

## Planning Committee

### Terms of Reference

#### 1. PURPOSE

The Planning Committee is a standing committee of the Parish Council, appointed to deal with planning matters. The Committee's meetings and actions are governed by these Terms of Reference, relevant policies and Standing Orders of the Parish Council and by relevant legislation and statutory instruments.

#### 2. FUNCTIONS

- (a) To meet at times determined by the Parish Council in accordance with Standing Order 4.
- (b) As a statutory consultee, to consider and make representations on behalf of the Parish Council to the Local Planning Authority on applications for planning permission; representations may be by way of written response or attendance at meetings or hearings.
- (c) To consider and make representations on behalf of the Parish Council in respect of appeals against the refusal of planning permission; representations may be by way of written response or attendance at meetings or hearings.
- (d) To consider and make representation on behalf of the Parish Council in respect of enforcement action or alleged breaches of planning regulations.
- (e) In conjunction with the Neighbourhood Plan Review Group, to consider and monitor any development plans relating to the parish and borough and make appropriate representations.
- (f) On behalf of the Parish Council to make representation to the appropriate Planning Authority in respect of any other planning matters affecting the parish's development, including its built environment and infrastructure.
- (g) To consult with members of the public and representatives of organisations regarding matters dealt with by the Committee.
- (h) To take up additional tasks assigned to it by the Parish Council and make recommendations to the Council, as appropriate.
- (i) Members should avoid engaging in lobbying with developers, individuals, organisations or companies prior to the submission of Full Planning applications, as this would be against the ethos of the Staplehurst Neighbourhood Plan. Any such approaches to committee members, should be met with advice to attend public Planning Committee meetings where any member of the public has the opportunity to speak at public forum, prior to and after the meeting.

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## 2. FUNCTIONS (continued)

- (j) If it is decided appropriate and beneficial to meet a developer, company, organisation or individual on site to aid in the explanation or to acquire accurate information, Committee members must not attend any such meetings on their own; they must be accompanied by the Clerk or the Deputy Clerk in order to take minutes and wherever possible include the attendance of another Councillor. It is recognised that members may receive unexpected approaches from third parties when they are on their own. In these circumstances, members should listen to and take note of comments made, without committing themselves or the Parish Council to any opinion, position or course of action.

## 3. POWERS/AUTHORITY

- (a) The Planning Committee is established in accordance with the Council's Standing Order 4. The acts and proceedings of the Committee shall:
- i. where they are delegated to the Committee, so far as is legally permissible, be deemed the acts and proceedings of the Council;
  - ii. as regards other matters, be subject to confirmation by the Council and, when confirmed, shall be deemed the acts and proceedings of the Council;
  - iii. in all respects, be subject to the provisions of the Council's Standing Orders and Financial Regulations, except as otherwise determined by the Council.
- (b) If the Planning Committee meets and is not quorate the following delegated power is;
- "If a Planning Committee meets and is not quorate, that delegated authority is given to the Proper Officer (Clerk / Deputy Clerk) in consultation with the Councillors present at the Planning Committee on planning applications that require comment before another Planning Committee can be arranged"
- (c) For the avoidance of doubt, the Committee has no authority over matters reserved for the Parish Council including those reserved by law; raising the precept or funds by way of borrowing; approval of statutory year-end accounts and reports; incurring expenditure; setting or amending policies, standing orders or financial regulations; the powers, functions and membership of committees; or employment matters.

## 4. MEMBERSHIP

- (a) The Committee will consist of Parish Councillors appointed by the Council, including the Chairman and Vice-Chairman of the Council as ex-officio members. The membership of the Committee may be reviewed at any time by the Council.
- (b) Members of the Committee, acting, claiming to act or giving the impression of acting as a representative of the Committee, must adhere to the Council's policies and procedures, including the Council's Code of Conduct.
- (c) The quorum of the Committee shall be no less than three members. Note 3 (b)

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## 5. CHAIR OF THE COMMITTEE

Committee members, at the first meeting following their appointment, will agree amongst themselves who will be the Chair of the Committee for the following year. Committee members may, at the same time, agree amongst themselves who will be the Vice-Chair of the Committee.

## 6. REPORTING

The Committee will record and agree minutes of its meetings and decisions. Where appropriate, the Committee will provide reports on planning matters to the Council. Reports may be submitted for information or for decision by the Council. Where a decision is required, the reports should contain such information, reasoning and recommendations as may be necessary for the Council to make an informed decision.

## 7. REVIEW POINT

These Terms of Reference may be reviewed at any time by the Parish Council to ensure they remain appropriate for its requirements.

This will be done at least once per year at the Council AGM.

These Terms of Reference supersedes all previous agreed Terms of Reference and was adopted by Staplehurst Parish Council on

**Date .....6<sup>th</sup> February 2023.....Minutes...2065.....**