

## PART 4.12 PLANNING COMMITTEE PROCEDURE NOTES

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.  
  
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.
2. 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.
3. The meeting will follow the order set out in the Agenda unless otherwise stated
4. 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.
6. The Chairman will explain that the Committee will deal with any matters where a member of the public has registered to speak before moving on to the remainder of the agenda.
7. The Chairman will introduce each item giving the agenda item number, the planning application number and the location then hand over to the planning officer.
8. If the Chairman has not given the agenda item number, the planning application number and the location then the Planning Officer will do so. The application will be summarised by the Planning Officer and any update on the application will be given.
9. Those members of the public who have registered to speak will have the opportunity to speak in accordance with the public participation rules. If the matter is deferred to a site meeting of the Planning Working Group, the Chairman will clarify that they can speak now and that there will also be a further opportunity to speak at the site meeting. He will make it clear that there will be no opportunity to speak on the matter when it comes back to the Planning Committee for final determination.

If a Member wishes to speak on an item, s/he may only speak once on an item.

10. The Chairman will then move the officer recommendation, a seconder will be found and the debate will open.
11. The meeting has a quasi-judicial role and determines the rights and obligations of the applicant. Members are reminded that they should not vote according to party lines but must consider the application and everything that is said in the meeting concerning the application. They should then make a decision based solely on the information available to them and to exercise their planning judgement accordingly.
  - 11.1 Members who have disclosed a pecuniary interest in an item must leave the room while that item is considered.
  - 11.2 Members who have disclosed a non-pecuniary interest in an item may remain in the room and may speak and vote.
  - 11.3 Unless they have a disclosable pecuniary interest in the item being discussed, Members should remain in the meeting for the whole time that an item is being debated and should not vote on the matter unless they have done so.
  - 11.4 Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the member should declare their predetermination or bias and then leave the room while that item is considered.
12. 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.
13.
  - 13.1 If the vote follows the officer recommendation to **approve** for the reasons given in the report then planning permission will be granted subject to the issue of the decision notice.
  - 13.2 If the vote follows the officer recommendation to **refuse** for the reasons given in the report then planning permission will be refused subject to the issue of the decision notice.
  - 13.3 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 that next 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 the next meeting, a further motion must be made to refuse the application. A detailed minute of the Planning Committee's reasons (which should be full, clear and convincing) should be made by the Democratic Services Officer and a copy placed on the application file. The courts have expressed the view that such reasons should be clear and convincing. The Chairman should also give the planning officer the opportunity to explain the implications of any decision contrary to his/her recommendation.
    - (c) The wording of the reasons for refusal should be clearly understood before the Planning Committee votes on a motion to refuse an

application. It is preferable for the Chairman to propose a short adjournment of the application to allow officers to draft the framework wording rather than leaving the reasons to the officers to draft following the meeting and to provide delegated authority to the Head of Planning to make any necessary detailed wording changes.

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

4. If the vote does not follow the officer recommendation to **refuse** for the reasons given in the report 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 and if not deferred,
  - (b) a further motion must be made to approve the application with delegated authority given to the Head of Planning to impose suitable conditions
  - (c) If the vote is passed then planning permission will be **approved** subject to the issue of the decision notice.

14. 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.

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