

Planning Committee Procedure Rules

INTRODUCTION

Under the Local Government Act 1972 the Council is required to establish committees to undertake non-executive functions under powers delegated from full Council. Planning is not an executive function and cannot be discharged by the Cabinet.

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

1. Application of the Meetings General Procedure Rules

- (1) The Meetings General Procedure Rules shall apply to all meetings of the Planning Committee except as varied by these Planning Committee Procedure Rules.

2. Terms of Reference of the Planning Committee

- (1) To be responsible for all the Council's town and country planning and development control functions as detailed in Part A of Schedule 1 of The Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- (2) Determination of all applications for planning permission, listed building consent and associated matters.
- (3) Authorisation of all enforcement actions under town and country planning and allied legislation.
- (4) The creation, diversion and extinguishment of public rights of way, authorisation of enforcement and other actions relating to the protection of public rights, prevention of obstructions or damage to the highway and any other matters as may from time to time require determination by the Committee.

3. Composition of the Committee

- (1) The Committee shall comprise nine Councillors all of whom shall have undertaken suitable training in respect of which the following criteria shall apply:
 - Attendance must be at the training session provided within the context of the Members Development Programme;
 - Attendance must be for the duration of each training session, at least every other year;

- Membership of the Committee does not provide any exemption from attendance at training session;
- A record of attendance at training session will be maintained by Democratic Services.

4. Committee meetings – when and where?

- (1) Meetings may be called from time to time as and when appropriate. The Committee shall meet at the Town Hall, High Street, Colchester or another location to be agreed by the Leader of the Council.
- (2) Meetings of the Committee shall be arranged by the Proper Officer who will normally give a minimum of five clear working days' notice and comply with the Access to Information Rules set out in Part 4 of this Constitution.

5. Public or private meetings of the Committee?

- (1) Meetings of the Committee will be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with the Access to Information Rules set out in Part 4 of this Constitution.

6. Quorum

- (1) The quorum for the Committee shall be five members which must be maintained for the duration of the meeting.

7. Voting

- (1) All members of the Committee are entitled to vote at meetings.

8. Public Participation at Planning Committee Meetings (Have Your Say!)

Rule 2 of the Meetings General Procedure Rules shall not apply to meeting of the Planning Committee. The following procedure will apply:-

- (1) For the purposes of this Rule, a planning application is regarded as any matter upon which a decision is required to be made by a local planning authority.
- (2) At every meeting the business of which is to determine planning applications, there shall be the opportunity for public participation immediately prior to the consideration of the planning application in question.
- (3) The extent of public participation on each application shall be limited to a single speaker in support of the application and a single speaker objecting to the application each of whom may speak for up to three minutes. When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will be asked to stop whether or not he/she has concluded his/her statement.
- (4) In the event of more than one person wishing to speak in favour of or against an application or order, they must agree which of them should speak. In the absence of such agreement, no public participation will be allowed on the planning application in question.

- (5) Public participation upon planning applications is limited to the making of statements as described in these Rules. Questions may not be asked and Members may not ask questions of the participant.
- (6) At the absolute discretion of the Chairman the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- (7) Public participation at meetings must be made orally at the meeting. Written statements may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chairman.
- (8) In the exercise of absolute discretion, the Chairman may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

HOW ARE THE COMMITTEE MEETINGS CONDUCTED?

9. Who presides?

- (1) The meeting will be chaired by a Chairman who shall be appointed by the Committee on an annual basis. In the absence of the Chairman, the Councillors present may appoint a Chairman for the meeting from those present.

10. Who may attend?

- (1) Members of the public may attend all meetings of the Committee except when exempt or confidential information is being considered where the press and public, may be excluded by resolution of the Committee in accordance with the Access to Information Rules contained in Part 4 of this Constitution.
- (2) A Councillor who addresses the Planning Committee as an observer in accordance with Meetings General Procedure Rule 4(1) may speak for a period not exceeding five minutes. When a Councillor has one minute of the allotted time remaining, a bell will be rung. At the end of this time, a bell will be rung by the Proper Officer and the Councillor will be asked to stop, whether or not he/she has concluded his/her statement.

11. What business?

- (1) Meetings of the Committee will include the following business:
 - (a) Have Your Say!
 - (b) Consideration of the minutes of previous meetings;
 - (c) Urgent Items
 - (d) Declarations of interest, if any;
 - (e) Consideration of any matter within the Committees Terms of Reference

12. Recording of Decisions

- (1) All decisions will be made by a simple majority of the members of the Committee present at the meeting.
- (2) Following a meeting of the Committee at which a report (whether oral or in writing) has been received and a recommendation has been made, the Proper Officer shall ensure that a written statement is kept which must include the following:-
 - (a) record of the decision;
 - (b) record of reasons for the decision;
 - (c) details of alternative options considered;
 - (d) record of any conflict of interest declared; and
 - (e) any dispensation granted by the Monitoring Officer, where appropriate.