

# Part 3

## Responsibility for Functions

### 1. Council

1.1 **Membership:** All 38 Elected Members of the Council.

#### 1.2 Functions and Delegations

- (a) Adopting and changing the Constitution, save for consequential legislative and other minor amendments delegated to the Chief Executive and Monitoring Officer\*.
- (b) Approving or adopting the policy framework and the budget in accordance with Article 4 of the Constitution including the Corporate Plan, and any Plans and Strategies which the Council has decided should be adopted.
- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
- (d) Appointing the Leader of the Council.
- (e) Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them.
- (f) The appointment of any individual:
  - (1) to any office other than an office in which they are employed by the authority;
  - (2) to any body other than –
    - (i) the authority;
    - (ii) a joint Committee of two or more authorities; or
  - (3) to any Committee or Sub-Committee of such a body,
 and the revocation of any such appointment; \*
- (g) Adopting an allowances scheme under Article 2.5.
- (h) Changing the name of the District (Section 74 of the Local Government Act 1972).
- (i) Changing the name of a Parish (Section 75 of the Local Government Act 1972).

- (j) Conferring the title of Honorary Alderman or admitting to be an Honorary Freeman (Section 249 of the Local Government Act 1972).
- (k) Petitioning for a charter to confer borough status (Section 245b of the Local Government Act 1972).
- (l) Confirming the appointment of the Head of Paid Service **the Monitoring Officer and Chief Finance Officer (Section 151 Officer)**.
- (m) **Taking the final decision to dismiss the Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)**.
- (n) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
- (o) **Adopting a Code of Conduct and agreeing any amendments to it.**
- (p) All other matters which, by law, must be reserved to Council.

*(\*Local choice functions determined at the discretion of the Council to be the responsibility of the Council rather than the Executive).*

## 2. Cabinet

2.1 **Membership:** Leader and at least one but no more than nine further Members of the Council, **one of whom will be appointed by the Leader as the Deputy Leader.**

### 2.2 **Restrictions on Membership**

- (1) **Members of Cabinet are excluded by statutory rules from appointment to any Overview and Scrutiny Committee as either a Substantive or Substitute Member.**
- (2) **The Chair and Vice-Chair of the Council are excluded by statutory rules from appointment to the Cabinet.**

### 2.3 **Functions and Delegations**

- (1) To propose the budget and policy framework for approval by the Council.
- (2) To carry out all of the Council's functions and take all decisions except:
  - (a) those reserved to Council, the Audit and Standards Committee, **Human Resources Committee**, Licensing and General Purposes Committee and Planning Committee; and
  - (b) those delegated to the officers,

providing those decisions are within the approved budget and policy framework; and
- (3) To refer matters including the review of strategies and policies to the Overview and Scrutiny Committee for consultation, investigation and report.

## 3. Audit and Standards Committee

### 3.1 Membership:

- (1) Eight Members of the Council in accordance with political balance, excluding Members of the Executive.
- (2) Two non-voting co-opted Members of Parish and Town Councils wholly in the Council's area, nominated by the Rother Association of Local Councils in respect of standards-related matters.
- (3) Two non-voting Independent Persons appointed in accordance with Section 28(7) of the Localism Act 2011 in respect of Standards-related matters.
- (4) One non-voting Audit Independent Person in respect of audit-related matters.

### 3.2 Restrictions on Membership

The Leader of the Council is excluded by statutory rules from appointment as Chair of the Audit and Standards Committee and the Council has chosen to exclude all Members of Cabinet from appointment to the Audit and Standards Committee.

## Audit Functions

### 3.2 Functions and Delegations

#### Statement of Purpose

When carrying out the Audit functions and delegations, the purpose of the Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

### 3.3 Audit Activity

- (1) To consider the Audit Manager's annual audit report and opinion, and a summary of internal audit activity.
- (2) To approve the internal audit strategy, plan and monitor performance.
- (3) To consider summaries of internal audit reports setting out the main audit findings and level assurance given to each area reviewed.
- (4) To consider reports from internal audit on agreed recommendations not implemented and consider their impact on the overall control environment.
- (5) To ensure there is an effective working relationship between external audit and internal audit.
- (6) To consider the External Auditor's annual planning letter and comment on the scope and depth of external audit work and ensure it gives value for money.
- (7) To consider the External Auditor's annual governance report regarding issues

affecting the control environment and governance reporting.

- (8) To consider the Council's audit risk assessment response to the External Auditor.
- (9) To consider specific reports as agreed with the External Auditor.
- (10) To consider the governance arrangements for the management and monitoring of the Council's significant partnerships and wholly or partly owned council commercial entities.
- (11) To consider and recommend to Council the appointment of one Audit independent person.

### 3.4 Regulatory Framework

- (1) To maintain an overview of the procurement procedure rules, financial procedure rules and codes of conduct and behaviour (other than the Code of Conduct for Members).
- (2) To review any issue referred to it by the Chief Executive, or any council body.
- (3) To monitor the effective development and operation of risk management and corporate governance in the Council.
- (4) To monitor council policies on 'Raising Concerns at Work' and the anti-fraud and corruption strategy and the Council's complaints process.
- (5) To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.
- (6) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- (7) To consider the Council's compliance with its own and other published standards and controls.
- (8) To ensure effective scrutiny of the treasury management strategy and policies.
- (9) To monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- (10) To consider and recommend to Council and proposed changes to the Constitution.

### 3.5 Accounts

- (1) To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. To agree the signing of the accounts following the review.
- (2) Approving the Authority's statement of accounts, income and expenditure and balance sheet or records of receipts and payments (as the case may be). (The

Accounts and Audit Regulations).

- (3) To consider the External Auditor's annual audit report on issues arising from the audit of the accounts.

## Standards Functions

### 3.6 Functions and Delegations

- (1) To promote and maintain high standards of conduct by Members and Co-opted Members of the Council. [Section 27(1)]
- (2) To report annually to Full Council on ethical standards matters.
- (3) To consider and recommend to Full Council the Members' Code of Conduct dealing with the conduct expected of Members and Co-opted Members of the Council when acting in that capacity [Section 27(2)] and including provision in respect of the registration and disclosure of
  - a) Pecuniary interest; and
  - b) Interests other than pecuniary interests. [Section 28(2)]
- (3) To consider and recommend to Full Council revisions to the existing Code of Conduct or adopt a replacement Code of Conduct. [Section 28(5)]
- (4) To consider and recommend to Full Council any other code or protocol relating to standards of conduct throughout the Council, including the Member / Officer protocol and the Officer Code of Conduct.
- (5) Duty to put in place arrangements to investigate and make decisions on written allegations that a Member or Co-opted Member of the Council has failed to comply with the Code of Conduct. [Section 28(6)]
- (6) To consider and recommend to Council the appointment of one or more independent persons for the following purposes:
  - a) To give the Council views on any allegations it has decided to investigate, before a decision is reached;
  - b) At the discretion of the Council, to give the Council views on any other allegations; and
  - c) At the discretion of a Member, Co-opted Member or Member of a Parish or Town Council, to give the Member views on any allegations relating to the behaviour of that Member. [Section 28(7)]
- (7) Power to have regard to a Member's or Co-opted Member's failure in complying with the Code of Conduct, in deciding whether to take action in relation to that Member and what action to take.
- (8) To consider and recommend to Full Council the making of Standing Orders to provide for the exclusion of a Member or Co-opted Member of the Council from a meeting while any discussion or vote takes place in which that person may not participate. [Section 31(10)]
- (9) Power to grant a Member or Co-opted Member a dispensation from the restriction on speaking and/or voting when any matter in which that person has

a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees. **To be exercised by the Monitoring Officer.**

- (10) Power to revise and keep under review all other codes and protocols relating to standards of conduct throughout the Council, including the Member / Officer Protocol and the Officer Code of Conduct.
- (11) Overview of complaints handling and Local Government and Social Care Ombudsman investigations, including the power to make payments or other benefits in cases of maladministration etc. (Section 92 of the Local Government Act 2000).

## 4. Human Resources Committee

### 4.1 Membership:

Seven Members of the Council appointed in accordance with political balance requirements, one of which will be the Leader of the Council, whose Portfolio contains Human Resources.

- 4.2 The Human Resources committee considers all matters relating to Human Resources within the council. This includes the approval of policies and staff retention packages. The committee receives reports from the Human Resources Manager twice a year on the operational management of the organisation, highlighting fluctuations in trends on indicators affecting the staff resources of the Council, such as sickness, recruitment and equal opportunities.

### Functions and Delegations

- 1. Functions relating to Local Government pensions, etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)).
- 2. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) (Section 112 of the Local Government Act 1972).
- 3. To determine annual pay awards within existing Council policy and budgetary provision.
- 4. Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972).
- 5. Power to appoint officers for particular purposes (appointment of “proper officers”) (Section 270(3) of the Local Government Act 1972).
- 6. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.\*
- 7. Any other duties and powers in relation to the employment of staff not listed above.

(\*Local choice functions determined at the discretion of the Council to be the responsibility of the Human Resources Committee rather than the Executive).

## 5. Licensing and General Purposes Committee

5.1 **Membership:** 12 Members of the Council.

### 5.2 **Mandatory Licensing and General Purposes Committee Training**

Members appointed to the Licensing and General Purposes Committee must attend mandatory licensing training, as prescribed by Legal Services before being selected to serve on a Licensing Panel. It will also be necessary for Members to attend continuous refresher training as and when provided.

### 5.3 **Functions and Delegations**

To carry out all of the Council's functions as set out below and take all decisions except those delegated to the officers, provided that:

- (a) Any Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee on an issue which alone affects the Ward which the Member represents on the Council;
  - (b) Any other Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee only on invitation by the Chair of the Committee;
  - (c) Three Members of the Committee may, at a meeting of the Committee when a resolution is under consideration and before it is passed, veto any item being dealt with in such manner and require submission to the Council for confirmation.
- 1. To recommend to Council the adoption of statutory Licensing Policies.
  - 2. To set fees and charges for licences and permits.
  - 3. To adopt standard conditions for licences.
  - 4. To designate consent and prohibited streets for the purposes of street trading.
  - 5. To agree hackney carriage fares.
  - 6. Duties and powers in relation to elections and parish councils.
  - 7. Any other duties or powers not being an Executive function or function of another committee.

## 6. General Licensing Panel (Licensing Sub-Committee)

6.1 **Membership:** Three Members of the Licensing and General Purposes Committee.

Ward Members can address a General Licensing Panel only if they have made a relevant representation or have been asked to represent the views of objectors who have made relevant representations within the prescribed timescales. There is no general right to address a General Licensing Panel as Ward Member.

## **6.2 Functions and Delegations**

1. Powers for the grant (with conditions), refuse, suspend or revoke:

Approved premises, consents, licences, notices, permits and registrations issued or received by the Council;  
that are not solely designated as Executive functions;  
except those delegated to the Taxi and Private Hire Panel.

2. The determination of an appeal against any decision made by or behalf of the authority, not delegated to the Taxi and Private Hire Panel.

## **7. Taxi and Private Hire Licensing Panel (Licensing Sub-Committee)**

- 7.1 **Membership:** Three Members of the Licensing and General Purposes Committee.

### **7.2 Functions and Delegations**

1. Powers for licensing hackney carriages, hackney carriage and private hire drivers, private hire operators and vehicles: These provisions include the issues of grant (with conditions), refusal, suspension, and revocation of driver, operator and vehicle licences, and applications for exemptions.
2. Power to administer penalty points under the Council's Penalty Scheme for drivers and operators reported to the Panel for breaches of the scheme.
3. Determine appeals in relation to the licensing of hackney carriages, hackney carriage and private hire drivers, private hire operators and vehicles.

## **8. Overview and Scrutiny Committees**

- 8.1 **Membership: 12 Non-Executive Members of the Council**

- 8.2 **General Role and Specific Functions**

The General Role and Functions of the Overview and Scrutiny is set out in Article 6 of this Constitution.

- 8.3 **Task and Finish Groups**

In fulfilling their functions, Overview and Scrutiny Committees may, between them, create up to a maximum of four active Task and Finish Groups at any one time. The size, quorum and political make up to be at the discretion of the Overview and Scrutiny Committees, with membership open to non Members of



the Council. In creating such Task and Finish Groups, consideration needs to be given to ensure that no “undue burdens” are placed on one specific service area.

## 9. Planning Committee

9.1 **Membership:** 14 Substantive Members of the Council. One substitute Member may be appointed by each political group on the Committee.

### 9.2 **Mandatory Planning Committee Training**

Members appointed to the Planning Committee must attend an annual mandatory training session, as prescribed by the Development Manager and in consultation with the Chair of the Planning Committee, before taking part in the decision making process. This applies to both Substantive and Substitute Members. It will also be necessary for Planning Committee Members to attend continuous refresher training as and when provided, and advisory for Substitute Members.

### 9.3 **Functions and Delegations**

To carry out all of the Council’s functions as set out below and take all decisions except those delegated to the officers, provided that:

- (a) in relation to the determination of all applications for planning permission (including applications for development made by the Council) a reference to full Council may be made by any three Members of the Committee indicating that it is their wish that an application be referred to full Council.

A reference to full Council must include, at the time of reference, a proposed motion of either refusal or approval with, in the case of refusal, the reasons for refusal and in the case of approval, any condition to be attached thereto; the item printed in the Council agenda will contain the Committee recommendation with the counter motion which may be moved.

- (b) in relation to all non-application matters, any other Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee only on invitation by the Chair of the Committee.

1. Power to determine applications for planning permission (Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)).
2. Power to determine applications to develop land without compliance with conditions previously attached (Section 73 of the Town and Country Planning Act 1990).
3. Power to grant planning permission for development already carried out (Section 73A of the Town and Country Planning Act 1990).
4. Power to decline to determine applications for planning permission (Section 70A of the Town and Country Planning Act 1990).

5. Duties relating to the making of determinations of planning applications (Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder).
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person (Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492))
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights (Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)).
8. Power to enter into agreements regulating development or use of land (Section 106 of the Town and Country Planning Act 1990) **and to determine applications to discharge or modify planning obligations under Section 106A and respond to appeals under Section 106B.**
9. Power to issue a certificate of existing or proposed lawful use or development (Sections 191(4) and 192(2) of the Town and Country Planning Act 1990) **and Article 24 and Schedule 4 of the Town and Country (General Development Procedure) Order 1995).**
10. Power to serve a completion notice (Section 94(2) of the Town and Country Planning Act 1990).
11. Power to grant consent for the display of advertisements (Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992) **and to enforce against advertisements displayed in contravention of the regulations under the said regulations and under Sections 224 and 225 of the Town and Country Planning Act 1990.**
12. Power to authorise entry onto land **and to obtain (Sections 196A 324 and 325 of the Town and Country Planning Act 1990) and to prosecute for wilful obstruction under S.196C and 325.**
13. Power to require the discontinuance of a use of land **or alternation or removal of development (Section 102 of the Town and Country Planning Act 1990) and to prosecute breaches under Section 189 and enforce compliance under Section 190.**
14. Power to serve a planning contravention notice, breach of condition notice or stop notice (Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990).
15. Power to issue an Enforcement Notice (Section 172 of the Town and Country Planning Act 1990) **and a stop notice under Section 183; to withdraw, waive or relax and enforcement notice under Section 173 and a stop notice under Section 183(7); to prosecute for breaches of an enforcement notice under Section 179 and a stop notice under Section 187 of the Town and Country Planning Act 1990.**

16. Power to apply for an injunction restraining an actual or apprehended breach of planning control (Section 187B of the Town and Country Planning Act 1990).
17. Power to determine applications for hazardous substances consent, and related powers (Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10)).
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject (Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act).
19. Power to require proper maintenance of land (Section 215(1) of the Town and Country Planning Act 1990) and respond to appeals under Sections 217 and 218. The power to prosecute under Section 216 and to carry out works in default and recover costs under Section 219.
20. All the powers given to the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990 and including without prejudice to the generality of the foregoing the following powers:
  - (a) Power to determine applications for listed building consent, and related powers (Sections 16, 17, 27 and 33 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)).
  - (b) Power to determine applications for conservation area consent (Section 16(1) of the Planning (Listed Buildings and in Conservation Areas) Act 1990, as applied by Section 74(3) of that Act).
  - (c) Duties relating to applications for listed building consent and conservation area consent (Sections 13 and 14 of the Planning (Listed Buildings and in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97).
  - (d) Power to serve a building preservation notice, and related powers (Sections 3 and 4 of the Planning (Listed Buildings and in Conservation Areas) Act 1990).
  - (e) Power to issue enforcement notices in relation to demolition of unlisted building in conservation area (Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
  - (f) Power to compulsorily acquire a listed building in need of repair and to serve a repairs notice (Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the payment of compensation under Sections 49-51 and the power to acquire land by agreement under Section 52.
  - (g) Power to apply for an injunction in relation to a listed building. (Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990).
  - (h) Power to execute urgent works and recover expenses (Sections 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
  - (i) Power to prosecute for breaches of the Planning (Listed Buildings and Conservation Areas) Act 1990.

21. Power to make and confirm a tree preservation order under Sections 198 to 201 of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892) and to compensate for loss or damage pursuant to an order under Sections 203-205 of the Town and Country Planning Act 1990.
22. Power to enforce the duty in Section 206 to replace trees the subject of a tree preservation order by the service of a notice under Section 207 and to the execution of works and the recovery of costs under Section 209 of the Town and Country Planning Act 1990.
23. Power to prosecute for a contravention of a tree preservation order under Section 210 of the Town and Country Planning Act 1990.
24. Power to enforce the preservation of trees in a conservation area by a prosecution under Section 211 and to enforce the duty to replace trees in conversation areas under Section 213 of the Town and Country Planning Act 1990.
25. The power under Section 214A of the Town and Country Planning Act 1990 to apply to the court for injunction for an actual or apprehended offence under Sections 210 or 211 of the said 1990 Act.
26. All the powers given to the Council under the Building Act 1984 and by all orders and regulations made thereunder and without prejudice to the generality of the foregoing the power to issue a notice under Section 36 Building Act 1984 to pull down, alter or remove works carried out contrary to the Building Regulations or carried without plans having been deposited or not in compliance with the requirement in plans that have been passed; together with the power under that Section to carry out works in default and to recover the costs incurred by the Council. The power to pay for reports under Section 37 and to defend appeals under Section 39 and 40 Building Act 1984.
27. All the powers given to the Council in respect of building works, the condition, use and safety of buildings and premises under the Public Health Acts 1875 – 1961, the Fire Precautions Act 1971, the Defective Premises Act 1972, the Highways Act 1980, the Chronically Sick and disabled Act 1970, the Clean Air Act 1993, the Disability Discrimination Act 1996 and the East Sussex Act 1984 including any statutory amendments made thereto and all orders and regulations made thereunder.
28. All the powers given to the Council under the Hedgerows Regulations 1997 (S.I. 1997/1160), and Part 8 of the Anti-Social Behaviour Act 2003.
29. Making of Limestone Pavement Orders (Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69)).
30. Power to extinguish, divert and create footpaths and bridleways pursuant to Sections 116-121 Highways Act 1980; the power to apply to the Secretary of State to make an order extinguishing vehicular rights on the highway under Section 249 of the Town and Country Planning Act 1990 and to extinguish public rights of way over land held for planning purposes under Section 251 following the procedures set out in Section 252; the power to make an order to stop up or divert any footpath or bridleway to enable development to be

carried out under Section 257 of the Town and Country Planning Act 1990 or under Section 258 where the land is held for planning purposes subject to confirmation under Section 259.

31. Power to serve a planning contravention notice to obtain information relating to land under Section 171C and to prosecute under Section 171D of the Town and Country Planning Act 1990 for a failure to comply with the notice; the power to service a notice requiring particulars of a person's interest in land under Section 16 of Local Government (Miscellaneous Provisions) Act 1976 including the power to prosecute for a failure to comply with the notice.
32. Power to enter into agreements with respect to means of access (Section 35 of the Countryside and Rights of Way Act 2000 (c.37)).
33. Power to provide access in absence of agreement (Section 37 of the Countryside and Rights of Way Act 2000).
34. Any other Planning issue appropriate for delegation to the Planning Committee.

*(\*Local choice functions determined at the discretion of the Council to be the responsibility of the Planning Committee rather than the Executive).*

#### 9.4 Planning Committee – Other Matters

1. Formal Site Visits – Members of the Planning Committee are expected to attend formal site visits organised by officers. Members who are not present at the formal site visits will be permitted to stay and contribute to the debate and vote on the relevant application(s).
2. Member Referrals – Members who have called in a planning application to be considered by the Planning Committee must attend the relevant meeting, send a Member on their behalf or provide an apology / reason for non-attendance. **In the interests of ethics and probity Members are NOT able to call in an application in which they have a disclosable pecuniary interest or personal and prejudicial interest.**

#### 9.5 Members' Rights to Speak at Planning Committee

- (1) Members of the Council who are not Members of the Planning Committee may attend and speak to planning applications at meetings of the Committee for a maximum of five minutes.
- (2) Members of the Council who are not Members of the Planning Committee may attend and speak to planning applications at meetings of the Committee that are subject to the public speaking scheme for a maximum of five minutes which may be interspersed throughout the Committees' deliberations.
- (3) Members of the Council who are not Members of the Planning Committee who attend and speak to planning applications at meetings of the Committee that are subject to the public speaking scheme are encouraged to submit a brief summary of the issues in advance of the meeting to be circulated to Members of the Planning Committee.
- (4) The Chair of the Planning Committee will exercise discretion at all times in relation speakers and the length of time allowed to speak.

## **Parish and Town Council Speaking Rights at Planning Committee**

- (1) A formally nominated representative of a relevant Parish or Town Council may register to speak at a Planning Committee meeting on:

- an individual householder planning application;
- any minor/other planning application including any non-major planning application (i.e. listed planning consents or developments up to nine units or up to 1,000sqm of commercial floor space; and
- any major planning application of 10 units and above or above 1,000sqm of commercial floor space.

subject to the following restrictions:

- a) the Parish or Town Council must have made a submission on the application before the Agenda was published;
  - b) pre-registered their wish to speak, confirmed they are the formally nominated representative of the Parish or Town Council, identified the agenda item they wish to speak to and confirmed their contact details;
  - c) only one representative may register to speak in favour of or against any application and at the meeting may only speak for a maximum of five minutes;
  - d) where the application relates to a development on the parish boundary, only one speaker will be permitted as nominated by the Parish or Town Council by resolution.
- (2) Planning applications which are decided by officers under the Council's scheme of delegation do not come before the Planning Committee and Parish or Town Council speaking rights do not apply in respect of them.
- (3) The Chair of the Planning Committee will exercise discretion at all times in relation speakers and the length of time allowed to speak.

### **9.6 Public Speaking Rights at Planning Committee**

- (1) A member of the public may register to speak at a Planning Committee meeting on:

- an individual householder planning application;
- any minor/other planning application including any non-major planning application (i.e. listed planning consents or developments up to nine units or up to 1,000sqm of commercial floor space; and
- any major planning application of 10 units and above or above 1,000sqm of commercial floor space.

subject to the following restrictions:

- a) the member of the public must have made a submission on the application before the Agenda was published;

- b) pre-registered their wish to speak, identified the agenda item they wish to speak to and confirmed their contact details;
  - c) where the application before the Committee is an individual householder planning application only one member of the public may register to speak in favour of or against the application and at the meeting may only speak for a maximum of five minutes;
  - d) where the application before the Committee is a 'minor application' no more than two members of the public may register to speak in favour of or against the application and at the meeting each person may only speak for a maximum of five minutes;
  - e) where the application before the Committee is a 'major application' no more than three members of the public may register to speak in favour of or against the application and at the meeting each person may only speak for a maximum of five minutes.
- (2) Planning applications which are decided by officers under the Council's scheme of delegation do not come before the Planning Committee and public speaking rights do not apply in respect of them.
- (3) Planning Applications that have already been subject to the public speaking scheme and deferred and reconsidered by the Planning Committee will not usually be subject to public speaking at the subsequent meeting unless any new material planning information has been presented. Each case will be decided on its merits by the Development Manager, in consultation with the Chair of Planning Committee.
- (4) The Council's Code of Practice for the scheme can be found on the website at the following link:
- <http://www.rother.gov.uk/speakingatplanningcommittee>