

Article 9 – Regulatory Committees

The Council will appoint quasi-judicial regulatory committees to be known as the Planning Committee and Licensing Committee comprising of Members (Planning Committee 13, Licensing Committee 11).

Regulatory Committees must comply with the political balance rules in Section 15 of the Local Government & Housing Act 1989.

9.1 Planning Committee

9.1.1 Composition

- i) The Planning Committee will be composed of 13 members and must conform with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989
- ii) Membership of the Planning Committee will be subject to having appropriate skill, experience and mandatory training

9.1.2 Substitute members

- i) Members substituting on Planning Committee must have received the required mandatory training.
- ii) Substitute members may attend meetings in that capacity only
 - a) To take the place of the ordinary member for whom they are the designated substitute
 - b) Where the ordinary member will be absent for the whole of the meeting
 - c) After the Group Leader has notified either the Assistant Director, Legal and Democratic or any other person so authorised by the Assistant Director, Legal and Democratic prior to the commencement of the meeting of an appropriate substitution

9.1.3 Co-option

- (i) The Committee shall not co-opt members under section 102 of the Local Government Act 1972 or Section 21 of the Local Government Act 2000 without the approval of the Council
- (ii) The Council may approve the co-option of members to any Committee for such limited periods or for such specific purposes as the Council sees fit

9.1.4 Attendance of Members of the Council

- (i) Subject to paragraph (ii), any member of the Council may attend any meeting of any Committee of which he or she is not a member
- (ii) A member attending a meeting under paragraph (i) may remain at the meeting even though the public has been excluded unless the

Committee, by resolution specifying the reason for doing so, requests him or her to leave

- (iii) A member attending a meeting of the Committee under paragraph (i) may not take part in the Committee's discussion of any item unless invited to do so by the Committee
- (iv) A member attending a meeting of a Committee under paragraph (i) shall not take part in the voting on any item
- (v) Paragraph (i) shall not entitle a member of the Council to attend any meeting of a Committee of which he or she is not a member whilst any matter in which he or she has a pecuniary interest under the Members' Code of Conduct, is under discussion.

9.1.5 Functions

- i) To carry out the Council's functions relating to town and country planning and development control legislation as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations)
- ii) To carry out functions relating to High Hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003

9.1.6 Meetings of the Planning Committee

- (i) Ordinary meetings of the Committee shall be held on dates set by the Council shall at its annual meeting
- (ii) The Committee may hold such special meetings as they consider necessary
- (iii) The Chairman or, in his or her absence, the Vice-Chairman may call a special meeting of the Committee at any time
- (iv) If the Chairman or Vice-Chairman is unable or unwilling to call a special meeting, any quorum of the Committee may do so by written notice given to the Chief Executive
- (v) No business shall be transacted at a special meeting of a Committee unless notice of that business has been given in writing to all members of the Committee

9.1.7 Chairman and Vice-Chairman

- (i) At the Annual Meeting the Council shall appoint the Chairman and Vice-Chairman of the Planning Committee

- (ii) If the Chairman or Vice-Chairman resigns by giving written notice of resignation to the Chief Executive, the committee shall, as the first item of business at the next ensuing meeting, elect a successor
- (iii) The Chairman if present, shall preside
- (iv) If the Chairman is absent, the Vice-Chairman shall preside
- (v) If the Chairman and Vice-Chairman are absent, the Committee shall elect one of the members present as Chairman of the meeting

9.1.8 Powers of Chairman and Vice-Chairman

- (i) The Chairman and Vice-Chairman of a Committee (acting together as a Sub-committee) are authorised to give decisions on any matter:
 - (a) Of a routine or straight-forward nature
 - (b) Which the Chairman and Vice-Chairman, after consultation with the Strategic Director or Assistant Director most directly concerned, are satisfied should be dealt with as a matter of urgency
- (ii) Any decision taken under paragraph (i) above shall be reported by the officer concerned to the next meeting of the Committee.
- (iii) No decision shall be taken under paragraph (i) which would constitute a departure from a settled strategy, policy or programme of the Council, nor outside the powers of the Committee concerned.

9.1.9 Rules of procedure

The Rules of Procedure for Planning Committee are the same as that for Council from Rule 4.5 excluding the following

- Rule 4.7 Public Open Forum
- Rule 4.12 State of the District Debate
- Rule 4.18.2 Standing to speak are excluded. (Article 4)

a) Public Speaking at Planning Committee

- (i) Any person wishing to speak at the meeting shall notify the Committee Administrator or other appointed officer at least 24 hours prior to the meeting. Any person failing to make such a notification will not be allowed to speak. Notification will not necessarily guarantee a right to speak.
- (ii) All speakers and questions are at the Committee Chairman's (or Vice-Chairman's) discretion.

- (iii) The application will initially be given a short presentation by the relevant officer.
- (iv) The order of addressing the Committee will be
 - (a) District Councillor for Ward
 - (b) Any representation from Town/Parish Council
 - (c) Objectors to the application
 - (d) Any supporter of the application
 - (e) The applicant or agent for the application
- (v) Each person is allowed to speak for a maximum of three minutes and may be required to answer questions in accordance with Article 9.1.9 (a) (viii).
- (vi) Only one speaker for the applicant or for the Town/Parish Council will be allowed to speak. If there are several supporters or objectors to an application then they are encouraged to appoint a representative to present a joint case.
- (vii) Numbers of objectors who can speak will be dependent on the time of the meeting. The Chairman shall ensure equity of opportunity between various parties.
- (viii) Questions may only be put by Committee members to the applicant, an agent and/or a specialist advisor/consultant whether speaking on behalf of the applicant, for the grant of any application, or against the grant of an application. Questions must be relevant to the application being considered and limited to the following matters:
 - Anything that they have specifically referenced in their speech
 - Anything that is contained in the application
 - Anything that has been made in a representation by the speaker in respect of the applicationQuestions may be asked of public speakers by the Chairman and/or Vice-Chairman but only to establish the source of any material facts stated by a public speaker. Questions may be suggested to the speaker if they are felt, by the Chairman, to be relevant.
- (ix) Questions to individual speakers should not exceed 10 minutes in total.
- (x) Speakers are advised that comments should be limited to material matters. Any derogatory or defamatory remarks may leave speakers open to legal action.

- (xi) Any person wishing to include photographs or any other information as part of their three minute address to the Committee must ensure that this information is received (if possible in an electronic format (e-mail with an attachment, memory stick, or disc)) by the relevant case officer at least one working day prior to the meeting. Hard copy information and/or photographs should be submitted to the relevant case officer at least two working days prior to the meeting. Material presented after these deadlines will be accepted at the discretion of the Chairman of the Planning Committee

b) Rules of Debate for Planning Applications

- (a) The planning officer will provide a brief description of the matter and the relevant considerations and update the Committee on any matters arising on the item since the agenda was published
- (b) The Chairman will invite those members of the public entitled to speak under the Council's Public Speaking at Planning Committee rules (see 9.1.9 a) (iv)) to address the Committee in the order at (iv) above.

c) Refusing an application

The Planning Committee shall only have delegated power to refuse an application against the clearly expressed advice from the Assistant Director, Growth and Development if it has acted in accordance with the following:

- (i) If any such motion is put and seconded, the members so proposing and seconding the motion shall express the necessary planning reason for the motion at the meeting for consideration of the matter. If no such reasons are provided or the Assistant Director, Growth and Development considers that the reasons given are not valid planning reasons or cannot be supported by evidence then the rules detailed below at clause 9.1.9 c (ii), (iii), (iv), (v) and (vi) shall prevail
- (ii) If any such motion is put and seconded, the Chairman or Vice-Chairman shall before any vote is taken, inform the Committee and the public of these provisions.
- (iii) On first consideration the Committee is not empowered to determine the application against the officer recommendation. If the Committee is minded to do this it must pass a resolution stating that on the basis of the consideration to date, it is minded to refuse the application and therefore requires to defer making a decision pending the receipt and consideration of further

information clarifying the proposed reasons for refusal and the planning officers' responses to those reasons.

- (iv) This vote must be recorded and all members who support it must within the next five working days provide to the Assistant Director, Growth and Development, the planning reasons for their view and the evidence that supports it.
- (v) The application shall be placed on the agenda for consideration at the next Planning Committee. At this meeting the Planning Committee shall have the power to determine the application, but, before doing so the Assistant Director, Growth and Development, having assessed the information provided to him or her, shall inform the Committee whether, in his or her opinion, the reasons advanced are substantial enough for the authority to defend the decision at an inquiry. In light of this additional information members may then determine, without being fettered by their vote at the previous meeting.
- (vi) The second vote must also be recorded and any member who votes to refuse the application in contravention of the officer recommendation must be willing to appear for the authority and give evidence regarding the reasons for their decision at any planning inquiry.

d) Recorded Vote

Before a vote is taken if 5 Members present at the meeting demand it, the names for and against a motion or amendment or abstaining from voting will be recorded and entered into the minutes