

## **Proposed amendments to PART 4.12 PLANNING COMMITTEE PROCEDURE NOTES**

### **Opening the meeting**

1. The Chairman will introduce himself and explain that this is a Planning Committee meeting to be conducted in accordance with the Council's Constitution (including the Procedure Rules) which is available on the Council's Website.
2. The Chairman will remind those present that the meeting has a quasi-judicial role and determines the rights and obligations of the applicant. He will remind Members that they should not vote according to party lines but must consider each application and everything that is said in the meeting concerning the application, and then make their decision based solely on their planning judgment of the information available to them.
3. The Chairman will also explain that following a decision by Members, delegated authority is given to the planning officer to issue the decision notice. Planning permission is not granted until the issue of the decision notice. All the application documents are published on the internet and the decision notice will be available there in due course.
4. The Chairman will explain the role of, and introduce, any visiting Members. Any Member who is not a Member of the Planning Committee may attend as a visiting Member and may speak, provided s/he gives prior notification to the Chairman. Such visiting Members may include ward Members. The Chairman will explain that these visiting Members can speak on an application but cannot vote.
5. The Chairman will welcome any members of the public who are registered to speak on any item. He will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.
6. Any substitute Members will be introduced by name and it will be explained that when acting as a substitute on the Planning Committee the substitute Member must also have undertaken appropriate training.
7. The Chairman will invite any declarations of disclosable pecuniary or disclosable non-pecuniary interests. The Chairman will remind the meeting that where it is possible that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that a Member might be predetermined or biased on any agenda item, the Member should declare this possibility and then leave the room while that item is considered. The Chairman will invite any such declarations.

8. The Chairman will remind the meeting that unless they have a disclosable pecuniary interest or the possibility of predetermination in respect of the item being discussed, Members should remain in the meeting for the whole time that each item is being debated and should not vote on that item unless they have done so.
9. The Chairman will explain that the meeting will follow the order set out in the agenda, except where there is good reason to do otherwise. In particular, the Chairman will explain that the Committee will take any items where a member of the public has registered to speak first, before moving on to the remainder of the agenda, and where this is relevant he will verbally re-order the agenda as appropriate.

### **Introducing and debating each agenda item**

10. The Chairman will introduce each item, setting out the agenda item number, the planning application number and the location.
11. The Chairman will remind any Members who have disclosed a pecuniary interest or declared the possibility of predetermination or bias on the item at hand that they must leave the room while that item is considered and must not speak or vote on that item. Members who have disclosed a non-pecuniary interest in an item may remain in the room and may speak and vote.
12. The Chairman will then invite the Planning Officer to summarise the item. If the Chairman has not stated the agenda item number, the planning application number and the location then the Planning Officer will do so. The Planning Officer will provide a verbal summary of the application, outlining its main proposals. Where relevant the Planning Officer will also provide any necessary verbal updates to the committee report. Following this, Officers will only be invited to speak again on the item in the event that further clarification on the material planning issues raised is required (see 14 below).
13. The Chairman will then invite any members of the public who have registered to speak to do so in accordance with the public participation rules.
14. Following the public speaking, the Chairman will invite clarification questions from members of the Committee for the case officer to respond.
15. The Chairman will then move the officer recommendation, a seconder will be found and the debate will open. The Chairman will remind the meeting that any Member wishing to speak on the item may do so only once.
16. The Chairman will first invite the Ward Member(s), if present, to speak, reminding them that they will have a maximum of three minutes to make their representation.
17. The Chairman will then open the debate to the Planning Committee members.

### **Voting on each agenda item**

18. When a vote is taken the Democratic Services Officer will make a note of the number of votes for and against and the number of abstentions. If this is unclear the meeting will wait until the Democratic Services Officer is satisfied that the vote is clear.

### ***Where the vote is in accordance with the officer recommendation***

19. If the vote follows the officer recommendation to approve the application for the reasons given in the report then planning permission will be granted subject to the issue of the decision notice.

20. If the vote follows the officer recommendation to refuse the application for the reasons given in the report then planning permission will be refused subject to the issue of the decision notice.

### ***Where the vote does not follow the officer recommendation to approve:***

21. If the vote does not follow the officer recommendation to approve then:

- a. the Chairman will invite the Head of Planning to consider if the application should be deferred in accordance with Part 3 of the Constitution. If the application is deferred to a future meeting, the Head of Planning will advise Members of the prospects of such a decision being challenged on appeal and on the implications of a cost application being made against the Council.
- b. If the decision is not deferred to a next future meeting, a further motion must be made to refuse the application. Before voting on this new motion:
  - i. The Chairman will give the planning officer the opportunity to explain the implications of any decision contrary to his/her recommendation.
  - ii. The Chairman will remind the meeting that the courts have expressed the view that the Committee's reasons for refusal should be clear and convincing, capable of articulation and open to public scrutiny and be material planning reasons. The precise wording of the reasons for refusal must be clearly defined before the Committee votes on the motion. It is preferable for the Chairman to propose a short adjournment of the meeting to allow officers to draft the framework wording rather than leaving the reasons to the offices to draft following the meeting, and to provide delegated authority to the Head of Planning to make any necessary detailed wording changes. A detailed minute of the Planning Committee's reasons (which should be full, clear and relate to material planning considerations) should be made by the Democratic Services Officer and a copy placed on the application file.

If the vote is passed then planning permission will be refused subject to the issue of the decision notice.

***Where the vote does not follow the officer recommendation to refuse:***

22. If the vote does not follow the officer recommendation to refuse for the reasons given in the report, the Chairman will invite the Head of Planning to consider if the application should be deferred in accordance with Part 3 of the Constitution and reported back to a future meeting.

***Clarity on the outcome of the voting***

23. The outcome of the voting will be announced by the Chairman before moving on to the next item. If the Chairman fails to do this then the Head of Planning will step in and announce the outcome.

***Debating motions to undertake a site visit or defer the item***

24. If during the debate on an item a motion is moved to undertake a site visit or to defer the item to a future meeting then a seconder for this motion will be sought and any further debate will be to this new proposal rather than the substantive motion. The new motion will be voted upon following the debate. If this motion is defeated, a further vote will be taken on the substantive motion.