



**Newquay**Council

**Corporate**Service

<b>Document:</b>	<b>Terms of Reference</b>
<b>Committee :</b>	<b>Planning and Licensing</b>
<b>Date of Inception:</b>	<b>May 2021</b>



This is a Policy or Procedure document of Newquay Town Council and as such must be fully adhered to by both councillors and employees.

**Policy/Procedure File Status**

<b>Version</b>	0.2	<b>Approving Body</b>	Full Council
<b>Date</b>	03/02/2021	<b>Date of Approval</b>	03/02/2021
<b>Responsible Officer</b>	Town Clerk	<b>Minute Reference</b>	
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**Version History**

<b>Date</b>	<b>Version</b>	<b>Author/Editor</b>	<b>Comments</b>
03/02/2021	0.2	Town Clerk	Update to name and membership numbers following adoption

**Review Record**

<b>Date</b>	<b>Type of Review Conducted</b>	<b>Stage Completed</b>	<b>Summary of Actions Taken or Decisions Made</b>	<b>Completed By</b>

## **1.0 Membership**

- 1.1 Membership of this committee is to be appointed annually at the Annual Meeting of the Town Council.
- 1.2 The Planning and Licensing Committee to consist of seven members of the Council (each Committee should be as diverse and representative to the Council and Newquay as possible).
- 1.3 The Planning and Licensing Committee may also have up to a further two more members of the Council as appointed substitute members, who can stand in place of committee members who have given notice of their unavailability to attend a meeting.
- 1.4 The Committee Chair and Vice Chair are to be elected annually by the Committee at the first meeting after the Annual Council Meeting of Newquay.

## **2.0 Aims**

- 2.1 To act as the statutory consultee for all planning applications and consultee for licensing applications within the parish and to represent the town council to seek to uphold the vision and policies outlined in the Newquay Neighbourhood Plan.

## **3.0 Objectives**

- 3.1 Consider all planning applications and issues in accordance with statutory planning law and taking into account the Newquay Neighbourhood plan policies and submit recommendations to the planning authority within deadlines set.
- 3.2 Consider all licensing applications in accordance with licensing law and submit any observations or recommendations to the licensing authority within deadlines.
- 3.3 Comply with the Cornwall Local Councils Pre-application protocol and provide developers an opportunity to give a 30 minute presentation prior to Committee meetings. Only one presentation will be allowed per Committee with slots being available on a first come, first serve basis.
- 3.4 To agree a Town Council position and provide a representative to attend Cornwall Council planning meetings where an application is called in, to represent the views of the Council.
- 3.5 To agree a Town Council position and provide a representative to attend Cornwall Council licensing meetings where an application is called in or appealed, to represent the views of the Council.
- 3.6 To agree a Town Council position and provide a representative to attend Planning Inquiries/Appeals on behalf of Newquay Town Council in respect of appeals and to communicate with the Planning Inspectorate direct if necessary, to represent the views of the Council.

- 3.7 Identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning or licensing regulations.
- 3.8 Monitor, update and manage the Newquay Neighbourhood plan and website including the Newquay Views & Vistas album.
- 3.9 Keep up to date with relevant legislation and advise Council where necessary.

#### **4.0 Meetings**

- 4.1 The committee shall meet a minimum of 12 times in a Municipal year, normally at least twice a month on every other Wednesdays, with Special meetings being called as required by the Town Clerk, through normal procedures defined in Standing Orders.
- 4.2 Members will be summoned to attend meeting which will normally be held in the Council Chamber, Municipal Offices and a Public Notice of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.
- 4.3 The Town Clerk may attend any meeting to offer advice, guidance and support.
- 4.4 The committee may cancel a meeting by way of a majority decision at a meeting of the committee, or via email should this be appropriate. A notice confirming the cancellation of a meeting shall at the very least be circulated to all members of the Council, on the Council's website and on the Council's social media channels.
- 4.5 The meeting location may be varied from time to time but shall be contained within the Public Notice of the Meeting and associated summons.
- 4.6 The Public Notice will be posted on the Town Council's website. Subject to restrictions, at least one notice will also be published in a Town Council public notice board.

#### **5.0 Documentation**

- 5.1 The minutes of all meetings shall be recorded by an officer of Newquay Town Council, scheduled by the Town Clerk, circulated at Full Council meetings of Newquay Town Council and uploaded to the Town Council website within 4 weeks of the meeting.
- 5.2 All
  - 5.2.1 resolutions of the committee
  - 5.2.2 recommendations to Full Council
  - 5.2.3 recommendations to other committees
  - 5.2.4 matters referred to other committees/Full Council

shall be recorded in the minutes of the meetings.

- 5.3 The committee shall draw up and agree written Terms of Reference for working parties and sub-committees that fall under this committee's control. Such Terms of Reference will not bestow powers or a remit that is wider or falls outside the committee's own Terms of Reference. Such documents will be owned by this committee and any variation requests from the working party/sub-committee shall be referred to this committee for consideration and decision.

## **6.0 Accountability**

- 6.1 The Committee has delegated powers to act on behalf of the Full Council in relation to the defined terms of reference only; any recommendations outside the Committee's terms of reference shall be made to Full Council and may require another committee's input before a decision is made by Full Council or another responsible committee.
- 6.2 In some circumstances, officers have delegated powers to act on behalf of the committee and/or Full Council under a separate Scheme of Delegation or as outlined in committee terms of reference or minutes.
- 6.3 At all times the committee must adhere to all Standing Orders, Financial Regulations, policies, procedures and member code of conduct which may all change from time to time.

## **7.0 Scope and Specific Delegations**

- 7.1 The Committee has the delegated powers from Full Council to undertake activities and make relevant decisions to achieve the objectives as set out in section 3.
- 7.2 The Committee has the delegated powers from Full Council to establish an Annual Committee Budget for recommendation to the Governance and Resources Committee no later than November each year in-line with Financial Regulation 3.1.
- 7.3 The Committee has the delegated powers from Full Council to spend up to its annual budget, without the requirement to go back to Full Council for approval; subject to such spends falling within the objectives of the committee and are budgeted for in-line with Financial Regulation 3.1.
- 7.4 The Committee has the delegated powers to consider and make relevant decisions on any matter referred to it by Full Council.
- 7.5 To appoint Sub-Committees and Working Parties that shall report to it in accordance with Standing Orders.

- 7.6 The Committee shall have the following specific delegations:
- 7.6.1 To hold meetings with residents, businesses, developers or Planning/Licensing officers to assist with the formulation of those observations.
    - 7.6.1.1 To comply with the Cornwall Local Councils Pre-application Protocol and provide developers an opportunity to give a 30 minute presentation prior to Committee meetings. Only one presentation will be allowed per Committee with slots being available on a first come, first serve basis.
  - 7.6.2 To keep a watching brief on any planning or licensing issue and make any reports/comments/observations to the relevant authority.
  - 7.6.3 To respond to all consultations on planning/licensing related matters and to take part in any discussions which could result in changes to the Local Development Plan, Local Development Framework, Planning Policy Guidance, Conservation Areas, Town & Country Planning Acts, and the Newquay Neighbourhood Plan. The P&L Committee reserves the rights to refer any decision back to Full Council for discussion as and when they deem necessary.
  - 7.6.4 To appoint a representative to attend Planning/Licensing Inquiries/Appeals and to make representations in respect of appeals against the refusal/granting of permissions and for that representative to communicate with the Planning Inspectorate direct if necessary.
  - 7.6.5 To identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.
  - 7.6.6 to change a decision based on further information received in-line with the local Planning Protocol. Such changes in decisions must be ratified at the next available meeting if such a decision must be made before a meeting can be called (if a strict deadline is imposed by the Planning/Licensing Authority or Appeal Officer Etc.).
  - 7.6.7 To give Delegated Authority for the Committee Chairman and Vice Chairman, with the Town Clerk to make a decision to change a Committee Decision based on further information received which in their opinions satisfy any concerns/observations/objections raised and there is no time to wait until the next available P&L Committee meeting.

- 7.6.8 to decide on a Licensing application. Such decisions must be ratified at the next available meeting if such a decision must be made before a meeting can be called (if a strict deadline is imposed by the Licensing Authority or Appeal Officer Etc.).
- 7.6.9 to decide on Non-Material Amendment Planning Applications. Such changes in decisions must be ratified at the next available meeting if such a decision must be made before a meeting can be called (if a strict deadline is imposed by the Planning/Licensing Authority or Appeal Officer Etc.).

## **8.0 Review**

- 8.1 The Committee's terms of reference are to be reviewed at-least annually. Any changes must be recommended to Full Council for approval.