Extract from Part 3 of the Constitution November 2015

4. PLANNING COMMITTEE

4.1 Wards within the eastern area of the Borough:
Hawkhurst & Sandhurst; Brenchley & Horsmonden; Benenden & Cranbrook; Goudhurst & Lamberhurst; Frittenden & Sissinghurst; Capel; Pembury, Paddock Wood (East) and Paddock Wood (West).

4.2 Wards within the western area of the Borough
Broadwater; Culverden; Pantiles & St. Mark’s; Park; Sherwood; St. James’; St. John’s; Southborough & High Brooms; Southborough North; Rusthall; and Speldhurst & Bidborough.

4.3 Membership: 14 members of the Council, 7 being elected representatives of the wards in the eastern area and 7 being elected representatives of the wards in the western area.

4.4 Quorum: 5 members

4.5 Chairmanship of the Planning Committee
At its Annual Meeting, Full Council will approve a Chairman and Vice-Chairman for the Planning Committee.

4.6 Substitute Members of the Planning Committee
4.6.1 At its Annual Meeting, Full Council will appoint two substitute members for the Planning Committee from the membership of the Council.

4.6.2 Substitute members may only attend meetings in that capacity at the request of the Chairman or Vice-Chairman to take the place of the ordinary member for whom they are the designated substitute where :

(a) the ordinary member will be absent for the whole of the meeting and
(b) has notified the Chairman or Vice-Chairman of the Committee of their absence at least two working days before the date of the meeting

4.7 Functions
All functions relating to town and country planning and development control contained in Function A, Numbers 1-31, and Function I, Numbers 30A, 31, 32, 46 and 47, of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended to the full extent as set out in Article 2 thereof and generally in the Regulations which are set out for ease of reference in Section 6 of Part 3 of this Constitution, and any other development control or planning enforcement powers, including temporary stop notices (under S.171E of the Town and Country Planning Act 1990 (as amended)) and high hedges (under Part 8 of the Anti-Social Behaviour Act 2003).

4.8 Delegation of functions
Full extent, except where an application for planning permission would be required to be notified to the Secretary of State, under the criteria laid out in the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.
4.9 Terms of Reference and Working Arrangements for the Planning Committees

Members and substitute members must comply with the provisions of “The Protocol for Members taking part in the Planning Process” laid out at Part 5 in this Constitution.

4.9 Enforcement

The Scheme of Delegation to Officers at Annex C of this Part sets out the circumstances in which an enforcement decision may be delegated to officers.

Where the Planning Committee makes enforcement decisions the provisions of the Protocol apply, as for planning applications.

4.10 Performance Monitoring

The Planning Committee will receive for information reports on performance indicators/statistics for the Planning Team and enforcement activity across the borough.

4.11 Delegation of the Area Planning Committees’ Functions to Officers

The Scheme of Delegation to Officers at Annex C to Part 3 sets out the delegation of Planning Committee’s functions to officers.

PLANNING COMMITTEE PROCEDURE RULES       June 2015

1. INTRODUCTION

1.1. These rules set out the Council’s arrangements for the Planning Committee where they differ from those set out in the rules applicable to Committees/Sub-Committee and Boards.

2. ATTENDANCE

2.1. Members are expected to be in attendance for the duration of the meeting unless there are exceptional circumstances which are agreed with the Chair.

3. PROCEDURE AT MEETINGS

3.1. After the standing items, including declarations of interests and lobbying, the presentation of applications for the Committee’s consideration will be carried out in accordance with the process laid out below:

   i) Chairman introduces item.

   ii) Officer presents the report on the application.

   iii) Speakers, who have previously registered to do so, are invited to address the Committee for a maximum of three minutes each in the following order:

   - Members of the public subject to a maximum of four objectors followed by a maximum of four supporters;
• Parish/Town Council representatives;

• Borough or ward members who are not also Committee members;

• Any member (whether a Committee member or not) who has a prejudicial interest and has exercised their right to speak under Section 12(2) of the Code of Conduct and who will be obliged to leave the meeting immediately thereafter.

Additional speakers will only be allowed exceptionally at the discretion of the Chairman.

Members may address questions of clarification to officers only (rather than speakers) at the conclusion of the representations

iv) Officers to make any points of clarification or correction arising from the presentations made by members of the public, parish/town representatives or borough/ward members.

v) Questions from any Committee member to officers.

vi) Discussion of the application by Committee members.

vii) Voting.

4. Deferral of Decisions

4.1 If an application is deferred for any reason to a subsequent Planning Committee meeting consideration of the item will recommence at the stage of the procedure at which it was deferred unless there is a material change to the officer recommendation in which case the procedure detailed in rule 3 will be followed from the start.

5. PLANNING SAFEGUARD

5.1 Where the Members propose to determine an application contrary to officer recommendation and both the Head of Planning Services and the Head of Legal Partnership, or their respective representatives, agree that the proposed reasons for the decision may not be supported by sound planning reasons and there is a significant likelihood of costs being awarded against the Council in the event of any subsequent appeal, the decision of the Committee will be deferred to a subsequent meeting in order that: officers may give further consideration to the issues raised by Members.

5.2 Only Members who attended any site visit pre-arranged by officers will be permitted to ask questions, debate or vote at the subsequent meeting.

5.3 In accordance with paragraph 4, consideration of the item will recommence at the stage of the procedure at which it was deferred unless there is a material change to the officer recommendation in which case the procedure detailed in rule 4 will be followed from the start.