



# Planning Committee

## Guidance Note

### INTRODUCTION

#### 1. Aims & Objectives

- 1.1. The aim of this guidance note is to provide background information on how the Planning Committee works. This is as prescribed in the Council's constitution.
- 1.2. The Planning Committee determines less than 2% of all the applications dealt with by the Planning Authority. Other applications are decided by officers under delegated powers set out in the Council's constitution. A separate note sets out, "Which applications are considered by Planning Committee".
- 1.3. All planning decisions – whether made by officers or by the Committee – are bound by the same legal requirements to make decisions in accordance with the development plan unless material considerations indicate otherwise.
- 1.4. As set out in the constitution the role of a Member of the Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.5. The Planning Committee Mission Statement is as follows:

The Planning Committee strives for quality in development, in the democratic process and in improving planning policy and practice in the District.

The Committee expects development to be sustainable, of high quality, with inclusive design and efficient use of resources, reflecting the vision of the approved spatial plans, so that the quality of the environment of the District is continually improved.

The Committee will operate in an open, transparent, impartial manner, listening to the views of all parties, making reasonable decisions based on justifiable planning reasons and sound judgement.

The Committee will foster continual improvement by identifying policy issues that need to be considered by the Planning Policy Advisory Group (PAG) in advising the Cabinet member for Planning and Sustainability. Matters relating to the operation of the Committee and the Planning Service as a whole will be relayed to the Head of Planning and Sustainability or the Head of Democratic Services as appropriate for their consideration.

#### 2. The Committee In Summary

- 2.1. The Agenda for the Committee is published at least 5 full working days in advance. It is expected the members will have read the reports in full in advance of the Committee meeting.
- 2.2. Sometimes further information is received between the agenda being published and the date of the Committee. In which case updates are provided to the Committee at the meeting.

- 2.3. At the discretion of the Planning Committee Chairman, the day before the Committee meeting, a mini-bus takes those members of the Committee who are available to visit the sites where such a visit is considered beneficial.
- 2.4. Towards the beginning of each meeting members will be asked to declare any interests, pecuniary or otherwise, that they might have in relation to a case.
- 2.5. Each case has its own report prepared by the case officer. Each report is checked by a second more senior officer. The relevant planning issues are set out in the report. Every case report carries a recommendation, usually to approve or refuse the application. If the recommendation is for refusal, reasons are given at the end of the report. For each case a planning officer provides a short verbal presentation to the committee showing photographs of the site for the benefit of those who did not attend the site visit.
- 2.6. If an application is recommended for approval, the public have the right to speak.
- 2.7. Ward Members, whether on the Committee or not, have the opportunity to speak on all cases. Those not on the Committee would usually be expected to inform the Chairman of their intention in advance.
- 2.8. Members of the Committee who attended the site visit are asked to speak first on each item. The Committee then debates the item and can ask clarification of issues from officers as necessary.
- 2.9. Members of the Committee need to weigh the issues and decide if they agree with the recommendation or not. If an application recommended for approval should, in the view of the Committee be refused, Committee Members need to explain how, in their judgement, the issues are weighed differently and offer robust reasons for refusal to justify their decision.

### **SITE VISITS**

#### **3. Site Visits**

- 3.1. Planning Committee site visits will be appropriate where:
  - the determining issues are matters of detail rather than principle;
  - matters of judgement are involved where viewing an application in its context will assist – e.g. landscape impact, effect on neighbouring properties, effect on character of an area, or highway considerations;
  - finely balanced cases; or
  - contentious applications where there are strong local views.
- 3.2. Members have always found that a site visit is invaluable in allowing them to fully appreciate the issues and impacts of a particular development. It is appreciated that not all members of the committee will be able to attend the site visits but they are encouraged to whenever possible, and the experiences of those who have had the benefit of such a visit are always appreciated by the members who could not attend.
- 3.3. A mini-bus leaves from the Council Offices at 9.30am on the day before the Planning Committee meeting (the Tuesday). During the site visits the lead officer will ensure that that the site visits are conducted in an appropriate manner. Neighbours, applicants and agents must not make representations to the

members – if ‘one side’ provides information, the ‘other side’ must have the right to reply, and this would make site visits unmanageable., Public Speaking at the Committee provides the opportunity for the Committee to hear from the parties directly.

- 3.4. Photographs of the site taken by officers are shown at the committee to aid those unable to visit the site but are not a full substitute for the visit.

### **CHAIRMAN’S BRIEFING**

#### **4. Chairman’s Briefing**

- 4.1. Immediately after the site visits, the Chairman and Vice Chairman will meet with officers to discuss the conduct of the meeting and specific arrangements for public speaking. Officer representation will normally include committee supporting staff from Democratic Services, Legal as well as senior officers from the Planning department.

### **COMMITTEE MEETINGS**

#### **5. The Committee Meeting**

##### Officer Roles

- 5.1. Various officers will be in attendance at a Planning Committee meeting.

<b>Officer</b>	<b>Role</b>
Technical Officer	An officer welcomes members of the public. They will explain the process for public speaking for those who are registered to speak and ask them to sit at a microphone on the top “desk” ready to speak at the appropriate time.
A Lead Planning Officer	The role of this officer is to give planning advice and guidance to the Chairman of Planning Committee and the Members generally on behalf of the Head of Planning & Sustainability (the “Chief Planning Officer”).  In summary the role involves: <ul style="list-style-type: none"> <li>• Ensuring that the site visits are conducted in accordance with probity requirements,</li> <li>• Attending the Planning Committee briefing and providing advice as required e.g. public speaking, and,</li> <li>• Providing advice to the Chairman and Committee Members during the meeting.</li> </ul>
Legal Officer	To provide legal advice and guidance to the Chairman of Planning Committee and the Members generally on behalf of the District Solicitor on either procedural matters relating to the constitution or on points of planning law.
Presenting Officer	A planning officer will present the planning application to members using photographs of the site, and other material as appropriate. They answer any specific questions which

Officer	Role
	committee Members raise.
Specialist Officer	Depending on the particular application it may be appropriate to have a “specialist” available to answer questions: e.g. Environmental Health Officer, Urban Design Officer, Bucks County Council Highway Officer, etc.
Committee Clerk	The Clerk will take the minutes of the meeting.

### Officer Presentation

- 5.2. At the beginning of each case the Planning Committee Chairman will ask the officer to present the case. They will summarise the application, highlight any updates to the report and then run through some photos to provide a context for the site for Members not able to have attended the site visits.

### Public Speaking

- 5.3. Following the officer presentation, the public and relevant Parish Councillors are invited to speak. It is necessary to register to speak in advance of the meeting and only those registered to speak are given the opportunity.
- 5.4. Speaking is only available if the application is recommended for approval. In most cases the public and Parish Councils are speaking in opposition to the scheme and are usually given 3 minutes each. If there is more than one member of the public wishing to speak they will need to share the time between them.
- 5.5. The applicant and the agent are then given the right to reply – again three minutes each, to be equitable for those speaking against.
- 5.6. If the case is particularly significant and contentious, the Chairman of the Planning Committee may allow additional time for public speaking. However, this is very rare. If public speaking is extended, the same period of time will be allowed for the applicant and the agent.
- 5.7. The public may not present any written material or photographs, as it would not be possible to ensure it is properly taken into account in the decision, could not be checked for accuracy, and would require the opportunity for a ‘right of reply’ which could not be given.
- 5.8. The public speaking scheme was introduced in 1997. The adopted rules are set out in the **Public Speaking at Planning Committee Advice Note** (and incorporated into the Council Constitution). The underlying principle is that it must always be fairly and equally applied to both sides to ensure that that the Council fully meets its responsibility to permit openness, transparency and fairness.

### Ward Member Speaking

- 5.9. At this stage, the Chairman will ask the Ward Members if they wish to speak before the Committee Members who attended the site visit. This invitation is extended whether the Ward Member is on the Committee or not. The Ward Member has up to 5 minutes, or longer at the discretion of the Committee Chairman.

5.10. As with public speaking, no other material can be presented.

#### Committee Debate and Decision

5.11. The Chairman will turn to the members of the Committee who were on the site visit, and invite them to speak first, explaining what they saw on the visit to the rest of the committee, and what their view is of the case.

5.12. At this stage debate is opened to all members of the committee.

5.13. The Chairman will ask officers to answer to members' questions

5.14. Members may propose amendments, or an alternative decision.

5.15. The Committee votes by show of hands, in the normal way.

5.16. At the end of the case, the Chairman states the decision such as 'this is refused' for the benefit of members of the public.

### **OTHER COMMITTEE ISSUES**

#### **6. Pre-committee Presentations**

6.1. Pre-Planning Committee information and training sessions are held immediately prior to Committee and provide an opportunity for pre-application presentations by developers or discussions of topical policy issues and training.

6.2. These sessions are held from 6.00pm to 6.45pm and usually consist of a 5 minute introduction and then a 20 minute presentation followed by 20 minutes questions and answers. They are generally Member only, but some local groups are invited to Pre-Application Developer Presentations and occasionally an information session will be held in public where it would be of general interest.

6.3. The topics for these sessions are highlighted at the previous Planning Committee meeting as an agenda item.

#### **7. Predetermination**

7.1. Members of the Planning Committee need to be mindful of 'predetermination' when discussing cases in advance of an application being put to the Committee for determination. In other words, it is important that members do not form a fixed view on a scheme in advance, because, when considering it at Committee, each member of the Committee must approach the case with an open mind.

7.2. This applies when discussing cases with residents, at pre-committee presentations, or in other situations where they are discussing a case.

7.3. Further information on predetermination and general conduct is set out in the Council Constitution, under the section Members' Planning Code of Good Practice.

#### **8. Mandatory Training**

8.1. A new Member (or Standing Deputy) to either the Planning or Regulatory & Appeals Committees is required to take part in a compulsory introductory planning training session. These sessions are carried out at the start of each New

Municipal Year, usually with a number of new Planning & R&A Members/Standing Deputies attending at the same time.

- 8.2. No Member or Standing Deputy is permitted to vote on any planning decision until their introductory training session has been completed, although they can attend meetings and take part in the debate.