

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4K – Planning and Strategic Planning Committee Procedure Rules

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1 INTRODUCTION

- 1.1 These Rules apply to all meetings of the Planning Committee and the Strategic Planning Committee in relation to the determination of planning applications and any other business dealt with at either of these Committees. Reference to Ceommittee in these Rules is a reference to both or either of these Ceommittees likewise reference to a Planning Committee Member also encompasses reference to a Strategic Planning Committee Member
- 1.2 The determination of planning applications is a formal statutory administrative process involving the application of national, regional and local planning policies that takes place within a legislative framework. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by aggrieved parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman.
- 1.3 In order to mitigate these risks, it is vital that those involved in the determination of planning applications and particularly officers and ~~member~~Members, at all times act reasonably and fairly to applicants, supporters and objectors. These rules are designed to help ensure this is achieved but they should not be read in isolation; Mmembers need to also have regard to the Members' Code of Conduct and the Planning Code of Good Practice to be found at Part 5D of this Constitution. Both these Rules and the Planning Code of Good Practice are subordinate to the requirements set out in the Members' Code of Conduct and nothing in these Rules or the Code shall be read as implying greater obligations on Members than as set out in the both of which can be found within the Council's Constitution. Members' Code of Conduct in Part 5I of this Constitution.

2 COMMITTEE CONSIDERATION CRITERIA

- 1.4 Part 3 of the Constitution (Responsibilities for Functions: Planning Committee and Strategic Planning Committee) sets out the types of planning application that may be considered by these [committeeCommittees](#). For Strategic Planning Committee the circumstances where such an application will be referred to [committeeCommittee](#) for decision are fully defined in Part 3 of the Constitution. Rule 2 (Committee Consideration Criteria) sets out the circumstances where such an application will be referred to the Planning Committee for decision.
- 1.5 The Timescales, General Requirements and Criteria set out here (Rule 2 Committee Consideration Criteria) will be applied in determining whether any Representations received in respect of an application that may be considered by Planning Committee would require that application to be determined by that [committeeCommittee](#) rather than dealt with under officer's delegated powers. The term Representation(s) also includes Petition(s).
- 1.6 Rule 2 contains:
- **Timescales:** within which all Representations must be with the Development Management service
 - **General Requirements:** that all Representations must comply with
 - **Criteria:** that apply to the Representations from specific people or bodies such as a [councillorMember](#) for the ward within which the application site is situated or adjoins (Ward Member), the Croydon member of the Greater London Assembly (GLA Member), the Member of Parliament for the constituency within which the application site is situated or adjoins (MP) and Resident Associations and Conservation Area Advisory Panels (RA/CAAP) plus Representations from other people or bodies
- 1.7 For probity reasons the Timescales, General Requirements and Criteria set out in Rule 2 must be adhered to. ~~The Borough's electoral roll and other databases may be used to verify signatures, names and addresses.~~ The decision of the Director of Planning and Building Control will be final in determining whether the Timescales, General Requirements or Criteria are met.
- 1.8 Any Representation that does not meet the Timescales, General Requirements and Criteria will therefore not be a factor in deciding whether the application will be considered by [committeeCommittee](#). Such Representations will still however be considered by the case officer in finalising their report and recommendation, provided he/she receives the Representation before submitting their report for authorisation.
- 1.9 Nothing in Rule 2 interferes with the absolute right of the Director of Planning and Building Control to refer an application or planning matter to [Ccommittee](#) as prescribed by Part 3 of the Constitution.
- 1.10 If an organisation or individual (including a Member of Parliament, GLA Member or Ward Member) wishes to address the relevant [Ccommittee](#), that is dealt with under the Public Speaking Procedure (Rule 3).

Timescales

Statutory notification period

- 1.11 All applications are publicised via the display of one or more site notices and certain applications are advertised in a local paper. However, it does not matter how someone gets to hear about a proposal, anyone can submit Representations to the Development Management service. Representations on applications must be made in writing (letter or email). The time limit for doing this is specified on the notice or advert. The statutory period is 21 days.
- 1.12 Where amended plans for an application have been accepted by the Council and it is necessary to republicise them, ~~the the Council we~~ will display a new site notice on different coloured paper to the original so that local people can distinguish it.
- 1.13 Amended plans are often negotiated in response to Representations made by local people. The Council may consider that an amendment it receives has overcome the Representations previously made so it is therefore important that local people consider whether they need to make further Representations as follows.
- If the amendments do overcome their concerns, they may write to confirm this, but the General Requirements below (paragraph 2.15) are designed to take account of such circumstances, so people do not have to take any further action.
 - If someone has already made a Representation and the amendments do not overcome their concerns, they need to make further Representations to that effect.
 - If the amendments raise new concerns, such further Representations should also be made.

Ward and GLA memberMember timescales

- 1.14 All ~~councillor~~Members will be notified by email about planning applications in their ward. The Croydon ~~MM~~Member for the Greater London Assembly will be notified by email about planning applications in Croydon.
- 1.15 If a Ward Member or the GLA Member wishes to make Representations on the application they must respond by replying to the notification email within 5 weeks of the date of that email.
- 1.16 Where a Ward Member or the GLA Member (as appropriate) receives an additional notification email informing them about amendments to an application, the deadline for making further Representations by replying to the additional email notification is within 2 weeks of the date of that email. If the ~~member~~Member indicated in the initial notification that they wished the application to be referred to ~~committee~~Committee for consideration and the amendment overcomes their concerns, they should respond to the email explicitly withdrawing their wish for the ~~committee~~Committee to consider the application. See paragraph 2.10 above for additional advice on amendments.
- 1.17 Ward and GLA Members should not send Representations on a planning application to any email address other than the one on the notification email as that

other email address may not be monitored (eg the officer may be on leave) and the email may therefore not be actioned.

General Requirements

1.18 In Rule 2, a Representation is a letter or an email that meets all the following requirements:

- It is in response to an application that has been publicised by the Council.
- It raises planning considerations that are material and related to the application.
- Any material planning objection raised cannot be overcome by scheme amendment, imposition of planning ~~ag~~ conditions or securing ~~-~~planning obligations.

1.19 Identical pro-forma letters or emails, which also meet the above requirements, will be treated as forming a Petition (ie each letter potentially being a single signature on a petition) for the purposes of deciding whether an application will be referred to ~~committee~~Committee. See paragraphs 2.28 to 2.30 below for the Criteria for Petitions.

Committee Referral Criteria

Ward Members

1.20 An application may be reported to ~~committee~~Committee where the ~~councillor~~Member for the ward within which the application site is situated or adjoins (Ward Member) has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the Timescale indicated on the notification email (paragraphs 2.11 to 2.14 above).
- The application is within, partly within or adjoining the ~~member~~Member's ward.
- The Ward Member has stated that they either object to or support the application and given their reasons.
- The Ward Member has additionally clearly stated that they wish the application to be referred to ~~committee~~Committee for consideration.

1.21 The application will only be reported to ~~committee~~Committee under these Criteria where the recommendation by the Director of Planning and Building Control is either for approval and the Ward Member has objected to the application or for refusal and the Ward Member has supported the application.

Greater London Assembly Member

1.22 An application may be reported to ~~committee~~Committee where the Croydon Member of the Greater London Assembly (GLA Member) has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the Timescale indicated on the notification email (paragraphs 2.11 to 2.14 above).
- The GLA Member has stated that they either object to or support the application and given their reasons.

- The GLA Member has additionally clearly stated that they wish the application to be referred to [committeeCommittee](#) for consideration.

1.23 The application will only be reported to [committeeCommittee](#) under these Criteria where the recommendation by the Director of Planning and Building Control is either for approval and the GLA Member has objected to the application or for refusal and the GLA Member has supported the application.

Member of Parliament

1.24 An application may be reported to [committeeCommittee](#) where the Member of Parliament (MP) for the constituency within which the application site is situated or adjoins has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
- The application is within, partly within or adjoining the MP's constituency.
- The MP has stated that they either object to or support the application and given their reasons.
- The MP has additionally clearly stated that they wish the application to be referred to [committeeCommittee](#) for consideration.

1.25 The application will only be reported to [committeeCommittee](#) under these Criteria where the recommendation by the Director of Planning and Building Control is either for approval and the MP has objected to the application or for refusal and the MP has supported the application.

Criteria for Resident Associations (RA) and Conservation Area Advisory Panels (CAAP)

1.26 To benefit from the provisions in these Criteria, a RA will need to be registered with the Development Management service. To be registered the RA will need to supply a copy of its written constitution and that document would need to demonstrate that:

- It represents an area within the borough of Croydon that contains at least 50 residential properties.
- It holds regular elections for association officers.

1.27 An application may be reported to [committeeCommittee](#) where the RA/CAAP has made Representations that additionally meet all the following Criteria:

- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
- The application is within, partly within or adjoining the area that the RA/CAAP covers.
- The RA/CAAP has stated that they object to the application and given their reasons.
- The RA/CAAP has additionally clearly indicated that they wish the application to be referred to [committeeCommittee](#) for consideration so that they can address the [committeeCommittee](#) on their concerns.

- 1.28 The application will only be reported to [committeeCommittee](#) under these Criteria where the recommendation by the Director of Planning and Building Control is for approval.

Other Representations

- 1.29 An application may be reported to [committeeCommittee](#) where Representations have been received that additionally meet all the following Criteria:
- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
 - It is from a person who lives at or operates from an address which is within the London Borough of Croydon.
 - The person has stated that they object to the application and given their reasons.
 - At least 12 such Representations have been received **each** from individual persons **for each -application-**.
- 1.30 The application will only be reported to [committeeCommittee](#) under these Criteria where the recommendation by the Director of Planning and Building Control is for approval.

Petitions

- 1.31 An application may be reported to [committeeCommittee](#) where one or more petitions (including pro-forma letters – paragraph 2.16 above) that meet the General Requirements for a Representation (paragraph 2.15 above) have been received that additionally meet all the following Criteria:
- Each Petition is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
 - Each Petition is from a person who lives at or operates from an address which is within the London Borough of Croydon.
 - Each Petition objects to the application and contains the reasons for this.
 - All such Petitions contain a total of at least 20 signatures with clearly readable and bona fide names and addresses from within the Borough of Croydon.
- 1.32 The application will only be reported to [committeeCommittee](#) under these Criteria where the recommendation by the Director of Planning and Building Control is for approval.
- 1.33 Where such petition(s) (including pro-forma letters – paragraph 2.16 above) contain less than 20 such signatories, they will collectively be treated as forming a single Representation for the purposes of deciding whether an application will be referred to [committeeCommittee](#).

3 PUBLIC SPEAKING PROCEDURE

- 1.34 For each planning application there are five separate speaking slots of a maximum of three minutes each, in the following order, allocated to:
1. Objectors

2. The applicant or his/her agent/representative/supporter – hereinafter referred to as the Applicant
 3. The Member of Parliament for the constituency within which the application site is situated where they have clearly indicated that they wish to address the [committeeCommittee](#) in accordance with the [CommitteeCommittee](#) Consideration Criteria (Rule 2) – hereinafter referred to as the MP
 4. The Member of the Greater London Assembly for the constituency within which the application site is situated where they have clearly indicated that they wish to address the [committeeCommittee](#) in accordance with the Committee Consideration Criteria (Rule 2) – hereinafter referred to as the GLA Member
 5. A [councillorMember](#) for the ward within which the application site is situated or adjoins who has clearly indicated that they wish the application to be referred to [committeeCommittee](#) for consideration in accordance with the Committee Consideration Criteria (Rule 2) – hereinafter referred to as a Ward Member
- 1.35 Where a planning application is reported on the “Planning Applications for Decision” part of the agenda, all of the individuals and organisations who have expressed views (by letter or email) on the application will be sent a letter/email that informs them that the application will be considered by [committeeCommittee](#). The applicant (or his/her agent) will be sent a similar letter/email. The Ward Member, GLA Member and MP (where appropriate) will also be sent such a letter/email. The letter/email will also explain the provisions regarding public speaking.
- 1.36 Requests to address [committeeCommittee](#) will not be accepted prior to the publication of the agenda.

Notification

- 1.37 Any Objector or Applicant who wishes to address [committeeCommittee](#) must notify the Democratic Services Manager by 4pm on the Tuesday prior to the day of the meeting. Email or telephone should be used for this purpose. This communication should provide the name and contact details (email address and/or phone number) of the intended speaker so that changes in arrangements can be communicated. In addition, if the parties agree, contact details will be shared so that where more than one person has registered to speak contact can be made to resolve either who will address the [committeeCommittee](#) or how they will divide up the three minutes allocated to them.
- 1.38 If a public speaker needs special arrangements (such as an interpreter) this must be brought to the attention of the Democratic Services Manager when notifying him/her of their wish to speak so that arrangements can be put in place.

Registration

- 1.39 On the night of the [committeeCommittee](#) meeting Objectors and Applicants who have notified the Democratic Services Manager that they wish to address the [committeeCommittee](#) must register their attendance at the Town Hall with the Democratic Services Manager at least 15 minutes before the meeting starts in the Council Chamber.
- 1.40 Where more than one Objector has registered to speak and the arrangements have not been resolved in advance, the Democratic Services Manager will inform the

parties involved as they register so that they can decide either who will address the [committeeCommittee](#) or how they will divide up the three minutes allocated to them. Objectors are expected to come to an agreement between themselves on this. Where Objectors cannot come to an agreement, the chair will be notified of this through the Democratic Services Manager and the chair will decide who will be accorded the right to speak. Preference will normally be given to those who are potentially most affected by the planning application and particularly those closest to the application site. The chair may take advice from officers in making this decision. In order to ensure the most efficient progress of [committeeCommittee](#) business on the evening, the decision of the chair will be final and not be the subject of further debate, including in the [committeeCommittee](#).

- 1.41 If more than one Ward Member or MP indicates that they wish to speak, they will share the 3 minute slot equally, unless they agree a different distribution of the time. If a Ward Member wishes to speak but is unable to attend the [committeeCommittee](#), they may nominate a substitute [memberMember](#) to address the [committeeCommittee](#) on their behalf.

Speaking

- 1.42 All those involved in public speaking are restricted to an oral presentation only. The officers' slide presentation is therefore not available for use by public speakers. The distribution of additional material or information to [memberMembers](#) of the [committeeCommittee](#) is not permitted once the meeting starts. If a speaker, or any other member of the public, wishes to bring material to the [committeeCommittee](#)'s attention they need to either supply it to the Development Management service, if it is written material, by noon on the day of [committeeCommittee](#), to include in the Addendum Report (see paragraphs 5.6 to 5.9 below for procedures, limitations and deadlines) or otherwise send it direct to [memberMembers](#) before the meeting.
- 1.43 Following the completion of a speaker's address to the [committeeCommittee](#), that speaker shall take no further part in the proceedings of the meeting unless permitted to do so by the chair of the [committeeCommittee](#).

MP, GLA Member and Ward Members

- 1.44 An MP, GLA Member or Ward Member may address the [committeeCommittee](#) in accordance with the Procedures set out here (Rule 3 Public Speaking Procedure), but must additionally:
- declare, before making their speech, details of any material contact with the applicant, agent, adviser, neighbour, objector or other interested party and whether or not the speech is made on behalf of such person(s) or any other particular interest;
 - sit separately from the [committeeCommittee memberMembers](#), so as to demonstrate clearly that he/she is not taking part in the discussion, consideration or vote; and
 - not communicate in any way with [memberMembers](#) of the [committeeCommittee](#) or pass papers or documents to them during the meeting.

[In relation to Ward Members:](#)

- be aware that if they have a disclosable pecuniary interest, they may only participate in any discussion of or vote on any matter in which they have a disclosable pecuniary interest if they have been granted a dispensation for this purpose.

Committee Member wishing to speak as a Ward Members

- 1.45 A Ward Member, who is also a Member of the determining committeeCommittee, may address the committeeCommittee in accordance with Rule 3 (Public Speaking Procedure) but, where they do so, they cannot take part in the debate or vote on the application they have referred. They may address the committeeCommittee on their referral in accordance with the above ~~procedures-procedures provided they do not have a disclosable pecuniary interest in the matter. Where the Member has a disclosable pecuniary interest, the Member may only participate in any discussion of or vote on any matter in which they have a disclosable pecuniary interest if they have been granted a dispensation for this purpose. and must leave the room before the committee debates and determines the item. The member cannot remain in the committee room to observe the debate and decision on the matter. This is to avoid any appearance of undue influence, as the presence of the member may be perceived by the public to have an influence over the other committee members.~~

Chair's discretion

- 1.46 At the discretion of the chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor. If changes are made to the speaking times, the Applicant will be offered the same time to speak as Objectors.

4 FORMAT OF COMMITTEE AGENDA

- 1.47 The committeeCommittee's agenda contains up to three sections for planning reports:
- **Planning applications for decision:** these items attract public speaking rights as detailed above.
 - **Other planning matters:** non-application matters that require committeeCommittee consideration (such as policy papers or a consultation from government) or reports that are for information only. These items do not normally attract public speaking rights, other than at the chair's discretion.
 - **Development presentations:** to enable the committeeCommittee to receive presentations on proposed developments, including when they are at the pre-application stage. These items do not normally attract public speaking rights, other than at the chair's discretion.

5 REPORTS

- 1.48 Each planning application for decision is the subject of a written report with an officer recommendation. Reports will be produced in a standard form provided by the Director of Planning and Building Control, and will identify and analyse the material considerations, of which the committeeCommittee need to take account when considering the application on the planning merits.

1.49 ~~-exercising its planning judgment.~~

1.50 In addition to the written report, illustrative material will usually be presented at the meeting to explain the scheme. The planning files will also be available for inspection at the meeting by ~~member~~Members of the ~~committee~~Committee.

Recommendations

1.51 The recommendations in the reports to ~~committee~~Committee do not set out the full wording of planning conditions, reasons for refusal, informatives and planning obligations, but are a summary of them. There are two reasons for this:

- it communicates the details of the recommended decision more clearly to ~~member~~Members than many pages of detailed conditions or grounds; and
- there can sometimes be a delay before a decision is issued (such as waiting for the signing of a legal agreement or views from the Mayor of London and/or National Planning Case Unit (formerly known as GOL)) and something may arise which necessitates a minor amendment or an addition.

1.52 Delegated powers are therefore given to the Director of Planning and Building Control (Responsibility for Functions at ~~P~~part 3 of the ~~C~~constitution) to communicate the detailed wording to applicants. In addition, where the wording of a condition/ground/informative/obligation has been amended, a new condition/ground/informative/obligation introduced or an existing condition/ground/informative/obligation deleted either at the meeting by the ~~committee~~Committee or subsequent to the meeting by the Director, the Director will be responsible for finalising the wording. This obviates the need for further reference to ~~committee~~Committee and delay to the process.

1.53 The exercise of this delegated power by the Director is limited to circumstances where the change(s) could not have reasonably led to a different decision having been reached by the ~~committee~~Committee otherwise the matter will be referred back to the ~~committee~~Committee.

Addendum Report

1.54 It is common for material (such as late representations) to be received by the Development Management service after the close of the agenda. Such material will be placed on the public planning file along with all the other papers for the application, subject only to any public exclusion restrictions.

1.55 Where this material needs to be brought to the attention of the ~~committee~~Committee, so that it can be taken into account, it will be presented in written form in the addendum report. It will comprise a summary of whatever has been raised, in the same way as representations are summarised in the main ~~committee~~Committee report.

1.56 The practicality of producing such a report means there has to be a cut-off point for the receipt of late material by the Development Management service, which is noon on the day of the meeting. Generally material received after this time will not be reported to the ~~committee~~Committee. The Director of Planning and Building Control has an absolute discretion in this regard.

- 1.57 Material must not be distributed to [committeeCommittee memberMembers](#) by members of the public (including public speakers) or other [memberMember](#)s of the [councilCouncil](#) during the course of the meeting. The distribution of such material should be done in advance of the meeting [in accordance with 5.8 above](#).

Representations

- 1.58 The points raised in representations about a particular application, which are received prior to the cut-off point (paragraph 5.8 above) are summarised either in the main [committeeCommittee](#) report or in the addendum report. Copies of these representations are available for inspection at the meeting by [memberMember](#)s of the [committeeCommittee](#).

6 ORDER OF PROCEEDINGS

- 1.59 Except as otherwise stated on the agenda, generally meetings take place at the Town Hall in Katharine Street (CR0 1NX) commencing at 6:30 pm. Where both a Strategic Planning Committee and a Planning Committee meeting are called, Strategic Planning Committee will occur at 6.30pm and Planning Committee will commence on the rise of Strategic Planning Committee and start no earlier than [7.308](#)pm (unless stated otherwise on the agenda papers).
- 1.60 At the discretion of the chair, the agenda may be re-ordered at the meeting.
- 1.61 The procedure for considering each application shall be as follows:
- the development the subject of the application will be introduced by the Director Planning and Building Control, or his/her representative;
 - through the chair, [committeeCommittee memberMember](#)s may ask questions of clarification;
 - public speaking in accordance with Rule 3 (Public Speaking Procedure);
 - the Director Planning and Building Control, or his/her representative, will present the report and introduce the main issues; and
 - the [committeeCommittee](#) will consider the item and reach a decision.
- 1.62 In order to be able to vote on an item, a [committeeCommittee memberMember](#) must be present throughout the whole of the [committeeCommittee](#)'s consideration of that item, including the officer introduction and any public speaking.
- 1.63 The minutes of the meeting will record the [memberMember](#)s and officers present at the meeting and record any [declarationdisclosures](#) of interest made by [memberMember](#)s or officers. For each item the minutes will record the identity of any public speakers and the decision.
- 1.64 Meetings of the [committeeCommittee](#) are subject to a guillotine of 10.00pm. After that time, any item on the agenda that has not been determined by the [committeeCommittee](#) is delegated to the Director of Planning and Building Control to determine along the lines set out in the [committeeCommittee](#) report, unless the [committeeCommittee](#) has already voted to defer or adjourn the non-determined item earlier in the meeting.

7 DECISION MAKING

- 1.65 ~~“Councillors are at the heart of the planning system. They are expected to grapple with the intricacies of this system which is far from straightforward ... when making planning decisions they are required to leave behind or disregard many of the passions and (acceptable) prejudices that were a pre-requisite of their election as councillors in the first place” (Journal of Planning Law [2005] p 419).~~
- 1.66 In making a decision on a planning application a ~~committee~~Committee ~~member~~Member must:
- Come to meetings with an open mind.
 - Comply with these Rules.
 - Not allow anyone (except officers, other ~~committee~~Committee ~~member~~Members and public speakers when they are addressing the ~~committee~~Committee) to communicate with them during the ~~committee~~Committee's proceedings (orally or in writing) as this may give the appearance of bias. For the same reason, it is best to avoid such contact before the meeting starts.
 - Consider the advice that planning, legal or other officers give the ~~committee~~Committee in respect of the recommendation or any proposed amendment to it.
 - Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless there are good planning reasons to come to a different decision.
 - Come to their decision only after due consideration of all of the information reasonably required to base a decision upon. This will include the local information that ~~member~~Members are uniquely placed to access, but always remembering to take decisions on planning grounds alone. If they feel there is insufficient time to digest new information or that there is insufficient information before them, then they should seek an adjournment to address these concerns.
 - Not vote on a proposal unless they have been present to hear the entire debate, including the officers' introduction and any public speaking.
 - Make sure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the Development Plan, that they clearly identify and understand the planning reasons leading to this conclusion and that they take into account any advice planning, legal or other officers give them. Their reasons must be given prior to the vote and be recorded. Be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.
- 1.67 The ~~Ce~~Council is expected to make a decision on all applications within statutory timescales. Whilst this may not always be possible, particularly for applications that are to be considered by ~~committee~~Committee, applications are always included on the agenda of the first available ~~committee~~Committee after completion of the officer's report so that a decision can be taken in the shortest possible time. For this reason, ~~member~~Members should avoid requests for officers to speed up or delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.

8 VOTING PROCEDURES

- 1.68 The chair will bring the [committeeCommittee](#) to a vote when he/she considers that there has been sufficient debate of an item.
- 1.69 For any motion to be successful there needs to be a majority vote in favour of that motion. In the event of a deadlock (ie equality of votes) the chair may exercise his/her casting vote. This can be done irrespective of whether or not the chair has already voted on that motion.

When There Are Two Motions

- 1.70 If there are two motions before the [committeeCommittee](#), each motion needs to be considered separately. When a motion has been moved and seconded, it becomes a complete motion. The motion which is completed first should be considered first.
- 1.71 If the first motion is successful (ie the vote is for it) the second motion automatically falls.
- 1.72 If the first motion is unsuccessful (ie the vote is against it) it falls and is thereby extinguished. Members then move to voting on the second motion.
- 1.73 To enable officers to give the [committeeCommittee](#) the best advice and to allow the business to run efficiently, it is preferable for the recommendation set out in the report to be moved and voted on first (unless a motion is made and seconded to defer or adjourn consideration of a particular item, for example for a site visit or further information/advice). Amendments to the recommendation (such as an additional condition) may be made in the normal manner (as prescribed in the Non-Executive Committee Procedure Rules part 4 of the constitution).

Officer's Advice

- 1.74 If the recommendation is not supported, before a new motion to either grant or refuse the application is proposed the [committeeCommittee](#) must first receive advice from the Director of Planning and Building Control, or his/her representative, as to what form a new motion could take. That advice will be based upon the material considerations that have been discussed by the [committeeCommittee](#) and whether there are grounds that could be defended in the event of an appeal or legal challenge. The solicitor advising the [committeeCommittee](#) will be called upon as necessary to give advice on legal matters.
- 1.75 If the officer considers that he/she is unable to give that advice immediately, further consideration of the matter will be suspended and the agenda item will be adjourned so that the officer can bring a report to the next available [committeeCommittee](#) setting out his/her advice.

Decisions contrary to the [Development Plan](#)

- 1.76 The law requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). If a [committeeCommittee](#) intends to approve an application which is contrary to the Development Plan, the material considerations must be clearly identified and the

justification for overriding the Development Plan clearly demonstrated. The application will have to be advertised in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) Order 2010 and, depending upon the type of development proposed, may also have to be referred to the Department for Communities and Local Government.

- 1.77 If the recommendation in the officer report would be contrary to the Development Plan, the justification will be included in that report.
- 1.78 If a [Committee](#) is minded to make a decision contrary to the officer recommendation (whether for approval or refusal) and that decision would be contrary to the Development Plan, such a motion may only contain the [Committee's](#) initial view and must be subject to a further report detailing the planning issues raised by such a decision. Further consideration of the matter must be adjourned to a future meeting of the [Committee](#) when officers will present a report setting out the proposed new position and explaining the implications of the decision.
- 1.79 If, having considered the report, the [Committee](#) decides to determine the application contrary to the Development Plan, a detailed minute of the [Committee's](#) reasons, which as a matter of law must be clear and convincing, shall be made and a copy placed on the application file.

9 SITE VISITS BEFORE A COMMITTEE MEETING

- 1.80 It is advisable that [Members](#) are familiar with the sites of the applications on the agenda to enable them to make informed decisions on the planning applications before them and to avoid deferring or adjourning those decisions pending site visits.
- 1.81 Where [Members](#) visit the site themselves before the meeting, care must be taken to ensure that they comply with the Planning Code of Good Practice (part 5D of the constitution). Such visits should be carried out discreetly and [Members](#) should avoid making themselves known to the applicant or to neighbours. Accordingly [Members](#) should not go onto the actual application site or into a neighbouring property. The reason for this is that contact between a [Member](#) of the [Committee](#) and the applicant or a local resident could be misinterpreted as lobbying and may create a suspicion of bias. If such contact is made this should be declared in [Committee](#), but this should not prevent that [Member](#) from taking part in the consideration of that application, provided that the [Member](#) has followed the advice in the Planning Code of Good Practice [and acts in accordance with the Members' Code of Conduct](#).

10 FORMAL SITE VISITS BY THE COMMITTEE

- 1.82 A formal site visit will be arranged where the [Committee](#) have resolved, on a majority vote, to visit the site. Site visits should only be selected where there is a clear and substantial benefit to be gained. The Director of Planning and Building Control may recommend that the [Committee](#) should conduct a site visit.
- 1.83 The procedure for formal site visits by the [Committee](#) shall be as follows:

- Any of the [memberMembers](#) and substitute [memberMembers](#) of the [Ceommittee](#) and officers can attend a site visit.
- Arrangements for visits will not normally be publicised or made known to applicants, agents or third parties.
- Where permission is needed to go onto land, contact will be made with the owner by officers. The owner cannot take any part in the visit, other than to effect access onto the site.
- The purpose of a site visit is to enable [memberMembers](#) to inspect the site and to better understand the impact of the development. The [Ceommittee](#) should not receive representations or debate issues during a site visit.
- An application cannot be determined at a formal site visit by a [Ceommittee](#) and must be considered at the next appropriate meeting of the [Ceommittee](#).
- The Democratic Services Manager will make a note of the site visit and it will be included in the Addendum Report.
- Failure to attend a formal site visit shall not bar a [memberMember](#) from voting on an item at the [Ceommittee](#) meeting that considers it, provided the [memberMember](#) is satisfied that he/she is sufficiently familiar with the site.

1.84 When a site visit has taken place, [memberMembers](#) are reminded about the principles referred to above under the heading 'Order of proceedings' concerning the need to have heard the whole of a planning application before taking part in the voting.

11 AMENDMENTS/ VARIATION

Where amendments/variation to these Rules are necessary due to legislative changes, the Council Solicitor, Director of Democratic and Legal Services may make such consequential changes to these Rules as are necessary to take such changes into account.