

---

# Constitutional changes to Planning Appendix

---

<b>Committee considering report:</b>	Governance Committee
<b>Date of Committee:</b>	29 April 2025
<b>Portfolio Member:</b>	Councillor Jeff Brooks
<b>Date Head of Service agreed report:</b>	15 April 2025
<b>Date Portfolio Member agreed report:</b>	24 April 2025
<b>Report Author:</b>	Nicola Thomas

---

## 1 Purpose of the Report

- 1.1 The purpose of this report is to update Council regarding the work undertaken by the Constitution Review Task Group (“CRTG”), and to propose the approval of the proposed Constitutional updates detailed in this report.
- 1.2 The completion of the Constitution review is an important part of the overall good governance of the Council and has been highlighted as an area to complete in the Annual Governance Statement.

## 2 Recommendations

- 2.1 It is proposed that the following amendments are considered and approved:
  - (a) Part 6.8 Planning Appendix be adopted as set out in Appendix A to this report;
  - (b) Part 11 Scheme of Delegation be updated as set out in Appendix B to this report;
  - (c) to delegate to the Monitoring Officer, in consultation with the Chairman of the Constitution Review Task Group, the power to update Parts 6.8 and 11 of the Constitution to ensure that this reflects the new rules, and to make any minor additional corrections to the parts of the Constitution to ensure consistency in terminology and presentation; and
  - (d) that the changes to the Constitution detailed in this report, take effect from 1 June 2025.

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	None			
<b>Human Resource:</b>	None			
<b>Legal:</b>	This report proposes changes to the Council's Constitution to ensure clarity of roles, obligations and decision making in relation to the planning process along with updating the Part 11 Scheme of Delegation to ensure there are no conflicts within the Constitution.			
<b>Risk Management:</b>	There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.			
<b>Property:</b>	None			
<b>Policy:</b>	The Planning Appendix has been updated to reflect updates to the Planning policy and law.			
	Positive	Neutral	Negative	Commentary
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		

## Constitutional changes to Planning Appendix

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>		x		None
<b>Health Impact:</b>		x		
<b>ICT Impact:</b>		x		
<b>Digital Services Impact:</b>		x		
<b>Council Strategy Priorities:</b>		x		
<b>Core Business:</b>	x			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
<b>Data Impact:</b>		x		

<b>Consultation and Engagement:</b>	<p>These proposals have been discussed with:</p> <p>The Constitution Review Task Group</p> <p>Sarah Clarke – Interim Executive Director (Resources)</p> <p>Nicola Thomas – Service Lead, Legal and Democratic</p> <p>Stephen Chard – Democratic Services Manager</p> <p>Sharon Armour- Legal Services Manager</p> <p>Bob Dray, Development Manager</p> <p>Laura Callan, Planning, Policy and Infrastructure Manager</p> <p>Clare Lawrence, Executive Director (Place)</p> <p>Planning Advisory Group</p>
-------------------------------------	--

## 4 Executive Summary

- 4.1 The CRTG was set up in July 2019 to review the entire Constitution to update it and ensure that it remained fit for purpose. Work has been undertaken since this date, with Council approving the last amendments on 27 March 2025 to Part 13 – Codes and Protocols and Appendices.
- 4.2 This report outlines changes proposed to Part 6.8 Planning Appendix and to Part 11 Scheme of Delegation.

## 5 Supporting Information

### Introduction and Background

- 5.2 This is to update the Governance Committee on the work undertaken by CRTG in reviewing the Constitution and this report seeks approval to progress the proposals through the governance process for final adoption of the changes to Part 6.8 – Planning Appendix and Part 11 Scheme of Delegation.
- 5.3 The CRTG is a working group consisting of the following Members: Councillors Jeff Brooks (Chairman), Martin Colston, Ross Mackinnon, David Marsh and Justin Pemberton.
- 5.4 Active work to review the Constitution has been ongoing as part of Phase 3. This has required CRTG to meet monthly with each meeting taking place over a number of hours. The significant contribution of all Members of the CRTG in the formulation of these proposals, and the updating of the Constitution should therefore be noted.

## Constitutional changes to Planning Appendix

- 5.5 This work has also been supported by a number of officers in Democratic Services, Legal, and Planning and their contribution to this significant piece of work should also be recognised.
- 5.6 The need to undertake the wholesale review of the Constitution was driven by a desire to ensure the document was updated, more user friendly and accessible to all, and to refine processes. If approved, the Constitution will be published with the updates on-line with full indexing with hyperlinks where appropriate.

## Proposals

- 5.7 **Appendix A Part 6.8 Planning Appendix** should be adopted as set out. The changes reflect updates to procedures, policies and the law.
- 5.8 The Planning Appendix absorbs the relevant elements of the Code of Conduct removed by amendments agreed by Council on 27 March 2025. This reflects a more appropriate section of the Constitution for ease of navigation.
- 5.9 **Appendix B Scheme of Delegation** has been updated to ensure consistency within the Constitution. This sets out the basis on which the call in process is utilised by Members for Area Planning Committees to consider an application.
- 5.10 In line with previous agreed amendments, the updated sections shall have hyperlinks to the Glossary of Terms and when referenced, links to the relevant section of the Constitution for ease of use.

## 6 Other options considered

- 6.1 Not making any changes to the current Constitution. This option was rejected as the Council must keep the Constitution under review and it is suggested that changes will assist good governance as the procedures by which the Council is operating will be easier to understand, which will improve transparency and openness and remain in line with our Statutory Obligations.

## 7 Conclusion

- 7.1 The continued dedication and valuable contribution of the Task Group to the review of the Constitution is noted. It is considered important that the Governance Committee support the proposals to update Parts 6.8 Planning Appendix and Part 11 Scheme of Delegation to ensure ease of understanding and use and ensure that our processes reflect updated policy and law. This will support the Council's obligations in considering planning applications and how these are scrutinised and determined.
- 7.2 It is therefore recommended that the Governance Committee support the proposals as detailed in paragraph 2 of this report with progression through the governance process for final approval by Council.

## 8 Appendices

8.1 Appendix A – Part 6.8 Planning Appendix

8.2 Appendix B – part 11 Scheme of Delegation

---

### Background Papers:

None

### Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval ☒

Delays in implementation could have serious financial implications for the Council ☐

Delays in implementation could compromise the Council's position ☐

Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

**Wards affected:** All

### Officer details:

Name: Nicola Thomas  
Job Title: Service Lead - Legal & Democratic  
Tel No: +441635519456  
E-mail: Nicola.Thomas1@westberks.gov.uk

---