



**REPORT OF:       DIRECTOR OF HR, LEGAL &  
CORPORATE SERVICES**

**TO:                   PLANNING & HIGHWAYS  
COMMITTEE**

**ON:                   15<sup>th</sup> September 2016**

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**SUBJECT – Planning & Highways Committee Procedure Rules**

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**PURPOSE OF THE REPORT**

To update the Committee on the progress of the draft Planning & Highways Committee Procedure Rules, and seek recommendation for its approval and implementation.

**RECOMMENDATIONS**

1. Recommendation to Council for approval the draft Planning & Highways Committee Procedure Rules (attached)
2. Recommendation to Council to delegate authority to the Monitoring Officer in consultation with the Chair and Deputy Chair of the Planning & Highways Committee to make any minor changes to the Planning & Highways Committee Procedure Rules.
3. Notes that the annual mandatory training for Committee members will cover the Planning & Highways Committee Procedure Rules.

**BACKGROUND**

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*". There have been various supplementary procedures that have been agreed to for the Planning & Highways Committee in relation to the determination of planning applications. These included the procedure for public speaking, representations by ward councillors, presentation of additional information at Committee, and the procedure for considering 'alternative recommendations' moved at Committee.

The draft Planning & Highways Committee Procedure Rules referring to the relevant parts of the Constitution consolidates the procedures and protocols for determining planning applications by the Committee. It covers membership, quorum, the role of the

Chair/Deputy Chair, the role and responsibility of the Committee, declaration of interests and clarifies the position on voting. The draft Rules also states the process for when the Committee determines against officer recommendations, when considering 'Part 2' items and the conduct expected during site visits.

## **RATIONALE**

Members sitting of the Planning & Highways Committee need to be aware of the planning decision-making process and their role and responsibilities when determining planning applications. In particular, draft Rules will assist Members (and officers) to be clear on the rules and procedures adopted for Committee decision-making.

The annual mandatory Member training in May will cover the contents of the draft Rules to enable Committee Members to understand decision-making process at Committee and their roles.

Minor changes to the Rules may be required from time to time to reflect any changes in legislation or generally from practical considerations. In order to expedite the process for making such changes, the Monitoring Officer could be given delegated authority to make the changes.

## **POLICY IMPLICATIONS**

As a public authority with decision-making powers, the Council must have processes and procedures that ensures transparency and fairness, in order to maintain public confidence.

## **FINANCIAL IMPLICATIONS**

There are no Financial Implications that have been identified from this report.

## **LEGAL IMPLICATIONS**

The Council is the Local Planning Authority and has powers and responsibilities for determining planning applications and authorising enforcement actions. Some of these powers and responsibilities are delegated to the Planning & Highways Committee. In exercising those delegated powers the Committee must have transparent decision-making procedures that ensures fairness and complies with the local government legislation.

In accordance with the Constitution Members sitting on the Planning & Highways Committee must have undertaken relevant up to date training, which covers Committee procedure and individual roles and responsibilities.

The Council can approve the draft Rules for adoption and will thereafter be inserted in the Constitution. Without appropriate delegations any changes to the Rules would need to be approved by Council.

## **RESOURCE IMPLICATIONS**

Legal Services have prepared the draft Rules and will continue to be involved with the

Planning Team in delivering mandatory training to Members.

## **EQUALITY IMPLICATIONS**

None

## **CONSULTATIONS**

The draft Planning & Highways Procedure Rules have been discussed at the Planning Cross Party Working Group. During the discussions some changes were suggested, which have been incorporated. Subsequently, the draft Rules were introduced and were provided at the Member training sessions in May 2016. Members were requested to provide any feedback.

### **Chief Officer/Member**

Contact Officer: Asad Laher, Deputy Council Solicitor/Deputy Monitoring Officer.  
(01254 585495).

Date: 31 August 2016

Background Papers: None

### **Appendix:**

Blackburn with Darwen Borough Council – Planning & Highways Committee Procedure Rules (draft).