

## **PLANNING PROCEDURE RULES**

### **1. Scope**

- 1.1 These procedure rules will apply to the Council's Planning Committee.
- 1.2 The Planning Committee is responsible for carrying 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 and high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.

### **2. Membership**

- 2.1 The Planning Committee will be composed of 13 Councillors.
- 2.2 The membership of the Planning Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.
- 2.3 Membership of the Planning Committee will be subject to having appropriate skill, experience and mandatory training.
- 2.4 Co-opted Members onto the Planning Committee can only be approved by Full Council, for such limited period or for such specific purposes as it sees fit.

### **3. Meetings of the Planning Committee**

- 3.1 Ordinary meetings of the Planning Committee will be held on such dates as Full Council at its Annual Meeting decides. Any variation to the published dates and times for meetings will be undertaken in accordance with the process set out in Council Rules of Procedure as set out in Part 4 of this Constitution.
- 3.2 The Planning Committee may hold extraordinary meetings as they consider necessary. Extraordinary meetings of any Committee may be called as and when deemed appropriate by the relevant Chairman or Vice-Chairman, any three members of the Committee or by the Chief Executive.
- 3.3 No business will be transacted at an extraordinary meeting of a Planning Committee unless notice of that business is included on the summons for the meeting.

#### **4. Attendance at Meetings**

- 4.1 All Councillors have the right to attend any meeting of the Planning Committee and are entitled to speak.
- 4.2 Any Councillor attending a meeting of the Planning Committee may remain at the meeting even though the public has been excluded, unless the Committee, by resolution and specifying the reasons for doing so, requests them to leave.
- 4.3 No member of the Council will be entitled to attend a meeting of the Planning Committee during the consideration of any item on the agenda should they have a Disclosable Pecuniary Interest, or any other interest, as set out in the Councillor Code of Conduct, in that item.

#### **5. Public Speaking**

- 5.1 Any person wishing to speak at the meeting under this provision will notify Democratic Services at least one day prior to the meeting. Any person failing to make such a notification will not be allowed to speak.
  - 5.2 The order of addressing the Planning Committee when considering planning applications will be:
    - (a) District Councillor for the relevant electoral ward\*
    - (b) Any representation from the relevant Town or Parish Council
    - (c) Any objectors to the application
    - (d) Any supporter of the application
    - (e) The applicant or agent for the application
- \* The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls, or adjacent wards.
- 5.3 Each person will be allowed to speak for a maximum of three minutes and may be required to answer questions of clarity.
  - 5.4 Only one speaker for the applicant or for the Town or 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.
  - 5.5 Numbers of objectors and supporters who can speak will be dependent on the time of the meeting. The Chairman, Vice-Chairman or person presiding will ensure equity of opportunity between various parties.

- 5.6 Questions may only be put by members of the Committee to the applicant, an agent and/or a specialist advisor/consultant whether speaking on behalf of the application, 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:
- (a) Anything that they have specifically referenced in their speech
  - (b) Anything that is contained in the application, documents published with the agenda pack relating to the application or any supplementary documents published relating to the application
  - (c) Anything that has been made in a representation by the speaker in respect of the application
- 5.7 Questions can be asked of public speakers by the Chairman, Vice-Chairman or person presiding, 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, Vice-Chairman or person presiding, to be relevant.
- 5.8 Questions to individual speakers should not exceed 10 minutes in total.
- 5.9 Speakers are advised that comments should be limited to material planning matters. Any derogatory or defamatory remarks may leave speakers open to legal action.
- 5.10 Any person wishing to include photographs or any other supporting information as part of their three minute address to the Committee must ensure that this information is received by the relevant case officer at least one working day prior to the meeting. Hard copy information for circulation to members of the Committee 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, Vice-Chairman or person presiding.

## **6. Rules of Debate for Planning Applications**

- 6.1 The Planning Officer will commence consideration of the application by providing a brief description of the matter and relevant considerations and update the Committee on any matters arising on the item since the agenda was published.
- 6.2 The Chairman will invite those members of the public entitled to speak to address the Committee as set out in paragraph 6 above.
- 6.3 The Committee will then debate the application in accordance with Council Procedure Rules as set out in Part 4 of this Constitution.

## **7. Local Code of Practice**

- 7.1 Due consideration should be given to the Local Code of Practice as set out in Part 5 of this Constitution which set out the practices and procedures that Councillors and Officers at South Kesteven District Council should follow when determining planning applications.