



Planning & Highways Committee Procedure Rules

Contents

Introduction	2
1 General.....	2
2 Role and Responsibility	3
3 Declarations of Interests.....	3
4 Determining applications - procedure	4
5 Voting	5
6 Decisions against Officer Recommendations	5
7 Part 2 Items	6
8 Site Visits.....	6

Blackburn with Darwen Borough Council - Planning & Highways Committee Procedure Rules

Introduction

The Council Procedure Rules (Part 4, Section 1 of the Constitution) apply to the meetings of the full Council. Only Rules 5-9, 11-13, 16-23 (but not Rule 20) apply to meetings of committees and sub-committees of the Council with the substitution of the word “Chair” for “Mayor”. These Rules are supplemented by Planning and Highways Committee Procedures Rules (stated below) in relation to proceedings of the Planning & Highways Committee.

Should there be a conflict between the Council Procedure Rules and the Planning and Highways Committee Procedures Rules in relation to proceedings of the Planning & Highways Committee, the rules stated below shall prevail.

1 General

- 1.1 The Planning & Highways Committee (“the Committee”) will comprise the number of Members of the Blackburn with Darwen Borough Council appointed by the full Council at their annual meeting (currently 15).
- 1.2 With reference to Rule 5.6 of the Council Procedure Rules all Members attending the Committee must have undertaken relevant up to date training. Members of the Committee who are unable to attend particular meetings may appoint substitute Members to attend in their place, provided they have undertaken relevant up to date training.
- 1.3 The quorum for all meetings will be one third of the whole number of Members on the Committee (i.e. currently 5 Members) and no business will be transacted if any meeting or part of a meeting will not be quorate.
- 1.4 The Committee will meet at times and places appointed and published in accordance with the requirements of the Access to Information Procedure Rules.
- 1.5 The Chair will preside over meetings of the Committee and, where the Chair is absent for the whole or part of the meeting, the Deputy Chair will preside over the meeting or that part of it. In the absence of both the appointed Chair and Deputy-Chair for either the whole of or part of a meeting, the Committee will appoint from those Members then present a person to act as Chair for the duration of that meeting or part of it. (All references to 'Chair' in these rules will be read as referring to the person acting as Chair at the relevant meeting or part of it).
- 1.6 The Chair of the Committee presides and has control of the meeting and is particularly responsible for:
 - (i) ensuring the meeting is conducted in a fair, open and transparent manner at all times
 - (ii) calling items for consideration as they appear on the Agenda,

- (iii) calling and allowing persons to speak at the Committee meeting,
- (iv) calling any matters for consideration which do not appear on the Agenda and for giving the reason(s) for the urgency of hearing such matters,
- (v) maintaining good order at the Committee meeting. For this purpose, the Chair has the right to curtail any speaker (including a Member of the Committee), or to suspend the Committee meeting in cases of disorder, until good order has been restored.

1.7 In all matters of procedure and interpretation of these rules, the Chair's decision will be final.

1.8 Decisions of the Planning & Highways Committee are not subject to 'call-in'.

2 Role and Responsibility

2.1 Elected Members have determined the Council's planning policies by adopting the Development Plan. The Planning & Highways Committee has a quasi-judicial role and when determining planning applications must adhere to the following principles:

- To act fairly and openly;
- To approach each application with an open mind;
- To weigh up carefully all the relevant issues;
- To determine each application on its merits and with reference to the Development Plan and any other material considerations;
- To avoid undue contact with interested parties that could give rise to accusations of unfair bias;
- To ensure that the reasons for their decisions are clearly stated.

"Material considerations" are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land. Guidance on material considerations is contained in each agenda for the meeting.

2.2 The Planning & Highways Committee has powers delegated by the Council and are contained in Part 3, Section 3 of the Constitution, which includes matters that have been referred under the Members Referral Scheme.

2.3 The Committee also has powers to consider petitions received by the Council which relate to planning and highways issues.

3 Declarations of Interests

Members and officers will, in accordance with their respective Codes of Conduct, declare any interests they have in respect of any items appearing on that Committee's Agenda. These declarations will be made at the outset of the meeting under the item listed as 'Declarations' on that Committee's Agenda or when that item is reached on the Agenda by completing the Declarations of Interests form and submitting to the committee officer.

4 Determining applications - procedure

All matters to be determined by the Committee will be considered as follows:

- 4.1 The Chair will ask the Planning Officer to present the written report on the Agenda in respect of each item. The Planning Officer may refer to photographs, plans, diagrams and such other aids as are necessary whilst presenting the written report. All these aids will be displayed at the meeting. The Planning Officer will provide any updates to the written report verbally in respect of matters occurring after publication of the Agenda and which have subsequently been communicated to the Planning Officer.
- 4.2 Members of the public who have registered to speak may then address the Committee in accordance with the agreed protocol for public speaking at Planning & Highways Committee (a maximum of one objector followed by a maximum of one supporter). Each speaker will be allowed 3 minutes to address the Committee. In order to maintain fairness in the determining process the Chair may allow extra time to either or both the objector and supporter.
- 4.3 Any local ward councillor who is not a member of the Planning & Highways Committee, but who wishes to speak on an application, must inform the Committee Officer no later than midday, on the day before the Planning Committee meeting. The Committee Officer shall inform the Chair of such wish. The Chair shall not unreasonably withhold permission to speak. The local ward councillor shall be allowed 3 minutes to address the Committee. Where a planning application covers two or more wards and the local ward councillors in each of the ward wishes to speak on the application, the Chair shall have the discretion in allowing those councillors to speak. In exercising such discretion, the Chair shall act reasonably bearing in mind his/her responsibility for ensuring that the meeting is conducted in a fair, open and transparent manner at all times
- 4.4 No written additional information shall be circulated to Members of the Committee on the day of the meeting (except for the update reports/information through Democratic Services), unless agreed by the Chair. A registered speaker wishing to have supporting information displayed to the Committee during the meeting will be required to submit this to the Committee Officer 24 hours before the start of Committee meeting, and the content of the information to be displayed will be with the agreement of the Chair or Vice Chair.
- 4.5 The Chair will then open the debate. When a Member of the Committee wishes to speak, he or she will indicate this to the Chair. No Member will speak unless called upon to do so by the Chair. When called upon to speak, the Member will address the meeting through the Chair. If two or more Members wish to speak the Chair will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent until invited to speak by the Chair. With the consent of the Chair, Members of the Committee will be entitled to address the meeting more than once.
- 4.6 Officers may be required at any time after public speakers have made their representations to address the Committee to answer any questions asked or to comment or clarify any points that have been raised during consideration of the application or to advise the Committee.

- 4.7 When the Chair considers all Members have had an opportunity to contribute he/she will ask for a recommendation to be moved and seconded, if not already done. If the recommendation is to do something other than agree the Officer recommendation set out in the report before Committee (“**alternative recommendation**”), supporting reasons based around relevant planning policies and material considerations should be given at that time and before taking the vote.
- 4.8 Where an alternative recommendation is moved and seconded, the Chair shall before proceeding to the vote:
- 4.8.1 invite Planning Officers to advise the Committee on the extent to which the motion alternative recommendation and the reasons given for it fall within or outside planning policy; and/or
- 4.8.2 consider whether an deferment/adjournment is required to enable the Member proposing the alternative recommendation to take advice from Officers
- 4.9 Where two or more recommendations have been moved and seconded (and subject to Rule 4.8 above), the Chair shall determine the order in which they will be put to the vote and will confirm to the Committee.

5 Voting

- 5.1 In order to vote on an application or an item, a Member of the Committee must be present throughout the entire debate on an individual application or item.
- 5.2 The Chair shall ensure that the Committee clearly understands each recommendation (including any conditions) that is put to the vote.
- 5.3 All members of the Committee will have one vote. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.
- 5.4 Unless a recorded vote is demanded under Rule 16.4 of the Council Procedure Rules, the Chair will take vote by a show of hands.
- 5.5 Any matter put to the vote will be decided by a simple majority of those Members voting and present in the room at the time the vote was put.
- 5.6 Following the vote if a recommendation is not carried, the next or further recommendations will be put to the vote until a recommendation is carried
- 5.7 Any Member of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.

6 Decisions against Officer Recommendations

- 6.1 If a vote is carried on a recommendation which is against the officer recommendation set out in the report before the Committee, the Committee must provide adequate reasoning. To ensure this and subject to Rule 6.4 below, the decision of the Committee will be deferred until the next meeting of the Committee to allow reasons or any conditions to be prepared and considered.

- 6.2 Planning officers shall not issue a Decision Notice until the revised report has been prepared and considered by the Committee.
- 6.3 At the subsequent next meeting of the Committee the revised report will be considered independently of the previous report and resolution, and any revised recommendation that is put to the vote may either be determined in line with its previous resolution or differently.
- 6.4 Where it is deemed that the report is 'balanced' and contains adequate reasoning and information (including conditions) for the Committee to make an informed decision, either in line with officer recommendations or differently, the Chair may declare that a vote carried under Rule 6.1 above shall be the Committee's decision without deferment.
- 6.5 In determining whether a report is 'balanced' under Rule 6.4 above, the Chair shall consult and seek advice from the Planning Officer.

7 Part 2 Items

- 7.1 In accordance with section 100 and Schedule 12A to the Local Government Act 1972 and the Access to Information Procedure Rules (Part 4, Section 2 of the Constitution) certain reports to the Committee, most notably those on planning enforcement, will be exempt from publication and heard and determined by the Committee in a private session (Part 2). A resolution to enter into Part 2 will be agreed in public by the Committee.
- 7.2 In relation to such 'Part 2' items the procedure to be followed by the Committee will be as for public items as described above, except that there will be no provision for public speaking before the Committee.
- 7.3 For Part 2 items the Agenda will indicate the nature of the report and the Minutes of the meeting will:
- 7.3.1 confirm which paragraph of Schedule 12A justifies the report being determined in 'Part 2' and
 - 7.3.2 will confirm the resolution made by the Committee in Part 2.

8 Site Visits

- 8.1 In addition to the submitted planning application drawings and the officer's report to Committee, site visits are regularly arranged prior to Committee meetings. All Members of the Committee are encouraged to attend the arranged site visits together so that they have the opportunity to be briefed on the proposal by the planning officer. If Members of the Committee are not able to attend the arranged site visit, they may visit the site individually at a convenient time but bearing in mind that prior arrangements may be necessary with the applicant or the owners of a neighbouring property in order to access private property.

- 8.2 The purpose of the site visit is for Members of the Committee to see the application site and surrounding area in order to assist them in making an informed decision at the meeting of the Committee. Site visits are particularly important where for example, the site is not clearly visible from public highways, where a particular site needs viewing from a neighbour's property.
- 8.3 During site visits the respective Codes of Conduct would apply to Members and Officers. Comments should be restricted to planning matters and questions should be put through the planning officers attending the site visit. Officers and Members must refrain from making comments that might be construed as supporting or opposing a particular view and from making any personal comments. Members who have declared or intend to declare an interest in the proposal may find it more appropriate to remain in the vehicle when the site is visited.
- 8.4 Where Members of the Committee and officers attending site during an arranged visit are approached by persons wishing to speak about the application, officers will explain that any representations must be made at the Committee meeting and will explain the process for doing so. They should also explain to the applicant and any interested parties that the decision will be taken in full Committee