

Basildon Borough Council's Planning Committee

Meeting Procedure

INTRODUCTION

The Planning Committee is a Council committee that meets in public to determine planning applications that have been submitted to the Council, either by developers, businesses, organisations or individuals.

The public expect high standards, in decision making and probity with consistency, fairness, openness and transparency.

Members must comply with the rules in the Members' Code of Conduct throughout their involvement in the planning process, including involvement from pre-application through to decision making and any subsequent appeal.

PLANNING COMMITTEE PROCESS

All planning decisions are to be taken in accordance with the development plan, unless material considerations indicate otherwise, which includes the National Planning Policy Framework (NPPF). It follows that any reasons for refusing a planning application must be justified against the development plan and other material considerations.

Committee Members should ensure that they approach each planning application with an open mind.

PUBLIC SPEAKING

Planning Committee is a meeting held in public and not a public meeting. Members of the public are welcome to attend the Planning Committee meeting and may speak at the discretion of the Chairman of the Committee and in accordance with this protocol.

Who can speak?

Anyone wishing to speak on an application must register in accordance with this protocol.

Ward Members may sometimes wish to speak at meetings even though they are not part of the Committee. They can represent the views of their constituents. Those Ward Members who are Members of the Committee may also wish to speak for or against an item but must consider whether a declaration of interest is required to be made and if necessary, not participate as a Committee Member on the item they wish to speak on as a Ward Member.

Town, Parish or Village Council representatives who wish to speak are subject to the same provisions regarding public speaking as any other speaker.

The Chairman will not normally allow comments to be made by other people attending the meeting or for those who have registered to speak to send someone else to speak on their behalf at the meeting.

Registering to Speak at Planning Committee

Anyone who wants to speak at Planning Committee must register no later than 5pm two working days before the Committee meeting. For example, if the Committee is on Wednesday, requests to speak must be made by 5pm on the preceding Monday.

Registration can be done by emailing CommitteeMemberExecServices@basildon.gov.uk or by calling the Governance Officers listed on the agenda pack for the Committee. Requests are to be sent including your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending, e.g. Ward Member, whether you are speaking in favour of or against the application and whether you are attending in person.

Ward Members are to register to speak in the same way as member of the public.

Requests to speak will not be carried forward to future Planning Committee meetings, for example when a planning application is deferred, and therefore it will be necessary to register a 'Request to Speak' for each and every Committee meeting and for each category of speaker.

How long is provided for speakers?

Those speaking in support or against an application will be allowed up to a maximum of three minutes each. A total of thirty minutes will be allocated to public speaking.

The Chairman will say when the speaking time is almost finished to allow time to round up following which they will have no further participation in the deliberations. The speakers cannot question Members or Officers nor can questions be asked of the speakers other than to clarify something that has been said by Officers or other speakers and must limit their comments to planning related issues.

In advance of the Planning Committee the Chairman of Committee may exercise discretion, upon Officer advice, in respect of public speaking in larger or more complex planning application matters.

At the meeting

Those who have registered to speak including Ward Members will be contacted no later than 12 noon the preceding day before the meeting to confirm whether they are able to speak. Governance Officers will explain the procedure.

What materials can be presented to Committee?

To enable speakers to best use the time allocated to them in presenting the key issues they want the Committee to consider, no materials, letters or presentations can be presented to the Committee. Any such material should be submitted to the Local Planning Authority as part of the planning application consultation process.

What happens to petitions or deputations?

Written petitions made on a planning application are incorporated into the Officer report to the Committee. Petitioners, as members of the public, are welcome to attend meetings but are not permitted to speak unless they have registered to speak. Deputation requests are not accepted on applications for planning permission.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

Local authorities will have rules on the roles of Councillors and Officers, which should conform to the good practice on planning decision-making laid down in the guide to probity on planning for Councillors and Officers published by the Local Government Association (LGA) and the Planning Advisory Service (PAS).

That guide says (amongst other things) that Officer reports to Committee should recommend the decision to be made. In cases where Councillors overturn the advice of Officers, reasons have to be given.

The LGA/PAS guidance suggests that Councillors should be ready to explain why they have not accepted the Officer's recommendation and that Officers should be given an opportunity to explain such a decision's implications, including those for any appeal and award of costs.

Planning Committees can, and often do, make a decision which is different from the Officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect the difference in the assessment of how a policy has been applied, or different weight ascribed to a material consideration.

Planning Committees are advised to take the following steps before making a decision which differs from the officer recommendation.

Following discussions on an item at Committee and should the Committee vote against the recommendation:

- A record should be made of the decision made at Committee,
- The Chairman, alongside Members of the Committee and Officers may discuss the reasons for a new recommendation,
- A new recommendation can be agreed by the Committee, and

- The matter will be deferred to a future meeting for the new recommendation to be considered.

When a deferred application returns to Committee, the report will include both the Officer's overturned recommendation and the new recommendation for Members to consider. A vote will be taken on whether the original (overturned) recommendation is supported and if it is not then a second vote will be taken on whether the new recommendation is supported.

The same rules regarding public speaking and registration apply to deferred matters.