

Committee – Planning Committee

Date 18th April 2024

Member Questions (2 total)

1. Question from Councillor David Willingham to Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker

It is evident from Planning Committee reports the Council recognises the necessity of compliance with its s149 Equality Act 2010 Public Sector Equality Duty (PSED) as part of the planning process. Could the Chairman please confirm whether officers and committee members are aware of the principles established in Brown [2008] EWHC 3158 (Admin) <https://www.bailii.org/ew/cases/EWHC/Admin/2008/3158.html> and Bracking [2013] EWCA Civ 1345 <https://www.bailii.org/ew/cases/EWCA/Civ/2013/1345.html> which suggest to comply with the PSED, << *There is a need for a "conscious approach" and the duty must be exercised "in substance, with rigour and with an open mind"*>> , does the Chairman share my concerns using the same boilerplate text in multiple different planning reports may be non-compliant these principles, and can he assure me advice will be sought and followed to ameliorate the situation?

Response from Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker

Planning Officers have due regard to the Equality Act 2020, and its stipulations, when assessing the implications of all development proposals. Members are also reminded of this duty, and their obligations under the Act, within committee reports. It is important that committee reports are proportionate in their detail to each issue that is addressed and as such reference (in committee reports) to the public sector equality duty is necessarily light in many cases. Going forward, the planning team can look at whether this is something that needs to be refined.

2. Question from Councillor David Willingham to Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker

At paragraph 9.2.1 of Part 5D Planning Protocol of Cheltenham Borough Council's Constitution, it is clear planning applications submitted by the Council itself must be determined at Planning Committee. Could the Chairman please advise how this should work when Cheltenham Borough Council is a potential financial beneficiary outside of the planning process, such as being a land-owner willing to conditionally dispose of assets to the applicant, but is not the applicant; and in the interests of openness, transparency, and compliance with the Nolan Principles would he consider how such situations should be best dealt with in future by the Planning Team and Planning Committee?

Response from Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker

Land and property ownership is not a material planning consideration; members of the planning committee are provided with training that, amongst other things, makes this very clear. Members of the committee are therefore unable to take into account council ownership, and any associated financial benefit, when they consider and vote on any application. Such situations are very common and it is not considered that there is any need to change current practices. We will however look to reference council ownership in committee reports in future, for information purposes only.