

Draft Protocol for Member Call in

Introduction

Before setting out the proposed draft protocol for call in, Members of Audit and Governance Committee are advised that criterion (g) (ii) in Part 3 Section 2 (Responsibility for Functions) of the constitution (changes highlighted as underlined below) needs to be revised in order to facilitate the removal of the 30 day time limit:

(g) An Application which a Councillor requests should be referred to the Planning Committee provided that all of the following criteria are met:

(i) The application is potentially contentious and raises material planning issues that affect their ward or would affect the wider public interest

(ii) The Councillor has discussed the proposed referral with a Planning Officer and submits the referral in writing setting out the material planning issues which affect the wider public interest and the referral is made within 30 calendar days from the date the application was first published on the Bournemouth, Christchurch and Poole website, or during any further notification period required following receipt of amendments to the scheme

(iii) The Application is not one of the following:

- *Permission in Principle (PiPs)*
- *Lawful Development Certificates (LDC) (existing or proposed)*
- *Prior Approvals and Prior Notifications*
- *Non-material amendments*
- *Applications other than “major”, “minor” and “householder”*

It is proposed that the Committee consider replacing (g) (ii) with the following wording (presented with (i) and (iii) unchanged so the full context can be considered):

(g) An Application which a Councillor requests should be referred to the Planning Committee provided that all of the following criteria are met:

(i) The application is potentially contentious and raises material planning issues that affect their ward or would affect the wider public interest

(ii) The Councillor has submitted the referral to planning committee request in accordance with the local planning authority’s agreed protocol.

(iii) The Application is not one of the following:

- *Permission in Principle (PiPs)*
- *Lawful Development Certificates (LDC) (existing or proposed)*
- *Prior Approvals and Prior Notifications*
- *Non-material amendments*
- *Applications other than “major”, “minor” and “householder”*

The above proposed change removes the 30-day limit and ensures that the constitution wording remains flexible to allow for the protocol to be amended overtime (as opposed to the constitution) as matters may change such as legislative provisions or to resolve operational issues. The above wording is for discussion purposes only at this stage.

The Draft Member Referral in Protocol

The provisions for a ward Councillor to refer planning applications to planning committee are set out in Part 3 Section 2 (g) of the BCP Council Constitution.

Criterion (g) (ii) requires ward Councillors to submit planning committee referral requests in accordance with the agreed protocol for call in. The call-in protocol is set out as follows:

- (i) A formal referral request must be submitted on the BCP Council Planning Committee referral form;
- (ii) All parts of the planning committee referral request form must be completed for the request to be considered as valid and compliant with the provisions set out in Part 3 Section (g) of the BCP Constitution;
- (iii) The form must set out the material planning reasons for the referral that warrant the application being considered by Planning Committee;
- (iv) The ward Councillor must have first discussed the planning application with the planning case officer before submitting a planning committee referral form. This discussion should take place within the initial planning application notification period. In these discussions, and prior to submitting the form, the ward Councillor must advise the officer whether they are considering submitting a planning committee referral request form so the officer can update the ward Councillor on progress before a recommendation is made.
- (v) To ensure resilience that the planning committee referral requests are formally received by the case officers, request forms should be submitted by email to both the case officer and the relevant office inbox as follows:

planning.bournemouth@bcpcouncil.gov.uk
planning.christchurch@bcpcouncil.gov.uk
planning.poole@bcpcouncil.gov.uk
- (vi) Once the notification period has expired and the officer has not had any contact from a ward Councillor in respect of a potential planning committee referral, Councillors are to be aware that officers are able to make decisions on planning applications under delegated powers in accordance with the BCP Council scheme of delegation.

This protocol was agreed by XXXXX on DATED XXXX