

CHANGES TO THE COUNCIL'S CONSTITUTION

Governance Committee – 10 July 2014

Report of	Chief Planning Officer
Status:	For decision
Also considered by:	Council – 22 July 2014
Key Decision:	None

Portfolio Holder	Cllr. Fleming
Contact Officer(s)	Richard Morris Ext. 7139

Recommendation to Governance Committee: That it be recommended to Council that the proposed amendments to the Constitution be agreed.

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Reason for recommendation: the amendments will enable Member involvement in the consideration of consultation responses

Introduction and Background

1. The consultation on a proposed development at the former Wildernesse School site earlier in the year identified that the current constitution does not sufficiently involve Members in the preparation of the Council's response and does not contain provision for Members to call consultation responses to Development Control Committee for their consideration.
2. As a result an amendment has been prepared, which recognises that often we are only given a limited timeframe in which to respond.

Where the Council is a consultee (e.g. when the planning application has been submitted to Kent County Council as the Mineral Planning or Education Authority, or to an adjoining planning authority) and the application is considered to be significant, controversial, or sensitive in nature then the Chief Planning Officer shall if requested by a Member or Members report the matter to the next Development Control Committee.

If timeframes do not allow, for instance when the next available Development Control Committee would fall after our response is required;

Where the Council is a consultee (e.g. when the planning application submitted by Kent County Council as the Mineral Planning or Education Authority, or to an adjoining planning authority) and the application is considered to be significant, controversial, or sensitive in nature then the Chief Planning Officer shall if requested by a Member or Members seek the views of the Local Ward Member, the Leader and other relevant Portfolio holders and Deputies.

3. The above amendments are considered to satisfactorily address the issue identified earlier in the year and would enable Member involvement in the preparation of consultation responses.

Other Options Considered and/or Rejected

None

Key Implications

Financial

None

Legal Implications and Risk Assessment Statement.

There are no Legal or Risk Implications to the proposed amendments.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	Enabling consultation responses to be considered by a Committee results in a more open and transparent process.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		n/a

Conclusions

That it is necessary to make these constitutional amendments.

Richard Morris
Chief Planning Officer