviser to the Committee.

Lobbying

- 4.12 Concerns on poor practices within local authorities have often been based on the issue of lobbying. Lobbying can lead to the impartiality and integrity of a Member being called into question, unless care and common sense is exercised. When being lobbied Members should be mindful about expressing an opinion that may be taken as indicating that they have already made up their mind on the planning application before the Committee sits and thus avoid any risk of an accusation of predetermination and/or bias. In such situations, the Member should direct the lobbyist to either speak or write to the relevant planning officer with conduct of the application.
- 4.13 Members of the Planning Committee should not organise support or opposition, lobby other Members or act as an advocate or put pressure on Officers for a particular recommendation.

Avoiding Bias or Pre-determination

- 4.14 It is entirely permissible for Planning Committee Members who are democratically accountable decision makers, to be pre-disposed towards a particular outcome. Nonetheless they must address the planning issues before them fairly and on their merits. That means they can have a view on the application but must not make up their mind on how to vote before formally considering the application and any representations. Planning Committee Members must have an open mind on the merits of a proposal before it is formally considered at the committee meeting. They must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.
- 4.15 If the committee's decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the committee members were biased, or had pre-determined the application, the court will assess the matter on the basis of what a fair-minded observer, knowing the relevant facts would think.
- 4.16 Councillors should approach planning applications with an open mind and are able to weigh all the arguments right up to the point at which a decision is made. The safest course is to avoid statements as to support or opposition for an application (that may leave the impression that minds have been made up). If a Member has made such a statement they must be satisfied they can still consider the application with an open mind and be prepared to take into account any matters in favour or against the proposed development until the decision is made.
- 4.17 Care should be taken with the following, where you are likely to be a decision-maker:
- Making statements in advance of the meeting that you have made up your mind how you are going to vote;
 - Taking up a campaigning role for or against an application;
 - Acting as an advocate for groups opposed to or supporting the application;
- 4.18 Issues around bias and predetermination are difficult and getting it wrong can lead to legal challenge and/or reference to the Local Government Ombudsman. Each case needs to be considered on its facts and if you are in any doubt you should seek advice from the Head of Legal Practice.

5. Contact with Applicants, Developers and Objectors

- 5.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process and is important to local democracy; those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or a member of the Planning Committee. However, unless care is taken, lobbying can lead to the impartiality of a member being called into question and to difficulties for the member participating in the decision.
- 5.2 When being lobbied, members should have regard to the advice in Section 4 about the dangers of appearing to approach a decision with a "closed mind". However, unless you have a disclosable pecuniary interest or a personal and prejudicial interest, you can:

- Listen to/receive viewpoints from residents or other interested parties
 - Make comments and express views to residents, interested parties, other members or appropriate officers
 - Give non-technical advice on planning procedures, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officers report to Committee
 - Seek information through appropriate channels
 - Alert the decision-making committee to issues and concerns that have been drawn to your attention.
- 5.3 If you are approached by applicants or others seeking planning, procedural or technical advice, they should be referred to officers.
- 5.4 If you are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents' associations) or supporters, you should inform the case officer dealing with the application. It is generally better to put formal meetings on an official basis, with Planning Department support and a note taken of the meeting. This applies to all stages of the planning process, including the pre-application stage.
- 5.5 If you receive any approaches which raise new issues or bring new information to light, you should let the case officer know what these are as soon as possible. If a developer offers any planning gain or offers to accept any conditions on development in return for consent, be sure to let the case officer know as soon as possible.
- 5.6 If any approach by a developer or anyone else gives you cause to feel uneasy, please approach the Head of Legal Practice.
- 5.7 In addition, if you consider any issue or fact to be a relevant consideration, and other members may not be aware of it, be sure to raise it when the application is considered. You should not rely on information which is not in the public arena in reaching a decision.
- 5.8 In personal dealings with applicants, objectors etc, you should be mindful of the need to avoid giving a firm commitment to support/oppose the application if you are to participate in the decision. Bear in mind that your overriding duty is to the whole community not just to the people in your ward, that planning decisions need to be taken on planning grounds and that you should avoid the appearance of improperly favouring any person, company, group or locality
- 5.9 You should not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal including pre-application proposals. If acceptance of some hospitality is unavoidable, it should be kept to a minimum and should be declared and recorded in the Council's hospitality register. The Council's policy is that all hospitality beyond the insignificant (tea and biscuits or similar) should be entered in the register. If

significant hospitality is offered, you should seek advice from the Head of Legal Practice before accepting.

6. Pre Application Discussions

- 6.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. For this reason the Council have developed pre-application processes that enables engagement at the pre-application stage.
- 6.2 For major applications the Council offers a service to potential applicants to present their schemes to the Council's Planning Committee. This is the way in which Planning Committee Councillors engage with these schemes and there should therefore be no need to attend any other meeting with potential applicants or their agents/representatives.
- 6.3 In other cases potential applicants may seek to meet Councillors. For minor or household applications these can be treated as a form of lobbying and Councillors, including Planning Committee Members, should follow the advice set out above.
- 6.4 Where the application is more substantial, but not subject to pre-application committee presentations, these meetings will be subject to the following procedures:
- No meeting shall be convened without the presence of a Council planning officer for the entire duration of the meeting.
 - Both this guidance and the Members' Code of Conduct will apply when attending such meetings.
 - Any Planning Committee Member involved in such a meeting, who sits on the Committee that subsequently considers any resulting application, should declare their attendance at the meeting in the same way as lobbying would be declared.
 - Officers (and any Councillor, if present) should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
 - Any advice given should be consistent and in accordance with the Development Plan and officers should agree, prior to any meeting, on a consistent interpretation of Development Plan policies as applied to the particular proposal.
 - Councillors should not become drawn into any negotiations, which should be done by officers (keeping interested Councillors up to date) to ensure that the authority's position is co-ordinated.
 - A contemporaneous note of the meeting should be prepared by the planning officer attending wherever possible and a copy sent to all parties for their agreement.
 - The final version of the note of the meeting will form part of the planning file and should a planning application subsequently be received, it will thereby be open to public inspection.
- 6.5 Although the term 'pre-application' has been used, the same considerations should apply to any discussions which occur before a decision is taken.

6.6 Planning Committee Members should not attend pre-application meetings that are not organised through officers.

7. Site Visits

7.1 Individual Planning Committee members may wish to visit a site on which they have been asked to determine an application. If you decide to visit a site, you should avoid putting yourself in a position where you could be accused of partiality by any interested party to the application. It is best to visit a site unaccompanied by the applicant or by objectors. However, if a site visit is carried out in the presence of the applicant and/or their agent, or of residents/objectors, you should bear in mind the advice given in paragraphs 4.14 and 4.15 of this Guidance. You should avoid being put under undue pressure from any interested party to visit a site.

7.2 You should not enter onto private land or premises without first obtaining the permission of the owner. Where possible, you should seek to familiarise yourself with the site from a public viewpoint. If you go onto a site, you should only do so if satisfied that it is quite safe to do so. You should not, for instance, enter a site where excavations or building works are in progress unless guided by a responsible site manager. If you anticipate a need to ask to enter onto land, you should attempt to make arrangements in advance and should carry (and produce) your Council identity card.

7.3 You should ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.

7.4 The decision on whether to carry out a formal committee site visit will rest with the relevant lead Delivery Manager and will be based on

- The complexity or sensitivity of the development proposal.
- The characteristics of the site and its surroundings.

7.5 No formal notes of the site visit will be made. An officer, who will point out any relevant factors and issues concerning the site and its surroundings, will accompany committee members. A site visit is not a meeting to discuss the planning merits of the scheme or to make decisions. The Lead DM or planning case officer will make a record of the date and time of the site visit, attendance and the locations visited. Further information can be found in The Formal Planning Committee Protocol for Officer-Led Site Visits, February 2023.

8. Post submission Documents

8.1 A Planning Committee Member should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.

8.2 In limited circumstances Planning Committee Members may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and

economic objectives. Such meetings will be organised by officers and run under the same procedural rules as pre-application discussions.

- 8.3 If a Planning Committee Member is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. A Councillor should report to the Delivery Manager any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them, so that it can be recorded on the planning file.
- 8.4 Planning Committee Members should not attend post-submission meetings that are not organised through officers.

9 Public Speaking at Meetings

- 9.1 You should not allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give an appearance of bias or special access to councillors.
- 9.2 All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as confidential under the provisions of the Local Government Act, 1972, in which case the public will be asked to leave the room.
- 9.3 Applicants, agents, ward members, parish councils, members of the public and petitioners will be allowed to speak at Planning Committee meetings, but only in accordance with the agreed Council Public Speaking procedures.
- 9.4 You should avoid overfamiliarity with applicants, objectors and other members of the public when attending meetings, as this is open to misinterpretation.

10. The role of Officers

- 10.1 Planning officers must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct; primarily the Royal Town Planning Institute's Code of Professional Conduct. The views, opinions and recommendations of planning officers may on occasion differ from the views, opinions or decisions of the Committee or its Members. Officers are there to give professional and impartial advice, to make sure that members have all the information they need for decision making. They are there to advise on the context of the planning application in terms of the development plan and all other relevant material planning considerations. Officers will give a clear, accurate written analysis of the issues and a recommendation with reasons for the decision they are suggesting. Officers are there to advise (other than where the decision has been delegated to them) and to carry out the decisions of the planning committee.
- 10.2 It is critical to the openness and transparency of the planning service that mutual trust between members and their officers is demonstrated and that there is clear understanding of and respect for the other's role.
- 10.3 All members should pay particular attention to the professional advice and recommendations from officers. Planning decisions are not an exact science so interpretations may vary from time to time. You are not bound to follow officers' advice

or recommendations, but you should only depart from advice or recommendations where you have good reason to do so, based on clear and legitimate planning grounds. These will need to be voted on and recorded.

11. Decision Making

- 11.1 If, as ward councillor, you ask for a proposal to be determined by Planning Committee rather than be determined through officer delegation, make sure that your material planning reasons are included in that request.. Any such request must state the material, relevant planning grounds, and where possible citing development plan policies, on which it is based.
- 11.2 As Committee Members you should demonstrate through your conduct at the meeting that you are giving careful, fair and balanced consideration to the issues under discussion. It is particularly important that applicants and members of the public have confidence in the way in which decisions are reached. The conduct of members can be important in ensuring that faith in the planning process is maintained.
- 11.3 You should keep in mind your obligation to make decisions in accordance with the Development Plan unless material considerations indicate otherwise, as required by section 38(c) of the Planning and Compulsory Purchase Act 2004.
- 11.4 The Council's own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public. You should be particularly careful to ensure that any decision on a Council application is based purely on relevant planning considerations.
- 11.5 As committee members you should make a decision only after you have considered all the relevant information needed to make a decision. If you feel you have had insufficient time to digest new information or that you need further information, you should say so and, if necessary, ask for a deferral or abstain.
- 11.6 Committee members should not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter.
- 11.7 If, as a committee member, you are expressing a view contrary to officer recommendations or the development plan, you should identify clearly the planning reasons leading you to take a different view.

12. Training and Development

- 12.1 Planning decisions are often complex and differ in nature from some of the other decisions taken by the Council. It is crucial that planning decisions are based on legitimate planning grounds and that appropriate weight is given to possibly competing factors. The Council offers training and development to councillors on planning law and procedure and Members who sit on regulatory committees will need to have had at least minimum planning familiarisation training before they attend their first meeting.
- 102.2 Post hoc review of new development by the Planning or Joint Development Control Committees will be arranged on a bi-annual or more frequent basis to aid ongoing

development of Members and officers. Bite sized updates and briefing sessions will be provided on committee days along with thematic training sessions on specific topics each municipal year.

13. Appeals

- 13.1 Appeals into the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Members are able to attend. Members are encouraged to attend such hearings, as they can be a good learning experience. This part of the guidance is concerned with Members who wish to actively participate in these appeals.
- 13.2 If a Member wishes to attend a public inquiry or informal hearing as a Ward Member or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the Delivery Manager to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge.
- 13.3 A Member of a Planning Committee cannot attend an appeal on behalf of the Council's Planning Committee, even if they sat on the Committee that made the decision, unless this is as part of the Council's case as decided by the Delivery Manager. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.
- 13.4 Where the appealed decision was contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

14. Planning Compliance

- 14.1 It is perfectly legitimate for Members to bring to the attention of the Planning Service suspected breaches of planning control so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the Planning Compliance Manager via the online reporting tool:

[Report a breach of planning control \(scams.gov.uk\)](https://scams.gov.uk)

- 14.2 The Council's planning compliance service operates to a priority system so that those breaches that cause the most harm are dealt with first. This priority system is designed to produce a fair and responsive compliance service.
- 14.3 For planning committee members, you are advised that when reporting a breach if no opinion on the development / work is given (and you are simply passing on something a resident has reported) then if a subsequent application is brought to planning committee to regularise the development you are able to sit on the committee. However, if you are considered to be pre-determined by what has been included in breach report then you are advised not sit on the committee when any retrospective application is determined.

MEMBER GUIDANCE ON REQUESTS TO REFER PLANNING APPLICATIONS TO COMMITTEE

1. The scheme of delegation for planning, allows any Member of the Council and any County Member representing a Ward to request that an application be referred to the Planning Committee for determination, provided the request is made within the timescales set out, that it is in writing, and that it states the planning grounds on which the request is made. Late requests should be avoided.
2. Members are advised to check the progress of the application with the case officer before making a request and also to inspect the application file. This may avoid the need for a referral.
3. It is important that the planning grounds for referral are stated in the written request. An information leaflet entitled 'How to Comment' explains what factors can typically be considered in assessing planning applications, depending on the circumstances of the case. This leaflet is sent out with neighbour notification letters.
4. Relevant material planning grounds can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

In summary, Members should consider whether the development accords with planning policy set out within the development plan; whether the development is appropriate for the area; whether the development would cause harm to neighbouring amenity; whether the proposal would cause traffic congestion or be a danger to highway safety. Loss of view, loss of property value, loss of trade to businesses and moral objections are not material considerations. The case officer can give further advice if required.

5. Members may feel that a particular planning application raises material planning issues, of the kind described above, that ought to be discussed and determined at Committee, rather than being determined under delegated powers. In deciding whether to make such a request, it is important that Members consider any role and responsibility they may have in the decision making process, for example sitting on the planning committee and whether another ward member may be better placed to request a call in to committee.

6. On receipt of a written request by a Member for an application to be determined by Committee, the case officer will acknowledge the request in writing or by telephone. The case officer will also check with the Member that it is necessary for the application to be determined by Committee, rather than under delegated powers. There may be particular circumstances, depending upon the officer recommendation where a committee decision is not necessary; this should be discussed with the planning case officer.
7. Members' representations are summarised in the officer report.
8. It is not appropriate for a Member to request that Committee determines an application if they have a disclosable pecuniary or personal and 'prejudicial' interest in it under the Council's Member Code of conduct.

DRAFT



GREATER CAMBRIDGE SHARED PLANNING SERVICE

PLANNING COMMITTEE REVIEW

Planning Committee Date August 2024

Report to Cambridge City Council Planning Committee
South Cambridgeshire District Council
Planning Committee
Joint Development Control Planning
Committee

Report by Rebecca Smith, Delivery Manager (DM and
Compliance)

Ward/ Parishes affected All

1.0 Executive Summary

1.1 Main recommended changes from the committee review steering groups are:

- Alignment of committee meeting formats
- Introduce a Delegation Panel for City Committee and review SCDC Delegation Panel
- Amendments to scheme of delegation to align 3 committees
- Increased member engagement in major pre application and applications via briefings
- Updated public speaking guidance and planning code of good practice for members.

2.0 Recommendation

2.1 Officers recommend that the Cambridge City Council / South Cambridgeshire District Council / Joint Development Control Committee:

- (i) Notes this report and the recommendations contained within it.

3.0 Background

- 3.1 Currently the Greater Cambridge Shared Planning Service (GCSP) supports three Planning Committees - Cambridge City Council, South Cambridgeshire District Council and the Joint Development Control planning committees.
- 3.2 The GCSP has been undergoing a period of transformation and this has included a review of the planning committee processes, of both partner Councils.
- 3.3 In 2020, the Planning Advisory Service (PAS) carried out reviews of all three committees, as part of a commitment by the Shared Planning Service to improving and unifying approaches to planning and embodying where possible best practice to support improved community participation and effective and transparent decision making. The purpose of the committee process review was to review those recommendations made as part of the PAS reviews and develop a transformation plan.
- 3.4 Since 2020, and noting pressure on the corporate resource the review has been brought back in house (to the Shared Planning Service) a copy of the timeline set by the Transformation Team at that stage is set out in appendix 1. Following this a new senior manager has been appointed to lead this work, this has involved revisiting the scope of the review, aligning with the PAS best practice in managing the Planning Committee process themes.

Project Objectives

- 3.6 The following were the overarching enabling objectives set within the scope of the project, listed in order of hierarchy:
1. Improve the quality of outcomes of development which flow from sound planning decisions versus the process for determining planning applications –development and decisions
 2. Meet our statutory obligations
 - Referring to national planning policy framework, local plan and guidance
 - Meeting the seven principles of public life (Nolan Principles) and the Canon principles for professionals in local government
 3. Ensure transparency and accountability of the committee’s decision-making process including delegation arrangements and deferred decision protocol, improve communication and collaboration for newly appointed committee members. To review the standing orders of each of the Committees to identify inconsistencies between committee meetings and opportunities to improve transparency, participation and operation of meetings and foster trust of the service
 4. Improve the experience for all “users” of the Planning Committee process for decision making on planning and related applications
 5. Compliance against statutory and service performance indicators (KPIs)
- 3.7 The scope of the project included engaging with members of all planning committees to review their experiences and seek their input into the future role of the planning committee members, committee processes and to consider what makes a successful committee meeting.
- 3.8 An officer working group and separate member working group were set up and have been working together to inform the committee review. The two working groups used the LGA's Probity in Planning guidance and the Planning Advisory Service best practice in managing the Planning Committee process themes to review the current committee practices and make recommendations on the changes identified in this report.
- 3.9 The remainder of this report is split into key areas, the PAS themes within that area that the two working groups reviewed, together with the headline recommendations (*in italics*) for the amendments to be made to ensure that the 3 planning committees are aligned and working to best practice.

4.0 Project Recommendations

Supporting Committee Members

Theme 1: Pre-determination, pre-disposition and bias

- 4.1 An issue that councillors often find confusing is how to differentiate between someone who is pre-determined, pre-disposed or biased. Whilst a councillor who is pre-disposed to a view can still sit on a Planning Committee, a councillor who is pre-determined cannot take part. Therefore, it is important to understand this difference.
- 4.2 *Recommendation R1: A Members Code of Good Practice for planning is produced for all members. This has been drafted to include guidance and appended to this report (Appendix 2). This will sit within the broader range of guidance for councillors and will need to be ratified by each Council in accordance with their own procedures.*

Theme 2: Lobbying of Members

- 4.3 Lobbying of Members of planning committees regularly takes place prior to a meeting as applicants and other interested parties look to persuade the Committee of their point of view. Planning Committee Members are often unsure what to do with the lobbying material that they receive.
- 4.4 *Recommendation R2: A Members Code of Good Practice for planning is produced for all members. This has been drafted to include guidance, this will sit within the broader range of guidance for councillors and will need to be ratified by each Council in accordance with their own procedures.*

Theme 3: Dealing with petitions

- 4.5 It is often difficult to decide the weight given to a petition compared to an individual letter of representation.
- 4.6 *Recommendation R3: Petitions should be separated out in committee report and worded as such - Petition on the grounds of xxx has been signed by 25 residents.*
- 4.7 *This issue has been incorporated within our review of Public Speaking, details of which are set out below.*
- *Petitions treated as written representations - classed as petition if contains over 10 signatures.*
 - *Petitioners allowed to speak up to 3 mins at committee as a separate speaking class.*

Theme 4: Receiving gifts or hospitality

- 4.8 Members of the Planning Committee, as well as Planning Officers, make decisions that impact on people's lives and can either create wealth for individuals or cause financial hardship. Members of the Planning Committee may, on occasion, be offered hospitality, or even gifts by those who are likely to gain or lose from a planning decision.

- 4.9 *Recommendation R4: Ensure that the relevant Codes of Conduct guide councillors and officers on responses they should make if offered gifts or hospitality.*

Theme 5: Officer / Member relations

- 4.10 A well managed Planning Committee that makes sound, defensible planning decisions is dependent on Members who understand the Planning and decision making process and officers who can provide the Members with the advice they need to make those decisions.
- 4.11 *Recommended changes to committee meetings:*
- *R5 - After the publication of the agenda, if any committee members have any questions, they should be sent to officers up to 12 noon 2 days in advance of the meeting – these will be responded to as part of officer presentation (together with any queries raised by Members at the committee site visit).*
 - *R6 - During committee meetings the presenting officer should sit as close as possible to the planning lead officer and the legal advisor.*
 - *R7 - At the end of the debate on each application, prior to the vote, the Chair should summarise the key issues the committee debated; and then the Delivery Manager confirm the officer recommendation together with any changes / additions made by committee.*

Theme 6: Ward councillor involvement in the Planning process – at pre application and application stages

- 4.12 Whilst only Members of the Planning Committee are tasked with making planning decisions, ward councillors are important advocates for their communities in the decision making process. Ward councillors are able to request that an application is referred to Planning Committee (currently in SCDC this is subject to review by the Delegation Panel) and ward councillors are able to speak at the Committee either as an objector or supporter of a proposal. Within SCDC ward members are often referred to as 'local members', however ward member / ward councillor / local member means the same thing at both SCDC and CCC.
- 4.13 *Recommended changes:*
- *R8 - Formalise member engagement at pre application stage through the PPA process – including member briefings, member attendance at design review (DRP) and requiring engagement strategies from developers.*
 - *R9 - Offer ward and parish councillors developer led briefings for major pre apps - – separate to main committee meetings.*
 - *R10 - Offer ward and parish councillors officer led briefings on major applications (not public meetings) – separate to main committee meetings.*

- *R11 - Develop guidance for these briefings - with criteria for when can / can't be suitable for briefings, set out what the purpose of pre app briefings are, criteria on what should be covered in the meeting, length of briefings.*

Committee Meetings

Theme 7: Site visits

4.14 In order that the Planning Committee can make a decision on a planning application the Members of the Committee need to understand the proposal in the context of its location and geography. Officers can help Members understand this through plans, maps and photographs, but a site visit (SV) is included where considered appropriate to help Members of the Committee familiarise themselves with the site. The formal planning committee protocol for officer led site visits was agreed by the three planning committees in December 2022/January 2023. It is important that agreed protocols are followed on the site visit to ensure the impartiality of the Planning Committee is maintained. The current site visit protocols have been in operation since February 2023 and therefore should be reviewed in early 2025, including review of available technologies for carrying out site visits available at that stage.

4.15 *Recommended changes:*

- *R12: Review and ensure SV dates diarised for a year in advance*
- *R13: Review the existing site visit protocol [and extend this to all Planning Committee meetings]*
- *R14: Publish SV protocol on GCSP website*
- *R15: Publish a link on committee agenda to SV protocol*
- *R16: Democratic / Member services send out and include SV protocol on all site visit meeting invites*
- *R17: Democratic / Member services invite local / ward members to attend SV for applications in their wards*
- *R18: Any queries raised as part of site visit answered during officer presentation*

Theme 8: Referral of delegated applications to Planning Committee

4.16 It is really important that the referral process and scheme of delegation is explained clearly to councillors so that they can follow the correct procedure and assist their constituents. There are restrictions in the referral process with regard to timeframes and reasons for referral.

4.17 *Recommended changes:*

- *R19: Review the need for the City Development Control Forum, ensuring the review incorporates the recommendation above in*

theme 6 that members have a greater degree of involvement in the PPA and pre application process.

- *R20: In line with the 2020 PAS recommendation to make the most efficient use of officer and member time at Committees by focusing on the most sensitive / complex application, introduce a delegation panel for City and review SCDC delegation panel*
- *R21: Review threshold and application types in schemes of delegation for committee decisions, including NMAs, S73s, TPOs, Deeds of Variation, prior approvals, certificates of lawfulness, and other application types; and align scheme of delegation for the 3 Planning Committees*
- *R22: Standardise wording for delegation to Delivery Manager for amendments to conditions / informatives / Heads of Terms post committee*

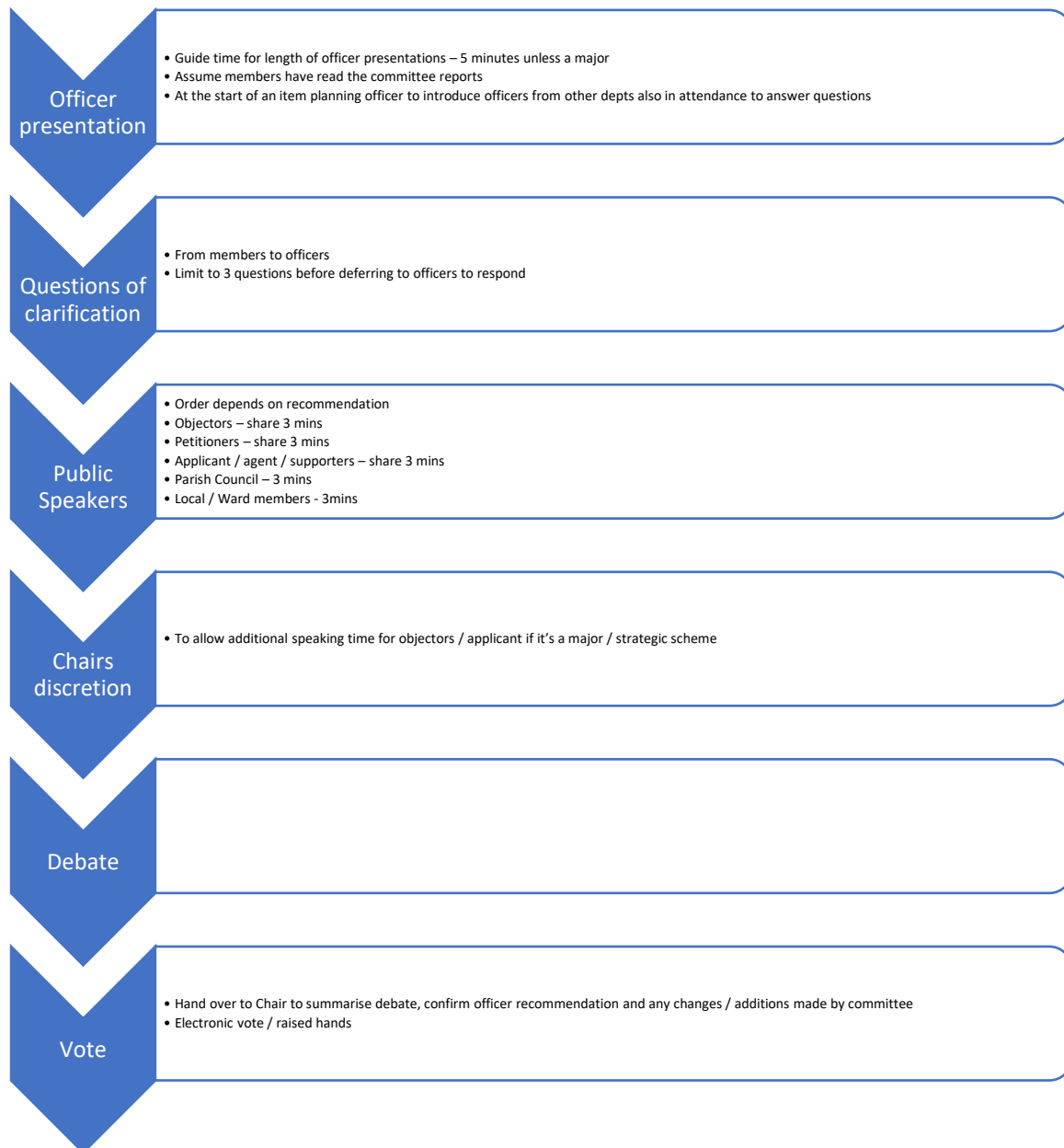
Theme 9: Conducting the meeting

4.18 Every Planning Committee follows a similar order of business as recommended though LGA Probity in Planning document. However, we need to ensure that the process is well understood and transparent, so that Members of Committees can understand and debate a planning proposal and reach a clear, unambiguous decision.

4.19 *Recommended changes:*

- *R23: Work towards sending agendas out 7 working days in advance - to give members more time to read; publish the committee reports on our portal for each application - ensures wider public visibility and reduces end of process work when it comes to issuing decision.*
- *R24: Review the need for hard copy agendas and agenda presentation/ plans packs*
- *R25: Set timing and deadlines for amendment / update sheets*
- *R26: Set dates / times for chairs briefing and diarise for year*
- *R27: Deferrals – those items to be removed from committee without discussion / debate should be dealt with and deferred at the start of the meeting*
- *R28: Deferrals - post / during debate - members have to give specific reasons for deferral which are minuted, these areas are then the main areas to focus on for discussion / debate when item comes back to committee.*
- *R29: Develop guidance on use of and reasons for deferral – including focus on major applications, impacts on constitution*
- *R30: Develop guidance for the submission / circulation of documents during the meeting, considering the option to insert a 5 minute adjournment to allow everyone to read it (including members of the public, applicants, members, officers and anyone else present).*

Format of meetings:



Theme 10: Public speaking

4.20 Public speaking at Planning Committees is a normal practice.

4.21 *Recommended changes*

R31: Update public speaking at planning committee guidance to ensure encompasses:

- *Review public speaking guidelines of the 3 planning committees to align.*

- *Registration deadlines – 12 noon 2 days in advance*
- *3 mins speaking - per category – objector, petitioner, applicant / agent / supporter, parish council, ward member.*
- *There is no need to have made a written representation to register to speak at committee*
- *Speakers can attend in person or virtually*
- *Written representations can be accepted if person can't attend to speak (12 noon 2 days before the meeting deadline); circulated to members by committee services, update as part of additional late representations in officer presentation (summarise text on screen) and case officers redact and upload on public access.*
- *If speakers wish to submit photos without captions/ text in advance of the meeting this should be done so by 12 noon 2 days in advance of the meeting for officer verification.*
- *Install mechanisms within the council chamber to alert public speakers, to assist with speaking time limits – eg Timing, clocks, lights, bells*
- *Chairs discretion to allow more than 3 mins for larger, more complex major applications*
 - *Advice to speakers on what 3 minutes looks like – guidance e.g. how much text on an A4 page, encourage them to time themselves, and reiterate that they will be cut off when their 3 minutes is up.*
 - *If speakers are attending virtually, ensure phone numbers are collected to access speakers if there is a problem.*
- *Add front page to the agenda to set out info for residents on how committee works (for example see appendix 3).*

Theme 11: Decisions contrary to officer recommendation

4.22 The reason why a planning application comes to a Planning Committee is to allow for elected Councillors to apply themselves and their insight to proposals that raise more complex planning issues including matters of policy or whether there is widespread public concern, in public Therefore, Members of the Planning Committee have the ability to overturn an officer recommendation. However, any contrary decision must be made on sound planning reasons listing out clearly their reasons for doing so referring to relevant adopted planning policies..

4.23 *Recommended changes:*

- *R32: Review the need for the Adjourned decision protocol.*
- *R33: As part of chairs notes include a process flow chart outlining process of making decisions contrary to officer recommendation for committee*
- *R34: Standard short adjournment for officers to draft reasons for refusal for minor applications in the meeting before being voted on by members - including legal input on whether defensible/ reasonable. Short adjournment is essential to refine the reasons for refusal and then present back to members to agree / consider*

- *R35: Potential for major applications to be deferred if contrary to officer recommendation first committee (replacing adjourned decision protocol) – link with guidance on deferrals versus refusals*
- *R36: Develop guidance for members refusing versus deferring an item*
- *R37: Overturns to approval – conditions, committee need to agree bespoke condition wording, agree the topic headings for standard conditions*
- *R38: Delegate final wording to relevant Delivery Manager*

Appeals

Theme 12: Councillor involvement at appeals

4.24 Members of the Planning Committee would not normally be involved in a planning appeal and the appeal will be led by the Planning Officers. However, when a Planning Committee makes a decision contrary to the officer recommendation it will need to be clear to all concerned that the Planning Officers and the Planning Committee has a difference in views, as a result, to ensure effective representation of the Councils case, the Shared Planning service may need to use specialist consultants.

4.25 *Recommended changes:*

- *R39: Ensure all members across both authorities are aware of their responsibilities when dealing with case officers on all appeals (to be included in the code of good practice)*
- *R40: Ensure all members have the relevant training/experience, should they wish to get involved, and make representations on an appeal.*

Code of Good Practice

4.26 A Members Code of good practice for planning has been drafted and appended to this report. This will sit within the broader range of guidance for Cllrs and will need to be ratified by each Council in accordance with their own procedures.

4.27 In addition to this code ensure the chairs notes include sample material considerations.

Other changes

4.28 A number of other changes have been recommended which sit outside of the above themes:

- R41: Website changes: *website page to become more user centric - part of the steps in a planning of a planning app, what does committee do, SV protocol, public speaking guidance.*

- R42: Corporate Lounge / Members lounge: *Screen in Members' Lounge to prevent delays with members returning to the chamber after leaving on specific items.*
- R43: Committee Reports:
 - *use standardised format / template*
 - *reduce the length of committee reports*
 - *standardise a consultation grid to summarise to members who has objected or supported, with page references to the details and total number of objectors and supporters (see appendix 4)*
 - *incorporate images/3d modelling into report*
 - *number conditions where referred to in report*
 - *put headings in for conditions*
- R44: MS Teams channel *for planning committee meeting correspondence to reduce emails.*
- R45: Protocol *for what happens if the livestream drops out – including options such as disclaimer saying we will abandon the meeting until it is back; or adjourn for period of time.*
- R46: Guidance for officers – *on the use of amendments sheets, vs verbal updates.*
- R47: Member Training – *annual member training for those on planning committee, together with a digital 'member passport' of training programmed throughout the year.*
- R48: Constitution Changes – *if any changes are needed, they will be implemented for both councils and to sequence with CCC review of constitution project to be completed by April 2025.*
- R49: Standing Orders – *to be updated as required.*

Next steps

4.29 This is recognised as a complex project and therefore, all of the recommendations included within this report will need to be prioritised and a timetable devised for taking forward and implementing the recommendations. This work will be undertaken by the officer working group, in conjunction with the member working group. Smaller working groups will then bring forward the necessary changes and implement once the necessary authority to do so has been sought.

4.30 It is suggested that a review is built in after the changes have been implemented, in a 12 or 18 month timeframe to ensure this is still meeting Members requirements.

4.31 In addition, a further review may consider application types and thresholds for JDCC, recognising the costs of running planning committees versus their importance in the democratic process and residents and community engagement.

5.0 Implications

Financial Implications

5.1 The cost of the Planning Committee meetings are covered within existing budgets. The changes recommended are not anticipated to increase the frequency of Planning Committee meetings or its caseload so as to introduce significant additional costs. The introduction of a delegation panel and changes to the scheme of delegation may reduce the caseload at the committee meetings.

Staffing Implications

5.2 There are no staffing implications arising from this report.

Equality and Poverty Implications

5.3 An Equality Impact Assessment (EQIA) has not been undertaken in respect of this report, because no material changes are proposed to the fundamental operation of the Committee meetings.

Environmental Implications

5.4 None.

Procurement Implications

5.5 None.

Community Safety Implications

5.6 None.

Legal Implications

5.7 The recommended changes do include some implications for amendments to the schemes of delegation, and constitution; these recommendations will need to be embedded into the governance process for each authority.

6.0 Consultation and Communication Considerations

6.1 No formal consultation has been undertaken in the preparation of this report. The review of the committee processes has been carried out in conjunction with a member working party comprising of chairs, vice chairs and spokes of all 3 planning committees operating within GCSP.

7.0 Background Papers

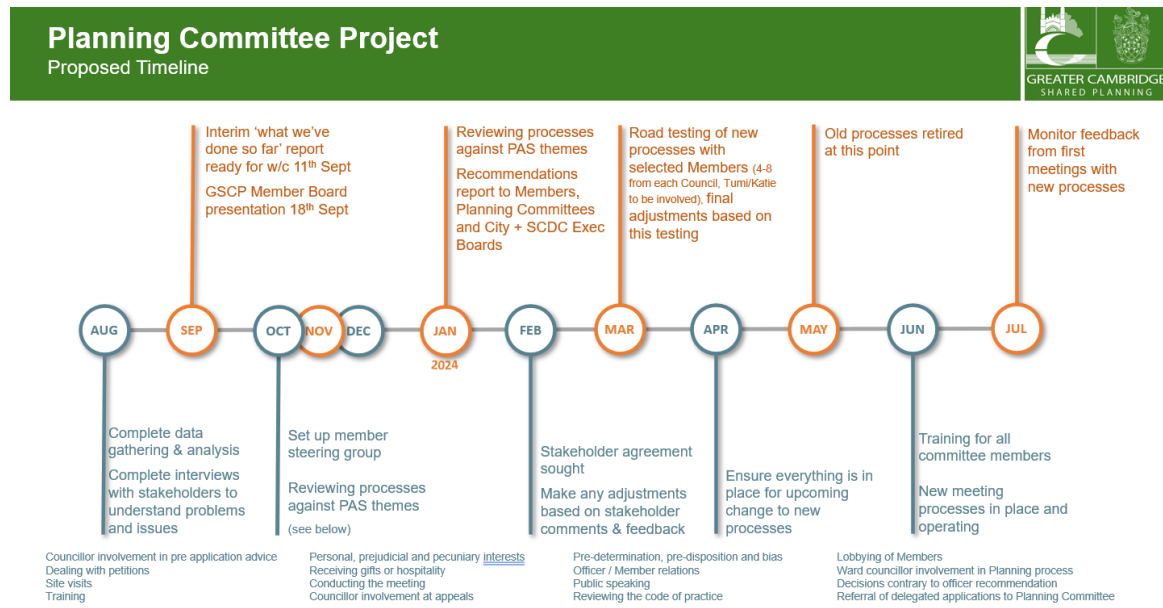
7.1 Background papers used in the preparation of this report:

- PAS report 2020 – Planning Committee Peer Review, Cambridge City Council
- PAS report 2021 – Planning Committee Peer Review, South Cambridgeshire District Council
- South Cambridgeshire District Council Ethical Handbook (May 2020) Ethical Handbook.pdf (moderngov.co.uk) and Constitution. Agenda for Constitution on Thursday, 9 June 2022 (moderngov.co.uk)
- Cambridge City Council Planning Code of Good Practice 2015
- PAS Planning Committee Protocols: [Planning Committee Protocols | Local Government Association](#)
- Planning Committee Site Visit Protocol:
https://councilanywhereorg.sharepoint.com/:b:/r/sites/GCSP_All_Staff/SS/Management/Process_Improvement/Committee%20Site%20Visits/FEB%202023%20FINAL/SVP%20FEB%202023.pdf?csf=1&web=1&e=neKLFb

8.0 Report Author

Rebecca Smith
 Delivery Manager (DM and Compliance)
 Rebecca.smith@greatercambridgeplanning.org

Appendix 1: Timeline:



Appendix 2 : DRAFT Planning Code of Good Practice for Members

Appendix 3: Consultation Matrix

Appendix 4: DRAFT agenda front page text

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DRAFT PAY POLICY STATEMENT 2025/26

To:

Civic Affairs Committee (5th February 2025)

Report by:

Lynsey Fulcher, Head of People

Tel: 07592 384229 Email: lynsey.fulcher@cambridge.gov.uk

Wards affected:

All

1. Recommendations

1.1 The Civic Affairs Committee is asked to consider the changes and recommendations proposed to pay approaches as outlined in this report, specifically;

- a. The recommendation that the Cambridge Weighting rate is increased from £12.50 per hour to £13.00 per hour.
- b. The removal of the Cambridge Weighting and Real Living Wage 4-week qualifying period for agency staff.
- c. To review and recommend to Full Council the Pay Policy Statement at Appendix 1.

2. Purpose and reason for the report

2.1 In 2015, the Secretary of State for Communities and Local Government issued the Local Government Transparency Code 2015. The code sets out the key principles in making local authorities more transparent and accountable to local people. The Council has been, and continues to be, proactive in its compliance with this and the following report provides detail on the Council's pay practices to satisfy the requirements of the code.

- 2.2 Under the Localism Act 2011, Local Authorities are required to prepare a Pay Policy Statement for each financial year. These statements must articulate an authority's own policies towards a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.
- 2.3 Attached at Appendix 1, this policy statement must be approved by a resolution of the authority, i.e., full Council, and is required to be published by 31 March.

3. Background and key issues

- 3.1 The pay policy statement outlines the Councils approach to pay and reward for all staff, separating out Chief Officers where necessary to satisfy the requirements of the Localism Act. For Cambridge City Council, the definition of Chief Officer includes the grades of Chief Executive, Director and Assistant Director.

In line with the annual review of the pay policy statement, the HR team have reviewed the additional elements of pay that are outlined in the pay policy and have developed some pay and policy recommendations for Civic Affairs to consider. The changes proposed are outlined below, and the pay policy statement has been updated to reflect these recommendations.

3.2 Cambridge Weighting

- 3.2.1 The Council pays a Cambridge Weighting to employees on City Council terms and conditions of employment and qualifying agency workers earning less than the approved rate per hour. The weighting is paid in addition to salary and the Real Living Wage supplement.
- 3.2.2 The Real Living Wage Foundation rate of pay increased in November 2024 to £12.60 per hour, higher than the Councils existing Cambridge Weighting rate of £12.50 per hour. It is proposed that the Cambridge Weighting allowance is increased to £13.00 per hour from 1st April 2025.

3.2.3 There are currently 60 employees that could see an increase to pay if the Cambridge Weighting rate was increased to £13.00 per hour. Of these, 51 employees are on zero-hour contracts and typically work at weekends or evenings where additional enhancements already apply. The total cost of increasing the Cambridge Weighting rate in line with the recommendation is therefore not expected to exceed £6,000 per annum.

3.3 Agency Pay

3.3.1 The Council's current approach to paying the Real Living Wage and Cambridge Weighting rates is that agency workers only receive the increased hourly rates once they have been engaged with the City Council, via an agency, for four consecutive weeks.

3.3.2 The process requires a monthly review of agency salary data to determine who meets the criteria for the increased rate, and manual adjustments take place to increase the pay for these individuals. The proposal to remove the qualifying period would reduce the administrative burden of this process.

3.3.3 Very few agency staff are engaged at this salary level. The proposal to remove this qualifying period would result in an increase of approximately £3,000 per annum to agency spend.

4. Corporate plan

4.1 The Pay Policy links in to all the Corporate Plan priorities as it affects those staff working across the organisation

[Corporate plan 2022-27: our priorities for Cambridge - Cambridge City Council](#)

5. Consultation, engagement and communication

5.1 The Chief Executive and the Council's Leadership Team have been consulted on this report and changes to the attached draft Pay Policy Statement.

The Leader of the Council, Executive Councillor for Finance and Resources and trade unions, Unison and GMB have been consulted on the proposed changes to the Pay Policy Statement and other recommendations outlined within this report.

This pay policy statement, once approved by Full Council, will be published on the Council's website.

6. Implications

6.1 Relevant risks

The financial cost is the only risk identified as a result of this proposal. Any reputational and staffing impact is deemed positive.

Financial Implications

6.2 Any immediate costs associated with the recommendations above will be met from Group budgets.

Legal Implications

6.3 There are no legal implications arising from the report.

Equalities and socio-economic Implications

6.4 An equality impact assessment has not been undertaken for this report. Equality information by grade is analysed in depth and reported annually to the Equalities Panel and is available on the Council's website.

Net Zero Carbon, Climate Change and Environmental implications

6.5 The proposals in this report have no climate change impact.

Procurement Implications

- 6.6 The Living Wage Policy as it relates to contractors is included in the Pay Policy Statement.

Community Safety Implications

- 6.7 This report relates to the pay, terms and conditions of staff and does not impact directly on community safety matters.

7. Background documents

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 7.1 Pay Policy Statement 2024/25
City Council Pay scales

8. Appendices

- 8.1 Appendix 1 – Draft Pay Policy Statement 2025/26

To inspect the background papers or if you have a query on the report please contact Lynsey Fulcher, Head of People, Tel: 07592 384229, email: Lynsey.fulcher@cambridge.gov.uk

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PAY POLICY STATEMENT 2025/26

Effective from 1st April 2025

1. Introduction

Cambridge City Council is committed to operating consistent, transparent and equitable pay arrangements.

This statement details the pay policy and approaches applied to all staff within Cambridge City Pay bands in addition to all Statutory and Non-Statutory Chief Officers, as defined under the Council’s constitution, to fulfil the Council’s statutory requirements under Chapter 8 of the Localism Act 2011 (“the Act”)

This pay policy statement was updated and agreed by Full Council in March 2025.

2. Senior Salaries from 1st April 2024

The salary scales for the Chief Executive, Directors and Assistant Directors following the nationally agreed pay award with effect from 1 April 2024 are shown below.

Progression through the pay grade (a three or four-point scale) is subject to a range of criteria that are assessed via an annual performance review.

Pay Grade	Point 1 (£)	Point 2 (£)	Point 3 (£)	Point 4 (£)
Chief Executive	135,028	140,438	145,888	151,299
Director	104,335	108,215	112,102	115,990
Assistant Director 2	91,447	94,191	97,017	n/a
Assistant Director 1	83,595	86,197	88,783	n/a

The Council has an agreement that senior officer pay scales will be reviewed every three years in line with the current market median level pay, this includes Chief Executive, Director and Assistant Director pay grades. The last review was undertaken in 2023 whereby a full redesign of the grades took place. The effectiveness of these scales will continue to be reviewed annually.

3. Annual Pay Awards

For the Chief Executive pay grade, pay awards are nationally determined in accordance with the Joint Negotiating Committee (JNC) for Chief Executives. For Directors and Assistant Director grades, the Joint Negotiating Committee (JNC) for Chief Officers is applied, and the National Joint Council (NJC) determines the pay awards for City Pay Grades 1 – 11.

Pay points within the grades are subject to nationally negotiated pay awards with effect from 1 April 2024 and will increase in line with any nationally agreed award.

4. Chief Officer Terms and Conditions of Employment

The terms and conditions of employment for the Chief Executive, Directors and Assistant Directors within the scope of this pay policy statement are determined in accordance with collective agreements, negotiated from time to time, by the JNC for Chief Executives and the JNC for Chief Officers, as set out in the Scheme of Conditions of Service. These are supplemented by local collective agreements reached with trade unions recognised by the Council and by the rules of the Council.

5. Chief Officer Remuneration on Appointment

Rules governing the recruitment of the Chief Executive, Directors and Assistant Directors are set out in the council's constitution in section; Part 4i, Officer Employment Procedure Rules.

Recruitment to the posts of Chief Executive and Director is undertaken by a committee of Councillors appointed by Council. In the case of the Chief Executive, the appointment is made by Full Council, following a recommendation from the Employment (Senior Officer) Committee.

Appointment to fixed term Director roles that do not form part of the Leadership Team is the responsibility of the Head of Paid Service or their nominee.

Recruitment to posts of Assistant Director will be undertaken by the Chief Executive or a Director. The salary on recruitment will be within the salary range for these posts at that time.

6. Market Supplements

There are occasions when the salary determined by the grading for a post result in an inability to successfully recruit to or retain staff in particular posts or specific occupational areas due to fluctuations in the labour market supply. This is more challenging in the Cambridge area due to the high demand for labour, the high number of vacancies and high cost of housing.

These recruitment and retention problems can affect ability to deliver services. In such cases it may be appropriate to pay a market supplement in addition to the salary where there is evidence to justify that market factors are the "material reason" for the post attracting a higher rate of pay than other posts graded similarly. Any additional market supplement will be made in accordance with the Market Pay Policy.

7. Retention Payments

There may be occasions when due to recruitment and retention difficulties within a specific service area or role, it may be more appropriate to use a recruitment and retention package approach than a market supplement. Such an approach offers a fixed lump sum payment for new appointments or to the staff in identified roles at a given date.

The payment is tied to a defined retention period and must be repaid in full if the person leaves the employment of the Council within the designated period. The aim of this approach is to recruit new staff and retain existing staff where there is evidence of both types of difficulty and a market supplement approach is assessed as less effective.

8. Bonuses

There are no bonus arrangements payable to our Chief Officers or any Council staff.

9. Performance Related Pay

Performance and progression through the pay band is assessed annually for all staff in line with the Council's performance review schemes.

The performance review for Directors is undertaken by the Chief Executive and for the Chief Executive by the Leader and an independent advisor. Performance reviews for all other Officers are undertaken by their line manager.

10. Senior Salary Pay Data

In accordance with the Government's Code of Recommended Practice for Local Authorities on Data Transparency, the Council publishes information on all employees earning £50,000 or above.

Following approval at Full Council of the Draft Pay Policy Statement this updated pay policy statement is published on the Councils website.

11. Expenses

The expenses which may be payable to all Officers, including the Chief Executive, Director and Assistant Directors include:

- car/bicycle/motorcycle allowances at HMRC rates
- re-imbursment of travel and subsistence
- one professional subscription per annum
- payments under the eye-sight tests scheme
- relocation assistance in accordance with the Relocation Scheme

12. Severance Payments

Severance payments are made in accordance with the council's employment policies and are the same for all staff.

Employees with more than two years' service will be entitled to redundancy pay in line with local government guidelines and statutory provisions.

Redundant employees may receive the following elements in their final pay:

- Normal pay up to the agreed leaving date
- Where applicable, payment in lieu of outstanding notice
- Severance payment (where entitled).

Under the council's redundancy scheme a weeks pay will be calculated on the basis of actual weekly pay. Cambridge City Council will not apply the statutory weeks pay definition.

Once an employee is in receipt of early payment of pension benefits, if their total pay and pension benefits together (if reemployed by another employer covered by the Local Government Modification order) exceeds their salary as at the leaving date, the difference may be claimed back from pension payments.

An employee will lose their entitlement to redundancy pay if they take up a post with another body covered by the Redundancy Payments (Local Government) (Modification) (Amendment) Orders within 4 weeks of the date of the redundancy and the offer of the new job has been made before the end of the original contract.

Any proposals with a salary or severance package with a total value over £100k will be reported by the Employment (Senior Officer) Committee to Full Council for decision.

The Chief Executive, Monitoring Officer and Chief Finance Officer can only be dismissed by the Full Council. All other Directors and Assistant Directors can only be dismissed in accordance with the Councils constitution, Part 4i, Officer Employment Procedure Rules.

13. Pension and Pension Enhancements

All employees are entitled to and receive pension contributions under the Local Government Pension Scheme (LGPS). This is a contributory scheme and employees currently contribute between 5.50% and 12.50% of their pensionable pay to the scheme. Chief Officers contributions currently range from 9.90% to 12.50%

The Council's discretions on enhancement of pension are set out in the Pensions Discretion Statement 2022. This policy was approved by the Civic Affairs Committee on 21 September 2022. The policy is reviewed every 3 years and/or in line with changes to the Local Government Pension Scheme (LGPS) as advised by the Local Government Pensions Committee (LGPC) and the Administering Authority (Cambridgeshire County Council).

The next review of the Pensions Discretion Statement is scheduled for 2025.

14. Lowest Paid Staff: Real Living Wage & Cambridge Weighting

The lowest paid staff within the Council's pay structure are on Band 1. The lowest pay point is £23,656 (£12.26 per hour) (April 2024). Cambridge City Council is an accredited Real Living Wage employer and also pays a Cambridge Weighting supplement. This means that the current minimum pay level for staff is £12.60 per hour. This will increase to a minimum of £13.00 per hour from 1 April 2025.

The terms and conditions of employment for Band 1 staff are in accordance with collective agreements, negotiated from time to time, by the National Joint Council for Local Government Services, as set out in the Scheme of Conditions of Service (commonly

known as the Green Book). These are supplemented by local collective agreements reached with trade unions recognised by the Council and by the rules of the Council.

14.1 Real Living Wage

The Council is accredited with the Living Wage Foundation which means it has adopted a Real Living Wage policy for staff, agency workers and contractors engaged through the Council's Procurement processes.

The implementation date for Real Living Wage increase is usually November for staff engaged on city council terms and conditions of employment, following the annual announcement. With effect from November 2024 the Real Living Wage increased to £12.60 per hour.

The Council will pay the Real Living Wage rate for staff engaged on city council pay rates by way of a supplement to pay rates.

The Council will require contractors engaged through the Council's procurement processes to pay at least the Real Living Wage to all their staff who work on the Council's premises (or land maintained by the Council) for two or more hours on any day of the week for eight or more consecutive weeks. The only contracts that will be excluded from the requirement to pay the Real Living Wage are:

- contracts where it would be unlawful to require the payment of the Real Living Wage
- contracts where, following evaluation, it is considered inappropriate to impose the requirement.

14.2 Cambridge Weighting

The Council pays a Cambridge Weighting to employees on city council terms and conditions of employment and related agency workers earning less than the approved rate per hour. The weighting is paid in addition to salary and the Real Living Wage supplement. With effect from 1 April 2025 the Cambridge Weighting rate is £13.00 per hour.

For agency workers the weighting applies in addition to current hourly rates and the Real Living Wage arrangements. The weighting is variable, depending upon the current hourly rate and the Real Living Wage supplement payable at that time.

15. Apprentices

Apprentices are appointed on permanent contracts of employment within Cambridge City Council unless there is a justifiable reason why there is a requirement for a fixed term post.

Apprentices are paid on a salary proportionate to the role that they have been employed to undertake, or the recognised Real Living Wage/Cambridge Weighting rate of pay, whichever is the highest.

The Council also offer apprenticeships to current employees who are paid in accordance with their existing pay arrangements during the apprenticeship.

16. Pay Ratios

The table below shows a number of pay ratios. The Council does not have a policy on maintaining or reaching a specific pay ratio between the lowest and highest paid staff. The highest paid officer of the council is the Chief Executive. The highest pay point on this scale is currently £151,299 (April 2024).

	Annual Salary	Ratio to Chief Executive highest pay point	Explanation
Real Living Wage Rate of £12.60 (Nov 2024)	£24,309	1:6.0	Chief Executive's salary and 2024/5 Real Living Wage rate.
Lowest council pay scale point (£12.26)	£23,656	1:5.6	Chief Executive's salary and lowest council pay scale point
2024/25 Cambridge Weighting rate of £12.50	£24,110	1:5.9	Chief Executive's salary and £12.50 Cambridge Weighting
Median Average salary	£37,938	1:2.5	Chief Executive's salary and current median average salary

17. Election Fees

The Returning Officer is the person who has the overall responsibility for the conduct of elections. The Returning Officer is an officer of the Council who is appointed under the Representation of the People Act 1983. Although appointed by the Council the role of the Returning Officer is one of a personal nature and distinct and separate from their duties as an employee of the Council. Elections fees are paid for these additional duties and they are paid separately to salary.

The role of Chief Executive is the council's Returning Officer.

The fees for Parliamentary, Police & Crime Commissioner, Euro Elections and national referenda are set by the Government. The fees for County Council elections are set by the County Council. The fees for the Combined Authority Mayoral election are set by the Combined Authority. The fees for Parliamentary and European Elections are pensionable.

Fees for district elections are set locally (mindful of neighbour district council fees) and were last reviewed in April 2010 as £373 per contested ward and £55 per uncontested ward. Fees for district elections are pensionable.

Other officers, including senior officers within the scope of this policy, may receive additional payment for specific election duties.

18. Tax Avoidance and IR35

The Council takes tax avoidance seriously and will seek to appoint individuals to vacant positions using the recruitment procedures on the basis of contracts of employment and apply direct tax and National Insurance deductions from pay through the operation of PAYE.

Where consultants are recruited, the Council will seek to avoid contractual arrangements which could be perceived as being primarily designed to reduce significantly the rate of tax paid by that person, such as paying the individual through a company effectively, controlled by him or her.

These principles will be embedded in contract clauses and guidance for managers when employing consultants.

In addition, workers employed directly by the Council will be assessed to establish whether they fall within scope of the IR35 legislation using the HMRC employment status tool. Workers that fall within scope will have Income Tax and National Insurance contributions deducted and paid over to HMRC.

19. Re-engagement of ex City Council staff

Re-engagement of any ex City Council staff will be carried out by following the Council's usual recruitment policy and procedures, or for interim arrangements via the Council's procurement policies and the provisions for contract for services.

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