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PLANNING COMMITTEE PROCEDURE RULES

(Suggested changes are indicated in ***bold italic*** or ~~struck through~~)

1. Terms of Reference of Planning Committee

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are as set out in Table 2 of Part 3 of the Constitution.

(Note: copy attached below for ease of reference – it will appear in its correct place in the final Constitution)

2. Time and Place of Meetings

- 1.1 The Planning Committee shall normally meet on a four weekly cycle on dates to be set by the Chief Executive, in consultation with the Committee Chair.
- 1.2 Meetings will normally commence at 7.00 pm at the Town Hall, Redditch.
- 1.3 The time and place of Planning Committee meetings may be varied by the Chief Executive, in consultation with the Committee Chair, and any such change will be notified in the agenda.

3. Composition of the Planning Committee

- 3.1 The Planning Committee will comprise such number of Councillors as may be determined annually at the Council's Annual Meeting (9 in the 2011/12 municipal year).
- 3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee. [*Reproduced here below for ease of reference:*

8.4 Qualifications for sitting on Regulatory and other Committees

Only those Councillors who have undertaken appropriate training may sit on relevant committees, sub-committees or panels; the Chief Executive, in consultation with the Member Support Steering Group, will determine the criteria to be met in respect of each committee, sub-committee or panel and the Chief Executive will determine whether individual Councillors have met those criteria.]

- 3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for an appropriately trained substitute to attend in his or her place in accordance with Article 8.4 of the Articles at Part 2 of this Constitution.

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3.4 ***The Leader and Deputy Leader of the Council cannot be a member of the Planning Committee and cannot sit as a substitute on the Planning Committee.***

4. Chair

4.1 The Planning Committee Chair and Vice-Chair will conventionally be appointed at the Council's Annual Meeting. Failing this, the Committee will appoint one of its members as Chair at its first meeting following the Annual Council Meeting.

4.2 Neither the Chair ***nor the Vice-Chair, if a member of the Controlling Party Group***, will be a member of the Executive Committee.

5. Quorum

The quorum for a meeting of the Planning Committee is ~~3~~ **5** .

6. Application of Council Procedure Rules

The Council Procedure Rules (as specified in Council Procedure Rule 24) will apply to all meetings of the Planning Committee, except as modified by these Rules.

7. Procedure for Determining Applications for Planning Permission

7.1 A Planning Officer will present the Officers' report.

7.2 Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking.

7.3 Ward Members who have registered to speak may address the meeting in accordance with the agreed procedure for public speaking.

7.4 The Applicant's / Supporters' side shall always speak last.

7.5 Committee Members will be invited to ask each Speaker questions of clarification, only to ascertain that they have understood their representations.

7.6 Officers shall respond to the representations, advising the Committee on their material relevance, or otherwise.

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- 7.7 Committee Members will then be invited to ask Planning Officers questions of clarification.
- 7.8 The Chair will then open the debate. With the consent of the Chair, members of the Committee will be entitled to address the meeting more than once.
- 7.9 Before taking the vote the Chair will ascertain whether the motion before the Committee is clearly understood.
- 7.10 If no alternative recommendation is put forward the Chair will proceed to the vote.
- 7.11 If one or more alternative recommendations are put forward the Chair will deal with these one by one in accordance with the approved constitutional rules of debate (Council Procedural Rule 13);
- 7.12 At each stage, the Chair shall :
- a) invite Planning Officers to advise the Committee on the extent to which the alternative recommendation and the reasons given for it fall within or outside planning policy; and/or
 - b) consider whether an adjournment is required to enable the Member proposing the alternative recommendation to take advice from Officers;
- and only then proceed to the vote.

8. Public Speaking

- 8.1 Members of the public, and other interested parties, shall be entitled to participate in Planning Committee meetings and may address the Planning Committee in support of or against any application for planning permission
- 8.2 Public Speaking / participation shall be permitted in accordance with the approved Procedure (the current version is attached at Appendix 1 to these Procedure Rules).

9. Members of the Planning Committee with Personal and Prejudicial Interests and Public Speaking

Members of the Planning Committee who have declared a personal and prejudicial interest in an item on the agenda at a meeting may participate in Planning Committee meetings to the extent permitted by paragraph 12 (2) of the Code of Conduct in Part 16 of this Constitution and in accordance with paragraph 8 of these Procedure Rules.

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Once the Member has made his/ her representations, and before the Chair opens debate on the application concerned, the Member must leave the room.

10. Ward Members

- 10.1 Ward Members shall be entitled to participate in Planning Committee meetings to the extent set out under paragraph 8 of these Procedure Rules (Public Speaking) and may address the Planning Committee in support of or against any application.
- 10.2 A Ward Member wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by the same deadline set for Public Speakers, as detailed in the attached Procedure.
- 10.3 Time limits shall be the same for (Ward) Members who wish to speak in relation to a planning application as for any other Public Speaker.

11. Site Visits

Formal Site Visits shall routinely be arranged for Committee Members before consideration of any major significant * applications (such need to be determined by Senior Planning Officers, in consultation with the Chair).

12. Limit to length of Meetings

Meetings shall not proceed beyond 10.00 pm, without the consent of the Committee by majority vote.

Any business remaining shall be deferred to the next available meeting of the Committee, or to an earlier additional meeting, as considered most appropriate by the Committee, further to Officer advice.

13. Appendices

Appendix 1. Procedure for Public Speaking.

Note: * Change to '**significant**' was agreed by Planning Committee on 13th December, as 'major application' has a different, specific meaning in Planning terms, which might lead to confusion. No other amendments were agreed by Planning Committee.

It might also be advisable after all to leave the Quorum where it is at 3 Members as, owing to Redditch Co-op Homes Membership, a quorum of 5 would not have been met on one item at the 13th December meeting.

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PLANNING COMMITTEE - PROCEDURE FOR PUBLIC SPEAKING

1. A person wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by 4.00 pm on the Friday preceding / **12 noon on the day of** the Planning Committee meeting in question.
2. Agenda running orders will be reviewed by the Chair before the start of the meeting to enable the Committee to consider the most controversial items first. This will normally take into account the number of Public Speakers registered per item and/or the size of the public attendance in respect of any given application.
3. The order of speakers will follow the principles of natural justice to enable the applicant a fair right of reply to those opposing a development.

The order of speaking will therefore be:

- a) **Objectors**
- b) Ward Member(s) objecting to application
Members' questions to each objector (through Chair)*
(Officer comment at each stage as appropriate.)
- c) **Supporters**
- d) Ward Member(s) supporting application
Members' questions to each supporter (through Chair)*
(Officer comment at each stage as appropriate.)
- e) Applicant(s)/ agent
Members' questions to applicant/agent (through Chair)*
(Officer comment at each stage as appropriate.)

Note * Members' questions at this stage must only be *to clarify* the representations made by Public Speakers.

4. Subject as mentioned at paragraphs 5 and/or 6 below, an applicant (or agent) and/or an individual objector or supporter will each be allowed to speak for no more than 3 minutes.
5. Subject as mentioned at paragraph 6 below, where there is a group of supporters or objectors with a common interest, the group will be allowed no more than 10 minutes within which to address the Committee.

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6. The Committee Chair shall have the discretion:
- (i) in exceptional circumstances, to allow late additions to the list of public Speakers;
 - (ii) to decide not to allow speeches, which merely repeat representations made in earlier speeches, **which are inaccurate**, or which are irrelevant to material Planning considerations; and
 - (ii) depending upon circumstances, to vary the periods of time referred to in paragraphs 4 and/or 5 above where s/he deems it appropriate.
- For example, the Chair may wish to allow an individual applicant, agent, objector or supporter or a spokesperson for a group of objectors or supporters extra time within which to address the Committee, where the issues are numerous or particularly complex.
7. Members' questions will clearly extend this time but will enable issues to be fully understood.
8. For the purpose of ensuring a fair hearing, the Chair will offer the Supporters' / Applicant's side an equivalent time to Objectors, or vice versa, where there is an imbalance between the two.
9. If several individual speakers register, it may be necessary, for the efficient conduct of the meeting, for the Chair to encourage a spokesperson to be identified. Where this is not possible, each speaker will be allowed, at the Chair's discretion, to speak separately and with suitable prompting where issues are being repeated that have been raised by a previous speaker.
10. Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.
11. After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

END.

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APPENDIX – Excerpt from Table 2 Part 3 – Committee Terms of Reference

PLANNING COMMITTEE

Number of Members	9 (or such number as is established at the Council's Annual Meeting)
Politically Balanced Y/N	Y
Quorum	3 (5?)
Procedure Rules applicable	Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ol style="list-style-type: none"> 1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- <ol style="list-style-type: none"> a. considering and determining applications for Planning Permission b. Enforcement of planning control c. Building Preservation, Listed Buildings and Conservation Areas d. Tree Preservation Orders e. Control of Advertisements f. Footpath Diversion Orders under Town and Country Planning legislation g. Certificates of Lawfulness. 2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities 3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003
Special provisions as to the Chair	The Chair and the Vice-Chair, if members of the controlling Party Group , shall not be members of the Executive Committee

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Special provisions as to membership	<p>1) The Leader of the Council cannot be a member of the Committee.</p> <p>2) Only those Councillors who have undertaken appropriate training * may sit on the Planning Committee.</p> <p>The Chief Executive, in consultation with the Member Support Steering Group will determine the criteria to be met and whether individual Councillors have met those criteria.</p> <p>* Annual Planning Committee training sessions for new and 'returning' members of the Committee.</p> <p><u>Definitions: For the purposes of clarity:</u></p> <p><u>'Returning Members'</u> are those who are re-appointed to the Planning Committee with <u>no break in membership of more than 12 months.</u></p> <p><u>'New Members'</u> are those who are either brand-new to full Committee membership, or else returning after a break of 12 months or more.</p>
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