

# TILSTON PARISH COUNCIL

## PLANNING STANDING ORDERS & PROTOCOL

### Planning Standing Orders

Tilston Parish Council is notified of all planning applications in the Parish Council's area by Cheshire West & Chester Council<sup>1</sup> and seeks to comment<sup>2</sup> on all applications in a fair and unbiased way.

To this end Tilston Parish Council has established the following Planning Standing Orders and the attached Planning Protocol.

### Planning Standing Orders

- 1) These Standing Orders (except those which are obligatory by law) can be suspended, revoked, or altered by resolution of the Parish Council.
- 2) Planning applications are available for viewing on-line by Councillors and members of the public.
- 3) When a planning application is received, the following process will be followed: -
  - i) The application will be recorded in the Council's Planning Register<sup>3</sup> including the date notification of the application is received, the deadline for comments, application details, address, comments and decision.
  - ii) All Councillors will be notified of the application by e-mail<sup>4</sup>
  - iii) All Councillors should review the application on-line as soon as possible, if there are any issues viewing the plans these should be highlighted with the Clerk as soon as possible.
  - iv) If the Council requires paper copies the Clerk must be notified as soon as possible so they can be requested from CW&C planning department. Paper copies should only be requested when the plans are too detailed or contentious to be viewed online.
  - v) Councillors should prepare observations/recommendations to be emailed to the Clerk as soon as possible, these will be circulated to all councillors in advance of the next regular<sup>5</sup> Parish Council meeting where the observations will be discussed. Where the deadline for the application is before the next regular meeting the Clerk will circulate these comments to all councillors, including a deadline for responses, after which the comments will be submitted to CW&C. These comments will be confirmed by the Council at next regular meeting of the Council.
  - vi) If an application is believed to be contentious and its deadline is before the next regular meeting of the Council any Councillor may contact the Clerk and request an extraordinary meeting to consider the application if the deadline cannot be extended by CW&C. The Clerk will consider this request in consultation with the Chairman and or Vice Chairman.
  - vii) If the deadline for comment is after the next regular meeting of the Council, the application will be considered at that meeting<sup>6</sup>. Should Councillors feel the application is contentious and merits additional time for consideration they should request the Clerk reduce the agenda to focus on the planning application or that an extraordinary meeting be called to consider the application. The Council's standing orders may also be suspended by the meeting to allow extended public speaking time or participation. The Clerk will consider this request in consultation with the Chairman and or Vice Chairman.

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<sup>1</sup> Town & Country Planning Act 1990, Sched. 1 para 8.

<sup>2</sup> Local Government Act 1972, sched.15 para 20.

<sup>3</sup> In accordance with Tilston Parish Council Standing Orders 2020 section 15, xiv, page 17.

<sup>4</sup> In accordance with Tilston Parish Council Standing Orders 2020 section 15, xv, page 17.

<sup>5</sup> 'Regular meeting' refers to the next scheduled meeting of the Council.

<sup>6</sup> Please note once the agenda has been published it cannot be altered if it is within three clear days of the meeting.

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- viii) Where an application is for **4 or more dwellings or business units** the application will be considered at the next regular meeting of the Council or at an extraordinary meeting of the Council. The agenda for the above meetings, whether scheduled or extraordinary, will be reduced to focus on the planning application, the Council's standing orders may also be suspended by the meeting to allow extended public speaking time or participation.
- ix) Where a Councillor has an interest in any application which is to be considered outside a regular meeting of the Council the Councillor should declare the interest to the Clerk by email as soon as possible and if appropriate take no part in considering the application. The emailed will be retained by the Clerk.  
If the application is to be considered in a Council meeting the interest should also be declared as normal at the meeting.
- x) Requests for applications to be called to CW&C Planning Committee should be agreed by Council. However, should the next regular meeting be after the deadline to call-in the application the request should be made by e-mail to the Clerk for consideration in consultation with the Chairman and or Vice Chairman. If agreed this request will be forwarded to the CW&C ward councillor and then ratified at the next meeting of the Council.
- 4) Enforcement Issues should be reported to the Clerk for consideration at the next scheduled meeting of the Council.

### Planning Protocol

- 1) Tilston Parish Council recognises that dialogue with developers<sup>7</sup> before planning applications are submitted can benefit the community. When in dialogue with developers the Council will avoid the following: -
- Improper lobbying by the developer
  - Predetermination by councillors
- 2) The Council have agreed the following protocol which is to be followed when in pre-application discussions with developers, this protocol will be issued to developers who request meetings including informal meetings with the Council or Councillors: -
- i) Developers should provide an outline of the proposed development in writing.
- ii) The Parish Council wishes to meet developers at formal meetings of the Parish Council which are held in public and that the discussion is publicised as a specific agenda item.  
However, should developers refuse to attend a formal Parish Council meeting then the Council is willing to consider meeting developers outside meetings when developers agree to follow the this protocol.
- iii) This meeting must be attended by a minimum of 3 Parish Councillors and the Clerk who make notes of the meeting. It should be noted that this would be a meeting with individual councillors and as such cannot be classed as a formal meeting with the Parish Council.
- iv) The Developer should note that the Council is not required to treat information the developer regards as 'sensitive' as confidential and asks that confidential information is not discussed with the Council. However if the developer believes some aspects of the discussions should include confidential information this information should be identified along with the reasons for its confidentiality in writing, if this is legitimate request the Council will keep a written record of the confidential and non-confidential issues.  
It should be noted that information held by the Parish Council about a proposed development is subject to disclosure under the Freedom of Information Act 2000 unless it is commercially sensitive.
- v) All communications with developers whether in formal or informal meetings with the Parish Council, individual councillors or council staff will not bind the council when making a decision on any future application.

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<sup>7</sup> The term Developer is taken to include individuals who are submitting planning applications.

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- vi) Any views expressed should be viewed at best a 'provisional' as not all the relevant information will be available to the Council or Councillors including the public's views on the proposed development.
- vii) All discussions whether in informal meetings or as telephone discussions between the developer, individual councillors or council staff will be documented in writing and reported to and noted by the Council and as such will be in the public domain.
- viii) All such discussions are subject to disclosure under the Freedom of Information Act 2000.
- ix) All Council and Committee meetings are open to the public and any developer has the right to speak in public participation. However, if the developer believes information to be discussed is confidential or 'sensitive' the Council may consider if there are grounds to exclude the press and public from the meeting in accordance with Section 1(2) Public Bodies (Admission to Meetings) Act 1960 (see additional information below).
- x) All minutes of Council and Committee meetings are subject to the Council's publication scheme under the Freedom of Information Act 2000.
- xi) It is an offence under Section 1 of the Bribery Act 2010 for a developer or his agent to promise or give financial or other advantage to the Council in expectation of an improper consideration of the planning application. If the developer is a company or charity the Council may request sight of their anti-bribery policy.

### **Additional Information - Exclusion of Public & Press**

All meetings of the Council (or its committees) are open to the Public and Press they can only be excluded by resolution if publicity would prejudice the public interest due the confidential nature of the business to be transacted or for some other reason stated in the resolution arising from the business.

It should be noted that in 'few cases is there any good reason for excluding the press or public'<sup>8</sup>, it is reasonable to treat the following discussions as confidential: -

1. Engagement, terms of service, conduct and dismissal of employees;
2. Terms of tenders, proposals and counter-proposals in negotiation of contracts;
3. Preparation of legal proceedings;
4. Discussions in the early stages of a dispute.

**Planning Protocol adopted by Tilston Parish Council on 6<sup>th</sup> September 2019 - Resolution 19/591**

**Planning Standings Orders & Protocol (combined) adopted May 2020**

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<sup>8</sup> Arnold Baker on Local Council Administration, Ninth Edition, section 7.6, page 56.