

**PLANNING COMMITTEE PROTOCOL****Introduction**

1. This Protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its Constitution. In making legally binding decisions therefore, it is important that the Planning Committee meeting is run in an ordered way, with Councillors, Officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Borough Secretary and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

**Disclosable Pecuniary and Personal Interests**

4. The rules relating to the registration and declaration of interests are covered in the Council's Members' Code of Conduct.
5. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Borough Secretary and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

**Pre-determination and Predisposition**

6. Councillors who are members of Planning Committee and who in that capacity attend any ancillary meeting or committee/sub committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies. Section 25 of the Localism Act 2011 provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular meeting, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at a relevant meeting. A Councillor in this position will always be judged against an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the Councillor was biased.
7. Therefore, this provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and should not comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

8. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. For advice on predetermination and predisposition, Councillors should seek the advice of the Borough Secretary and Monitoring Officer.

**Lobbying**

9. Lobbying is a normal part of the planning process. It can however lead to the impartiality of a Councillor being called into question, unless care and common sense is exercised by all the parties concerned.
10. Councillors can raise issues which have been raised by their constituents, with Officers. It is always good practice that they make it clear that they can only make a final decision after hearing all the relevant arguments and taking into account all relevant material and planning considerations at Planning Committee.
11. If any Councillor, whether or not a committee member speaks on behalf of a lobby group at the decision making committee, they should withdraw once they have spoken in order to counter any suggestion that their presence may have some influence on the said committee in making its final decision.
12. If a Councillor requires advice about being lobbied, they should seek advice from the Borough Secretary and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

**Site Visits**

13. Site visits should only be undertaken where there is a 'substantial benefit', for example where the impact is difficult to visualise, where comments cannot be expressed adequately in writing, or the proposal is particularly contentious with a wide range of different viewpoints.
14. Where visits are arranged, they must be undertaken in a consistent manner, and Councillors should not enter into any conversation with other people on site and must avoid any comment which could be construed as bias.
15. Site visits must never be used as a lobbying opportunity by objectors or supporters and this should be made clear to any members of the public who are present at a site visit.

**Call-ins**

16. Planning applications can be 'called-in' to Planning Committee for determination. Applications can be called in by any Member of the Council.
17. Call-in requests must be submitted to the Head of Planning in writing using the Call-in form, within 28 days from the beginning of the consultation period.

18. Call-ins have to be based on valid and relevant planning grounds which should be detailed on the Call-in form. Any issue relating to the propriety of the specified planning grounds will be determined by the Monitoring Officer.

**Roles at Planning Committee**

19. The role of Councillors at Planning Committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents.
20. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Democratic Services Officer in attendance, who will provide advice on matters within their own professional expertise.
21. If they have questions about a development proposal, Councillors are encouraged to contact the Planning Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Planning Committee's time and more transparent decision making.

**Speaking at Planning Committee**

22. Planning Committee meetings are in public and members of the public are welcome to attend and observe.
23. The arrangements for speaking at Planning Committee are covered in the Protocol for Speaking at Planning Committee, (copy attached).
24. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can adjourn the meeting, or clear the chamber and continue the meeting elsewhere on Council premises.

**Determination of planning applications**

25. Councillors can always ask for clarification from Officers. However, if there are issues which require factual clarification, preferably these should be directed to the case Officer before the Committee meeting, not at the meeting itself.
26. Councillors will then debate the application, including giving an indication of how they intend to vote.
27. After Councillors have debated the application, a vote will be taken.
29. Whilst Officers will provide professional advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to

the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and can of course, reach a decision contrary to Officer advice. Or if in moving contrary to the advice and/or recommendation in an Officer's report Councillors require further advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion. This can include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that any vote should be recorded at any meeting of the Planning Committee.

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