

**PLANNING COMMITTEE**

**PROCEDURE RULES**

**Planning Committee Procedure Rules**

The procedure at Planning Committee (the Committee) will be as follows.

**1 General**

- 1.1 The Committee will comprise the number of Members of the City Council appointed by the full Council at their annual meeting. There will be no provision for substitute Members to attend Committee meetings.
- 1.2 The quorum for all meetings will be five Members and no business will be transacted if any meeting or part of a meeting will not be quorate.
- 1.3 The Committee will meet at times and places appointed and published in accordance with the requirements of the Access to Information Procedure Rules.
- 1.4 The Chair will preside over meetings of the Committee and, where the Chair is absent for the whole or part of the meeting, the Deputy-Chair will preside over the meeting or that part of it. In the absence of both the appointed Chair and Deputy-Chair for either the whole of or part of a meeting, the Committee will appoint from those Members then present a person to act as Chair for the duration of that meeting or part of it. (All references to 'Chair' in these rules will be read as referring to the person acting as Chair at the relevant meeting or part of it).
- 1.5 The Chair of the Committee meeting will be responsible for:
  - (i) calling items for consideration as they appear on the Agenda,
  - (ii) calling and allowing persons to speak at the Committee meeting,
  - (iii) calling any matters for consideration which do not appear on the Agenda and for giving the reason(s) for the urgency of hearing such matters,
  - (iv) maintaining good order at the Committee meeting. For this purpose, the Chair has the right to curtail any speaker (including a Member of the Committee), or to suspend the Committee meeting, in cases of disorder, until good order has been restored.
- 1.6 In all matters of procedure and interpretation of these rules (including any suspension thereof), the Chair's decision will be final.
- 1.7 Decisions of the Planning Committee are not subject to call-in.

## **2 Declarations**

### *2.1 Declarations of Interests*

Members and Planning Officers will, in accordance with their respective Codes of Conduct, declare any interests they have in respect of any items appearing on that Committee's Agenda. These declarations will be made at the outset of the meeting under the item listed as 'declarations' on that Committee's Agenda or when that item is reached on the Agenda.

### *2.2 Declarations of 'Contacts'*

2.2.1 Members and certain Planning Officers (being the Committee Planning Officer who presents the report and the Planning Case Officer) will declare all 'contacts' they have received in respect of planning applications appearing on that Committee's Agenda.

2.2.2 Members 'declarations of 'contacts' will be made at the outset of the meeting under the item listed as 'contacts' on that Committee's Agenda or when the application is reached on the Agenda.

2.2.3 Planning Officers' declarations will be made in the written report in respect of that application or verbally if received after publication of that report.

2.2.4 Members and Planning Officers will declare as 'contacts' those matters as they are defined in the 'Code of Good Planning Practice' as it appears elsewhere in the Constitution.

## **3 Petitions**

3.1. The Procedures in relation to petitions to Planning Committee are set out in the Petitions Procedure Rules in part 3I of the Council's Constitution.

3.2 At Planning Committee the length of speeches will be limited to five minutes for Members (other than as a private resident), five minutes for applicants or their nominees and three minutes for all other speakers (including petition spokespersons).

## **4 Consideration of Business on the Public Agenda and Public Speaking Scheme**

4.1 The Committee will determine all applications for permissions, approvals and consents made to and consultations with the Council under the terms of reference of the Committee (all of which matters are referred to in these rules as 'applications').

4.2 When items are considered, all of the relevant information in relation to the application will be provided to enable Members of the Committee present to be able to take an informed decision on the application.

- 4.3 All applications to be decided by the Committee will be dealt with as follows:
- 4.4 The Planning Officer will present the written report on the Agenda in respect of each item as called by the Chair. The Planning Officer may refer to photographs, plans, diagrams and such other aids as are necessary whilst presenting the written report. All these aids will be displayed at the meeting. The Planning Officer will update the written report verbally in respect of matters occurring after publication of the Agenda and which have subsequently been communicated to the Planning Officer.
- 4.5 Where the matter is one to which the Council's Planning Public Speaking Scheme at the Planning Committee applies, the Chair will then call speakers who have been registered to speak on that application.
- (i) A 'registered speaker' will be a person (other than the applicant or their representative) who has made written representations on the application to Planning Officers within the consultation period and has registered to speak with Governance Services. This includes Members, who will also need to register to speak.
- (ii) Any registered speaker may request a Member to speak on their behalf. No Member of the Committee may speak under the Public Speaking Scheme and participate in consideration of that application as a Committee Member.
- (iii) Members addressing the Planning Committee in whatever capacity will be limited to 5 minutes (other than as a private resident). Applicants or their nominee will be limited to 5 minutes. All other speakers addressing Planning Committee under the Public Speaking Scheme will be allowed up to 3 minutes to address the Committee. Speakers will address the Committee in the following sequence:
- objectors,
  - supporters, and
  - the applicant (or their representative).
- (iv) There shall be no more than two nominated speakers (apart from a Member) speaking in support of an application and no more than two nominated speakers (apart from a Member) speaking against an application. But in the case of a planning application that is defined as a Major Application, the limit on the number of speakers would be at the discretion of the Chair of Planning Committee.

A major application is defined as:-

- for dwellings - where 10 or more dwellings are proposed, or if the number of dwellings is not given, the site area is more than 0.5 hectares;
- for all other development where the floor area to be built is over 1,000 sq.m or the site area is more than 1

- hectare and
  - for any other development that the Chair determines is a major or exceptional application
- (v) No additional information will be accepted for circulation to Members of the Planning Committee after the publication of the agenda. Any written information received after the publication of the agenda will be summarised in the late representations document, the deadline for which is 12.00 on the day before the meeting.
- (vi) For the purposes of good order in the meeting and to avoid repetition, the Chair will be entitled to curtail public speaking where he or she deems this necessary.
- 4.6 Following any speakers under the Public Speaking Scheme, Committee members (including the Chair) may speak on the application as called by the Chair and, where needs be, may question Planning Officers on matters arising out of the application.
- 4.7 Planning Officers may be required at any time after public speakers have been heard to address the Committee to answer questions asked or to comment or clarify any points that have been raised during consideration of the application or to advise the Committee.
- 4.8 Following consideration of the application the Chair will request the Committee to decide upon the application by way of vote.
- 4.9 Any dispute or question as to procedure at the Committee, including the operation of the Public Speaking Scheme, will be determined by the Chair, whose decision on all matters will be final.

## **5 Deferrals**

- 5.1 Where the consideration of an application has been deferred:
  - (i) any registered speakers and / or petitioners will be invited and will be given an opportunity to address the Committee.
  - (ii) For clarity in all of the following circumstances the application will be presented in its entirety and as if it was a new application:
    - where six months or more have passed since the application was first heard;
    - if there is a change in material planning considerations; or
    - if there are new Planning Committee Members.

## **6 Voting**

- 6.1 In order to vote on an application, a member of the Committee must be present throughout the entire debate on an individual application.

- 6.2 All members of the Committee will have one vote. The Chair will have an extra casting vote in the event of the votes cast being tied. Matters subject to a vote will be decided by a simple majority of the votes cast.
- 6.3 Unless the Constitution or the law provides otherwise, every application or matter will be decided by a simple majority of those members of the Committee voting and present in the room at the time the question was put.
- 6.4 Voting will be either for the recommendation as it appears in the written report (or as amended by the Planning Officer verbally at the meeting) or for the alternative recommendation (as proposed by a member of the Committee). Please refer to the flowcharts entitled Planning Committee Voting Procedure, appended to these Planning Committee Procedure Rules at Appendix 1, for further information.
- 6.5 Any Member of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.
- 6.6 Where there is ambiguity in the way votes are cast, the Chair may request Committee members to confirm their votes before the Committee's decision is recorded.

## **7 Private Items**

- 7.1 In accordance with section 100 and Schedule 12A to the Local Government Act 1972 certain reports to the Committee, will be exempt from publication and heard and determined by the Committee in private session. A resolution to enter into private session will be agreed in public by the Committee.
- 7.2 In relation to such 'private' items the procedure to be followed by the Committee will be as for public items as described above, except that there will be no provision for public speaking before the Committee as there will be no application for the Committee to determine.
- 7.3 For private items the Agenda will indicate the nature of the report and the Minutes of the meeting will:
- (i) confirm which paragraph of Schedule 12A justifies the report being determined in private and
  - (ii) will confirm the resolution made by the Committee in private session.

## **8 Site Visits**

- 8.1 The Committee has agreed rules as to when a site visit ought to take place and how it should be conducted. Those rules are as follows:
- (i) A visit can be scheduled for any application where, in discussion with the Chair it is felt by Planning Officers that a visual appreciation is

necessary. In these circumstances, the reasons why a visit has been held before consideration of the application by the Planning Committee will be clearly stated on the agenda.

- (ii) A visit can also be made where the Committee feels that there is significant doubt about the decision which should be made on the proposal which necessitates a visual appreciation of the site or its surroundings and no other method of obtaining this appreciation is available. The reasons for such visit should be specified, minuted and included on the Committee Agenda. The Member(s) requesting the visit will be expected to attend.
- (iii) The Committee will normally only visit the application site and those premises from which a visual inspection of the proposals is considered essential to gain an understanding of the physical issues involved and that in notifying the owner(s) of the site to be visited, it will be made clear that no personal representations will be entertained.
- (iv) The Committee will convene to consider applications immediately following the conclusion of visits.
- (v) No member of the public other than the owners/occupiers of the properties to be visited will be invited to attend. Committee members should not engage with any other parties during a site visit.
- (vi) Discussions at a property will be confined to factual questions asked of and answered by Planning Officers.
- (vii) Site visits may be necessary in other instances not involving consideration of an application (such as adoption of a proposed development brief).
- (viii) The provisions of the Codes of Conduct for Elected Members and Employees as they apply to conduct of official business by Members and Planning Officers will apply to site visits.
- (ix) If a Member chooses to visit a site unaccompanied by Planning Officers, the criteria listed above apply equally to this type of site visit. The disadvantage is that these visits can be used by applicants, agents and objectors to undertake unwarranted lobbying and where a Member visits private property it can be interpreted as showing favour to the person visited. Accordingly, as set out in the Code of Good Planning Practice for Members and Employees Dealing with Planning Matters, Members should not enter private land, even if invited to do so, but should view the site only from the public highway.

## **9 Other Matters**

- 9.1 From time to time the Committee may consider reports on other items falling within the Committee's terms of reference, such as the Committee's

role as a consultee on the City Council's own planning policy or on proposed changes to national or regional planning policy.

- 9.2 In those circumstances the procedure to be followed will be as described for public items above except that, there being no application for the Committee to determine, there will be no provision for public speaking before the Committee.

## **10 Development Forums**

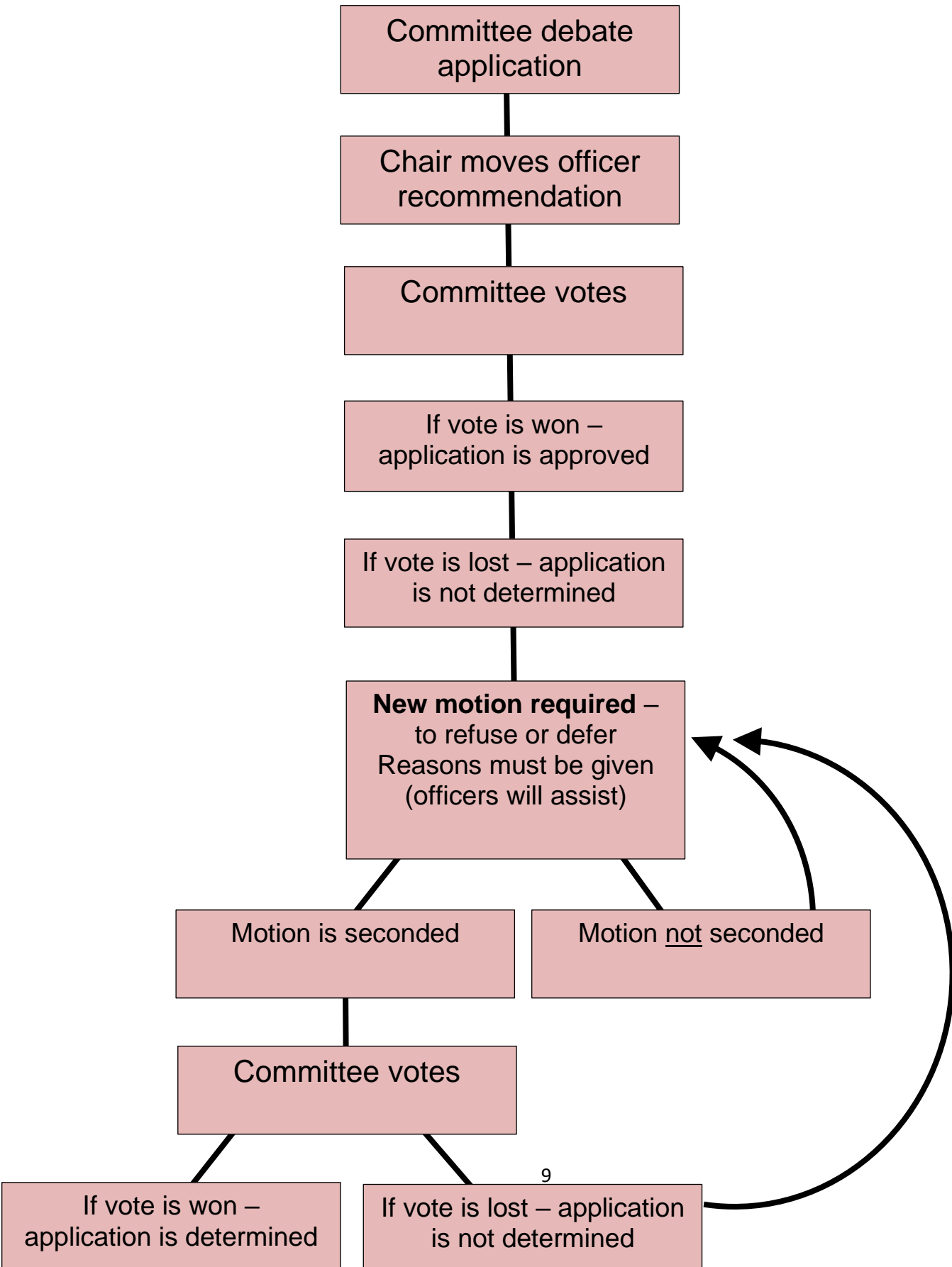
The purpose of Development Forums is to enable the engagement of Members in pre and post-application discussions in a structured manner, with a view to promoting quality development and facilitating engagement with communities at the earliest opportunity.

- 10.1 In relation to major or potentially contentious proposals or applications, Developers (which could include City Council employees in the role of Developers) are able to request to make a presentation to all relevant Members of the City Council in the form of a Development Forum. The Chair, in consultation with the appropriate Cabinet Member and the Planning Manager will determine whether a request to hold a Development Forum should be acceded to.
- 10.2 Discussions at Development Forums will not bind the City Council as Local Planning Authority and this will be made clear at the outset of each meeting. Similarly it will be made clear that the views expressed are not part of the determination process and that any statements made at a Development Forum are "without prejudice".
- 10.3 The Chair, in consultation with the appropriate Cabinet Member and the Planning Manager will determine the appropriate structure of the meeting and will be responsible for the smooth running of the Forum. Appropriate Planning Officers of the City Council will be in attendance.
- 10.4 Developers will be given the opportunity to make a presentation that should describe their proposal and explain how they believe the proposal relates to the Development Plan, how it fits in with local needs and preferences; and any other material consideration that they believe Members and members of the public should give weight to. Presentations should be limited to the development proposal and a question and answer session on factual matters. It is expected that such a presentation should not last longer than 30 minutes.
- 10.5 Notes will be taken at meetings of the Development Forum and a summary of the discussions will be kept on file which will be open to public inspection.
- 10.6 Planning Officers will advise the Developers of any issues that they may wish to consider further and will continue to work with the Developers to achieve a quality scheme.



Appendix 1: Planning Committee Voting Procedure

Officer report recommends APPROVAL



## Officer report recommends REFUSAL

