

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
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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
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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:
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- 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.
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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
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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.
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- 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.
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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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