

## 5. PLANNING COMMITTEE AND TERMS OF REFERENCE

### Purpose

- 5.1 The Planning Committee is appointed by the Council under the Local Government Act 1972 for the purpose of discharging those functions of the Council relating to town and country planning and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, insofar as such functions are not the responsibility of any other local authority.
- 5.2 The Planning Committee shall have regard to the Planning Committee Procedure Rules set out above under Section 3 and the Probity in Planning: Guidance to Members and officers.
- 5.3 The membership, chair and quorum requirements for the Planning Committee are as set out below in the table below.

### Membership, Chair and Quorum

Number of Members	11
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Restrictions on Membership	<p>The Mayor and Cabinet Members may not be members of the Planning Committee</p> <p>Members and substitutes must complete training in the principles of determining planning applications:</p> <ul style="list-style-type: none"> <li>• Prior to appointment;</li> <li>• After any period of extended absence; and</li> <li>• As required by the Council</li> </ul>
Restrictions on Chair and Vice Chair	Must be a Member of the Committee (not a substitute)
Quorum for Meetings	½ of total membership subject to a minimum of five members
Number of ordinary Meetings Per Council Year	As required

## Terms of Reference

- 5.4 The discharge of the non-executive functions and responsibilities of the Council relating to town and country planning and development control specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where those functions are not reserved to Council as a matter of law or under this Constitution, or delegated to officers, including without limitation as regards functions under the following Acts and associated Regulations and orders:
- (a) Town and Country Planning Act 1990;
  - (b) Planning (Listed Buildings and Conservation Area) Act 1990;
  - (c) Planning (Hazardous Substances) Act 1990;
  - (d) Planning and Compulsory Purchase Act 2004.
- 5.5 Functions relating to the preservation of trees and hedgerows.
- 5.6 The exercise of ancillary powers in respect of those functions referred to above in relation to highways to the extent that they concern planning matters.
- 5.7 Responsibility for:
- (a) Wider strategic development;
  - (b) Sites which have a significant impact beyond the Council's area;
  - (c) Sites fundamental or contrary to the Council's Local Plan, or other national or government approved planning policies, including without limitation as regards:
    - (i) Major infrastructure;
    - (ii) Large scale major development comprising:
      - Housing (approximately 400 dwellings or more);
      - Employment (approximately 10,000 square metres or 2 hectares or more);
      - Retail (approximately 10,000 square metres or 2 hectares or more).
- 5.8 The consideration and determination of the decision the Planning Committee would have made on a planning application subject of the non-determination appeal process.
- 5.9 The consideration and determination of applications which have been (called-in) by a councillor of Southend-on-Sea City Council.
- 5.10 The consideration and determination of planning applications submitted by:
- (a) A councillor, their spouse or partner;
  - (b) An officer, their spouse or partner.
- 5.11 The consideration and determination of a planning application where, in the opinion of the Director of Planning and Economy, the application raises issue of planning

importance or should otherwise be considered and determined by the Planning Committee.

- 5.12 Undertaking site visits as appropriate.
- 5.13 In the discharge of the Planning Committee's above functions and without limitation:
  - (a) Imposing any condition, limitation or restriction, or determining any other terms, on an approval, granted in the exercise of its functions;
  - (b) Amending, modifying or varying any condition to which approval is subject;

#### **Delegations to Officers**

- 5.14 Those functions of the Planning Committee which have been delegated to officers are set out in the Scheme of Delegation to officers under Part 7 of this Constitution.