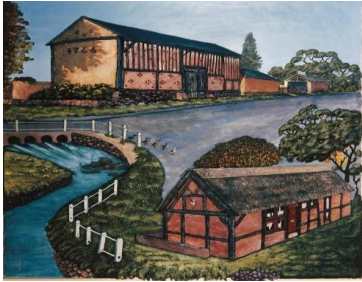


# COSBY PARISH COUNCIL

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## Cosby Parish Council

### Terms of Reference (Policy)

#### Planning Working Party

#### 1) BACKGROUND:

Cosby Parish Council has no appointed Planning Committee and therefore any “Official” Parish Council observations in response to a planning application or consultation can only be RESOLVED by the Full Council by a quorate and majority vote.

As the Planning Working Party has no status in law, does not require a public agenda, does not need the Proper Officer to be present and is not required to produce minutes of meetings for the public domain, it is permissible and likely necessary for meetings of the Planning Working Party to be convened in a private domestic residence.

Any recommendations that require a resolution and are presented to the Full Parish Council for that resolution, will be recorded within standard council minutes and be available for public scrutiny. Verbal reports can be given to and resolved by the Full Council, as and when required.

The latest Planning Guidelines (July 2019) stipulate that the formal consultation period undertaken by the Local Planning Authority (LPA) will last **21 days**. This timeframe inevitably means that a planning application could in practice, be released for formal consultation and be determined, in between the standard monthly cycle for Parish Council meetings and not ignoring the fact that a Parish Council meeting may not be scheduled in August of each year.

To be an effective Consultee on planning matters, Cosby Parish Council therefore requires a mechanism and an Elected Member understanding of how the Parish Council Planning Working Party and the Parish Council (Corporate) should conduct its standard business in relation to planning matters and retain Member scrutiny within the Parish Council in order to be able to speak with informed authority and in the best interests of and on behalf of, the parishioners of Cosby.

The following Terms of Reference set out the policy and procedure by which the Planning Working Party and the Parish Council “Corporate” will conduct its business and provide best representation, information gathering and publicity for the parishioners of Cosby.

These Terms of Reference also recognise that as the Parish Council does not have access to a parish office in which to hold meetings, these Terms of Reference must also provide a policy, procedure and scrutiny mechanism that supports a transparent process for a Consultee but also allows the Planning Working Party to meet when required and for Cosby Parish Council to pass informed and considered resolutions.

## **2) Minor Applications (9 dwellings or less) (1 hectare of land or less)**

The parish office will email all planning applications that are either located in or are referred to Cosby Parish Council as a neighbouring authority to all Members of the Cosby Parish Council. By default, this will inform all Members of the Planning Working Party but any Member of the Parish Council can attend any Planning Working Party meeting.

All Members of Cosby Parish Council are equally members of the public and individual Members can submit comments on the LPA planning portal as a member of the public but under no circumstances on behalf of, or as a representative of, Cosby Parish Council.

Where the Planning Working Party deem that the Parish Council should be consulted on a minor planning application, depending on the available timeframes, there are two options available to the Planning Working Party: -

- a) Request an EGM. This should only be necessary where the planning consultation period expires before the next full Parish Council meeting. An EGM will convene the Parish Council and any resolved comments will be submitted by the Proper Officer on behalf of the Parish Council. Members should check with the Proper Officer prior to calling an EGM as it may be possible to secure a consultation extension from the LPA for the Parish Council.
- b) Request an agenda item. Where the consultation period permits, the Planning Working Party should request; via the Parish Manager, an item be placed on the monthly agenda for Full Parish Council consideration and resolution. The Planning Working Party should detail both the planning application reference and the recommendation (should there be one) for Full Council to discuss prior to a resolution of the council being agreed.

## **3) Major Applications (10 dwellings or more)**

Major applications of 10 dwellings or more will most likely attract an element of Affordable Housing (Current LPA policy is 25%) and S106 contributions, it is therefore important for the Parish Council to make an informed decision and to put forward any observations or requests to the LPA should there be any.

The parish office will email all planning applications that are either located in or are referred to Cosby Parish Council as a neighbouring authority to all Members of the Cosby Parish Council, by default, this will inform all Members of the Planning Working Party but any Member of the Parish Council can attend any Working Party meeting.

All Members of Cosby Parish Council are equally members of the public and individual Members can submit comments on the LPA planning portal as a member of the public but under no circumstances on behalf of, or as a representative of, Cosby Parish Council.

Where the Planning Working Party deem that the Parish Council should be consulted on a major planning application, depending on the available timeframes, there are two options available to the Planning Working Party: -

- a) Request an EGM. This should only be necessary where the planning consultation period expires before the next full Parish Council meeting. An EGM will convene the Parish Council and any resolved comments will be submitted by the Proper Officer on behalf of the Parish Council. Members should check with the Proper Officer first as they may be able to secure a consultation extension from the LPA for the Parish Council. EGM's are public meetings and must be held in a building (not residential) where members Of the public can access the meeting
- b) Request an agenda item. Where the consultation period permits, the Planning Working Party should request an item be placed on the monthly agenda for Full Parish Council review and resolution. The Planning Working Party should detail both the planning application reference and the recommendation (should there be one) for Full Council to discuss prior to a resolution of the council being agreed.

NB: As a matter of routine, the Parish Manager to the Parish Council will include any planning application that they deem to be of notable community relevance on the agenda for consideration.

#### **4) Site Visits**

Site visits will always assist a planning consultee in determining the merits of any planning application and are nearly always undertaken by Members and Officers of the LPA.

As a Parish Council and despite being a consultee with the ability to request to speak on behalf of the parish at Planning Committee meetings, site visits are not ordinarily made available to members of a Parish Council. This lack of insight into what may be substantial planning matters may limit the Parish Councils ability to make the best and most-informed decision and representation on behalf of the parishioners of Cosby.

Where therefore, an opportunity to engage with the developers, land owners or other developer representatives arises, the Parish Council will be "open" to exploring those opportunities to underpin their information gathering and fact finding, prior to adopting any given position (for, against, neutral, observations only) but in a manner that will ensure, openness, transparency, impartiality and scrutiny.

Should therefore Members of the Parish Council or Planning Working Party have the opportunity to undertake a site visit, Members will ensure that: -

- a) Any Member who considers that they have a predetermined position, should not attend; must refrain from any future discussions and not vote on the matter.
- b) Any Member who has or has had a direct relationship where personal bias may arise with the developer or land owner must declare that relationship.
- c) At least one of the District Ward Councillors will abstain from attending any site visits where the developer, promoter or land owner may be present.
- d) No more than 6 (50%) Members of the Parish Council will attend a site visit with the remaining Elected Members acting as scrutineers of any reports or recommendations subsequently put forward by the Planning Working Party.

## **5) Scrutiny, Impartiality and Representation.**

As is standard procedure within Elected Roles, any Elected Member with a personal interest in any planning application is required to declare that interest. Where the interest is pecuniary (financial) the Member will withdraw from any discussions relating to the planning application and will not be permitted to cast their vote.

Where the interest is non-pecuniary, the Member may engage in the debate and use their vote providing that they are confident that their decision is impartial, is not pre-determined and the Member has not engaged in discussions with the developers or land owners about the planning application.

Cosby Parish Council, as with any Parish Council, is likely to have District Ward Councillors representing the Parish Council and / or the County Councillor for the Division represented or serving within, or associated with the Parish Council. Where this arises, this could provide the Parish Council and the parishioners of Cosby with significant opportunity, especially where representation is needed at Planning Committee stage or consultations are concerned.

These Terms of Reference therefore must also seek to ensure that the Parish Council is open to scrutiny, is impartial and is sensitive to public opinion, until such time as a formal position is adopted by the Parish Council on any planning matter. Members and the Proper Officer of the Parish Council will be positioned to provide the greatest level of internal scrutiny whilst providing for the most informed, advantageous and most effective representation for the Parishioners of Cosby with all “resolved” positions recorded in council minutes and open to public scrutiny.

To this end, any Parish Councillor who is also either a District Ward or County Councillor will not be permitted to serve on the Planning Working Party. Where the Proper Officer of the Parish Council also holds an elected office at District Ward or County level, they will be required to support the resolutions and adopted position of the Parish Council when representing the Parish Council.

Should however, a position arise where District Ward or County representation is required at planning committee or public consultation stage, the Proper Officer may be requested, or may request, to act in their capacity as Elected Ward or County Division Councillor.

In the event of a planning application, consultation or potential planning application coming forward where the Parish Council considers it appropriate, the Parish Council having undertaken any fact-finding activity and explored opportunities and then being able to speak with a degree of subject authority may; by resolution, hold a public meeting to consult with the parishioners of Cosby.

## **6) Submitting comments:**

All Parish Councillors are members of the public and may as individual members of the public submit comments and observations on any planning matter.

Where a formal response is resolved by the Parish Council, it is the responsibility of the Proper Officer of the Council to submit those comments on behalf of the Parish Council.

Comments are to be made via the LPA planning portal.

## **7) Parish Council Representation:**

All LPA Planning Committees at Blaby District Council are open to the public and the Parish Council can request to speak at those hearings, this is a role usually undertaken by the Parish Manager or Clerk to the Parish Council.

An Elected Member may also request to speak on behalf of the public.

## **8) Planning Enforcement**

The LPA releases regular Planning Enforcement reports, these will be emailed to all Parish Council Members and are information only documents as these matters are in progress.

Adopted 19<sup>th</sup> March 2020