

3. PLANNING COMMITTEE PROCEDURE RULES

Purpose and Application

- 3.1 These Planning Committee Procedure Rules (the Rules) and the Access to Information Rules set out under Part 1 of this Constitution apply to all meetings of the Planning Committee.
- 3.2 Where provision for a matter is not included in these Rules, the Committee Procedure Rules shall apply in respect of that matter.
- 3.3 The Planning Committee shall have regard to the Probity in Planning: Guidance to Members and officers available here: [Probity in Planning Guidance.pdf](#).

Chair and Vice Chair

- 3.4 The Chair of the Planning Committee or in the absence of the Chair, the Vice Chair of the Planning Committee shall preside over all meetings of the Planning Committee.
- 3.5 In the absence of the Chair and the Vice Chair for the whole or part of a Planning Committee meeting, as the first item of business the Committee shall appoint from those councillors present a person to act as Chair of the Committee meeting for the duration of the Chair or Vice Chair's absence and reference in these Rules to Chair will be read as referring to the person chairing the meeting.
- 3.6 The Chair is responsible for:
 - (a) Calling items for consideration as they appear on the agenda and / or in such alternative order as they consider expedient;
 - (b) Calling and allowing persons to speak at the meeting in accordance with Rules 3.14 to 3.19 below (public speaking);
 - (c) Maintaining good order at the meeting and ensuring the effective and timely conduct of the meeting's business, for which purpose the Chair has the power to curtail any speaker (including councillors and members of the Committee) and / or in the event of disorder, to suspend the hearing until good order is restored.
- 3.7 In all matters of procedure and the interpretation of all rules applicable to a Committee meeting the Chair's decision is final.
- 3.8 As appropriate prior to a meeting the Chair and Vice Chair of the Planning Committee may meet with officers to consider the business of the meeting and speaking arrangements for each item on the agenda.

Officer Attendance

- 3.9 A planning officer and legal advisor shall attend all Planning Committee meetings.

Order of Business

- 3.10 The order of business for a Planning Committee shall be:
- 3.11 In the absence of the Chair and Vice Chair of the Planning Committee, to elect the Chair of the meeting;
- (a) Apologies;
 - (b) Minutes;
 - (c) Substitutes;
 - (d) Declarations of interest;
 - (e) Consideration of planning applications in the order they appear on the agenda and / or in such alternative order as is considered expedient;
 - (f) To deal with any other business specified in the agenda.

Consideration of Planning Applications

- 3.12 Planning applications will be considered in the order they appear on the agenda as follows:
- (a) The Chair will announce the agenda item number;
 - (b) The planning officer will introduce the planning application with any relevant updates including those which may be contained within a supplementary update report;
 - (c) The Chair will call on public speakers in accordance with Rules 3.14 to 3.18 below;
 - (d) The Chair will ask members of the Committee if they require any clarification on points raised by any public speaker;
 - (e) The Chair will ask members of the Committee if they have any technical questions for the planning officer and / or the legal advisor and/or any other technical staff present;
 - (f) The Committee will then discuss / debate the planning application, during which members of the Committee may, through the Chair, seek further clarification from the planning officer and / or the legal advisor / other technical advisors present regarding the application, or, on points raised by public speakers.
- 3.13 Except where the Committee has determined that the decision on application is to be deferred, the Committee will then determine the application on a vote.

Public Speaking

- 3.14 With the consent of the Planning Committee Chair councillors of Southend-on-Sea City Council may speak at meetings of the Planning Committee.

- 3.15 All other persons who wish to speak at a hearing of the Committee must have registered in advance to do so.
- 3.16 The circulation of documents (including photographs) or presentation of material at meetings other than submitted as part of the planning application is not permitted.
- 3.17 The following will be invited to have an opportunity to speak at the meeting a planning application is due to be considered by the Planning Committee:
- (a) Members of the public who have previously made written representations either objecting to or in support of that planning application in accordance with the Planning Committee Public Speaking Rules available here: [Planning Committee Public Speaking Rules.pdf](#);
 - (b) Parish Councils who have previously made written representations objecting to or in support of the application;
 - (c) The applicant or agent (right of reply only).
- 3.18 The order of speaking and the time limit of speeches shall be determined in accordance with the [Planning Committee Public Speaking Rules](#).

Voting

- 3.19 A member of the Committee must be present throughout the entire presentation and debate on a planning application in order to vote on it.
- 3.20 Each member of the Committee shall have one vote.
- 3.21 Where the number of votes for and against an application is equal, the Chair shall have a casting vote.
- 3.22 A planning application shall be decided by a simple majority of those members of the Committee physically present in the room and entitled to vote on the application.
- 3.23 Subject to Rule 3.24 to 3.29 below, voting shall be for:
- (a) The recommendation on the planning application as it appears in the written report; or
 - (b) The recommendation on the planning application as amended at hearing by the Planning Officer; or
 - (c) An alternative recommendation on the planning application, as proposed by a member of the Committee during the meeting which must be seconded by at least one other member of that Committee.
- 3.24 Where there is more than one amendment proposed by a member of the Committee at the meeting, each proposed amendment will be voted on in order of the proposed amendments, provided that, for each proposed amendment which differs from the recommendation of the planning officer at Rule 3.23 (a) or Rule 3.23 (b), the Committee shall establish clear reasons for each proposed amendment.

- 3.25 If necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to establish and consider the reasons for each proposed amendment.
- 3.26 The Chair shall invite the planning officer and legal advisor to advise on the clarity and validity of the reasons established for each proposed amendment and if necessary and in consideration of the impact of deferring the determination of the application, the Chair may defer a decision on the planning application to test the reasons and consider them at a further hearing of the Committee prior to determining the application.
- 3.27 Where there is any ambiguity as to the way in which members of the Committee are voting on any matter, the Chair shall require each member to confirm their vote on each matter before the decision is recorded.
- 3.28 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.
- 3.29 Immediately after a vote is taken and any member of the Committee requests it, their vote will be recorded in the minutes.