

Extracts from the West Northamptonshire Council Constitution

Part 4 - Committees

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4.4 Strategic Planning Committee

Members 13: Quorum 4. Appointments will be made having regard to the rules on political proportionality.

4.4.1 Members shall not participate as members of the Strategic Planning Committee until they have received appropriate training in respect of their functions on the committee

4.4.2 Role and Functions

(a) Functions relating to town and country planning and development control as specified in Part A of Schedule 1 of the Local Authorities Functions and Responsibilities (England) Regulations 2000 including ~~in relation to~~ strategic applications meeting the thresholds set out in (i), (ii), ~~and~~ (iii) ~~and~~ (iv) below

i. Large-scale major developments defined (by the Government's planning application statistical returns) as those of 200 houses or more (or, in the case of outline applications where the number of houses is not specified, those meeting or exceeding 2 hectares)

ii. Commercial developments of 10,000 square metres or more (or, in the case of outline applications where the size of unit is not specified, those meeting or exceeding 4 hectares)

~~iii.~~ All major category renewable energy projects, (where 'major' in this context is as defined by the Government's planning applications statistical returns)

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iv. Strategically important developments (as identified by the Assistant Director - Planning, following consultation with the Chair of the Planning Committee for the area in which the development is proposed and the Cabinet Portfolio Holder for Planning. This will include, but is not limited to ~~renewable/ solar schemes, anaerobic digestors~~, minerals and waste applications and large-scale engineering works.

~~iii.~~

(b) Applications called-in that cross the boundary of Planning Committee - North and Planning Committee - South.

(c) Any application where the Assistant Director - Planning considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses.

~~(d) d)~~ There shall be no referral of applications from Strategic Planning Committee to Planning Committee - North or Planning Committee - South.

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(e) Any connected, subsequent reserved matters or full applications (where they are required to be referred to a Planning Committee) relating to a site that the Strategic Planning Committee has already determined an outline/hybrid outline application in relation to.

~~(e)~~
~~(d)~~(f) There shall be no referral down of applications from Strategic Planning Committee to Planning Committee – North and Planning Committee - South.:-

4.5 Planning Committee - North and Planning Committee – South

4.5.1 Planning Committee – North. Members 11: Quorum 4. Appointments will be made having regard to the rules on political proportionality. the Planning Committee – North will meet in Northampton.

4.5.2 Planning Committee – North shall determine applications as set out below and which fall within, or mainly within, the following wards:

- Braunston & Crick;
- Brixworth;
- Moulton;
- Long Buckby;
- Daventry West;
- Daventry East;
- Woodford & Weedon;
- Duston West & St Crispin;
- Duston East;
- Dallington Spencer;
- Abington & Phippsville;
- Kingsthorpe North;
- Kingsthorpe South;
- Boothville & Parklands;
- Headlands;
- Talavera; and
- Billing & Rectory Farm

4.5.3 Planning Committee – South. Members 11: Quorum 4. Appointments will be made having regard to the rules on political proportionality. The Planning Committee – South will meet in Towcester, except where the applications on the agenda are exclusively located within Northampton wards.

4.5.4 Planning Committee – South shall determine applications as set out below and which fall within, or mainly within, the following wards:

- Bugbrooke
- Towcester & Roade
- Hackleton & Grange Park
- Silverstone
- Deanshanger

- Middleton Cheney
- Brackley
- St George
- Sixfields
- East Hunsbury & Shelfleys
- Delapre & Rushmere
- Castle
- Riverside Park; and
- Nene Valley.

4.5.5 Meetings of both Planning Committees shall convene at 6pm, subject to the provisions of the Constitution;

4.5.6 ~~N~~amed substitutes shall be permitted but limited to 2 administration and 1 from each of the other groups, to be drawn exclusively from the other Planning Committee and/or the Strategic Planning Committee;

4.5.7 Planning Committee – North and Planning Committee – South shall consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Assistant Director – Planning considers it inappropriate to exercise delegated powers having considered public representations and consultee responses. These include:

- a) Major Developments below the limits set for the Strategic Planning Committee;
- b) Major residential development of 10 or more dwellings
- c) Major commercial development where the floorspace is more than 1000 sq. m
- d) Development on sites over 1 hectare (in cases of an outline application where the number of dwellings or floor space is not specified)
- e) Changes of use more than 1000 sq.m
- f) Gypsy and traveller sites – 10 or more pitches

4.5.8 Minor developments shall only be referred to the North and South Planning Committees in exceptional circumstances (as determined by the Assistant Director – Planning) or where called in by a councillor in accordance with the procedure set out within the Planning Protocol. A minor development is any application that involves:

- a) Residential development of between one and nine dwellings
- b) Development where the floorspace is less than 1,000 sq m
- c) Development on sites less than one hectare
- d) Changes of use less than 1,000 sq m
- e) Gypsy and traveller sites – up to nine pitches

There are other types of applications also classed as minor developments, such as:

- f) Householder applications

- g) Adverts
- h) Listed building consent
- i) Or anything that is not considered to be a major planning application as previously identified.

~~4.5.9~~ Any connected, subsequent reserved matters or full applications (where they are required to be referred to a Planning Committee) relating to a site that either Planning Committee North or Planning Committee South has already determined an outline/hybrid outline application in relation to, shall be considered by that same Committee.

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4.5.109 There shall be no referral up of applications from the Planning Committee North and Planning Committee South to the Strategic Planning Committee

4.5.101 Members shall not participate as members of a Planning Committee until they have received appropriate training in respect of their functions on the committee.

4.5.124 The Assistant Director - Planning, after consultation with the relevant Portfolio Holder, shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the Planning Committee North and Planning Committee South.

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Part 8.5 Planning Protocol

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1 Background and Scope

- 1.1 This Planning Protocol should be read in conjunction with the terms of reference provided for the Strategic Planning Committee and the Local Planning committees.
- 1.2 The Planning Protocol takes into account the ethical framework introduced by the Localism Act 2011, the National Planning Policy Framework and relevant planning practice guidance, and the Code of Conduct for Members adopted by West Northamptonshire Council.
- 1.3 The aim of this Protocol is to ensure that:
 - (a) Planning decisions are made openly, impartially with sound judgement, and for justifiable planning reasons; and
 - (b) Throughout the planning process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.
- 1.4 The Planning Protocol applies to members of the Planning committees and officers.

2 Introduction

- 2.1 The Planning committees operate in a quasi-judicial manner. There is recourse through the courts and the Planning Inspectorate if a decision on a regulatory planning matter is not correctly made - with possible financial penalties for the Council. This places an important responsibility on those who serve on the Planning committees.
- 2.2 The role of a Member on a Planning Committee involves balancing representing the needs and interests of the council area as a whole, with the need to maintain the ethic of impartial decision making on what can be highly controversial proposals. This Protocol has therefore been established to provide guidance for Members and officers in dealing with planning matters to avoid grounds for allegations of malpractice.
- 2.3 All Members serving on a Planning Committee are required to abide by this Protocol.

1. General Roles and Conduct

- 1.1 The basis of the planning system is the consideration of private proposals against wider public interests, with often strongly opposing views. Whilst Members should take account of those views, they should not favour any person, company, group or locality; nor put themselves in a position where they appear to do so. Decisions

should clearly be based upon the development plan and material planning considerations.

- 1.2 The role of Members at a Planning Committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Council area. When voting on applications, Members may therefore decide to vote against the views expressed by their constituents.
- 1.3 Members who do not feel that they can act in this way should consider whether they are best suited to serving on a Planning Committee.
- 1.4 Members whose business or other interests bring them into frequent contact with the planning system should consider whether it is appropriate or practical to accept appointment to a Planning Committee: nor should other Members seek to appoint such a Member to a Planning Committee.
- 1.5 The role of officers at Planning Committee is to advise the Members on professional matters, and to assist in the smooth running of the meeting.
- 1.6 If Members have questions about a development proposal, they are encouraged to contact the case 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.

2. Training

- 2.1 No Member shall attend any meeting of a Planning Committee as a committee Member or a substitute for a committee Member unless they have undergone such mandatory training in planning procedures as the Council requires.
- 2.2 Members should endeavour to attend any other specialised training or informal briefing sessions provided, to improve and keep up-to-date knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above.

3. General Principles for Dealing with Planning Matters

- 3.1 A Member should consider the interests of local residents and businesses as a whole and should not favour any individuals or groups. They should also act in the interests of the whole Council area.
- 3.2 A Member shall not accept a nomination to serve on a Planning Committee unless they agree to abide by the terms of the Planning Protocol.
- 3.3 Members (and officers) should not act as paid agents or consultants on planning matters within the jurisdiction of the Council as local planning authority.

- 3.4 Planning applications will be determined in a transparent, fair and open manner and Members should have regard only to the development plan and material planning considerations and should disregard all other factors.
- 3.5 Members participating at meetings should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that a Member misses part of an item being discussed then they must not vote.
- 3.6 Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.
- 3.7 Members should pay full regard to officers' professional recommendations, relevant national/regional planning statements and guidance, and relevant Development Plan Policies.
- 3.8 Members are recommended to be cautious of social contact with applicants and agents.
- 3.9 Members should not disclose to a third party information submitted to them or a committee on a confidential basis.

4. Determination of Planning Applications

- 4.1 Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so.
- 4.2 In considering the merits of planning applications Members should have regard only to relevant planning matters and should disregard all other factors and considerations.
- 4.3 Members should pay full regard to the professional officer recommendation, relevant national/regional planning guidance and relevant Development Plan Policies.
- 4.4 Members 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.
- 4.5 Members will then debate the application, including giving an indication of how they intend to vote.
- 4.6 After Members have debated the application, a vote will be taken.
- 4.7 Whilst officers will provide professional advice and a recommendation on every application and matter considered, it is the responsibility of Members, acting in the

interests of the whole Council, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Members may decide to apply different weight to certain issues and may reach a decision contrary to officer advice.

- 4.8 If, in moving contrary to the advice and/or recommendation in an officer's report, Members 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 may include reasons for the decision that are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged.
- 4.9 Where Members propose to determine a planning matter contrary to officers' advice, full and proper reasons based on material planning considerations must be given at decision time.
- 4.10 Members may move that any vote should be recorded at any meeting of the Planning Committee. This means that a formal record is taken of how each individual Member voted (For, Against, or Abstain).

5. Officer Reports to Committee

- 5.1 Reports should be accurate and cover, among other things, the relevant planning matters of objections and the relevant planning matters raised by people who have been consulted in respect of an application.
- 5.2 Relevant points will include a clear exposition of the site or related history, the relevant Development Plan Policies and all other relevant material planning considerations.
- 5.3 Reports should include a clear written recommendation of action.
- 5.4 Reports should list the topics that will be addressed by conditions and if possible also include draft Heads of Terms (where applicable) to a legal agreement, if the recommendation is to grant planning permission.
- 5.5 Reports should contain a technical appraisal which clearly justifies the recommendation made by the officer.
- 5.6 If the recommendation in the report is contrary to the provisions of the Local Plan, the material considerations which justify this must be clearly stated.
- 5.7 Where an application is recommended for refusal the reasons will be set out in full in the officer's report.

6. Disclosable Pecuniary and Personal Interests

- 6.1 The Code of Conduct sets out requirements for Members on declaring personal and disclosable pecuniary interests and the consequences of having such interests. These must be followed scrupulously and Members should review their situation regularly.
- 6.2 Members should avoid membership of the Planning committees if it entails, or would entail, frequent declarations of disclosable pecuniary interests.
- 6.3 A Member with a disclosable pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. The Member may in their personal capacity and if registered to speak make representations and answer questions prior to any debate on the matter but thereafter should leave the room while the item is considered and determined. The responsibility for this rests with each Member and they may wish to consult with the Monitoring Officer or legal advisor to the committee at the earliest opportunity if in any doubt.
- 6.4 Ward Members who are also members of a Planning committee may participate in the committee debate on an application in their ward and subject to any disclosable pecuniary interest will normally be allowed to vote on the application.
- 6.5 A Member who has a disclosable interest in a planning matter is still able to represent the interests of their Ward constituents at committee meetings in respect of that matter, subject to the Council's rules on public participation at committees. Alternatively, the Member could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.

7. Pre-determination and Predisposition

- 7.1 Members of the Planning Committees need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A Member may voice their concerns publicly before a meeting but they should make it clear that they will not form a final opinion until they have considered all the information.
- 7.2 Members must not prejudice their ability to participate in planning decisions at a Planning committee by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the relevant Planning committee and hearing the officer's presentation and evidence and arguments on both sides.

- 7.3 Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 7.4 If a Member 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.
- 7.5 Members who are members of a 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 Member 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 Member 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 Member was biased.
- 7.6 Circumstances may also arise where a Member has had significant personal involvement with an applicant, agent or interested party, (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should declare a disclosable interest, observe the Council's rules on Public Participation at committees, and withdraw from the meeting.
- 7.7 Members must be aware that they are likely to have pre-determined a matter where the Council is the landowner, developer or applicant and they have acted as, or could be perceived as being, a chief advocate for the proposal.
- 7.8 For advice on predetermination and predisposition, Members should seek the advice of the Monitoring Officer.

8. Lobbying of Councillors

- 8.1 Lobbying is a normal part of the planning process. It is recognised that those affected by a proposal will often seek to influence the decision by an approach to their local Member or to members of a Planning Committee. However, such lobbying can lead to the impartiality and integrity of a member being called into question. The information provided by lobbyists may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter.

- 8.2 Members of a Planning committee are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view, members of a Planning committee should take care not to express an opinion which may be taken by the public as indicating that they or the authority had already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, Members should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer in order that their opinions can be included in the officer's report to the committee. If they do express an opinion, it should be made clear that the Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at committee.
- 8.3 Members can raise with officers issues which have been raised by their constituents, 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 committees.
- 8.4 If a member of a Planning committee responds to lobbying by deciding to go public in support of a particular outcome; or actively campaigns for it, they should make clear in their public comments and/or at committee when the decision is under consideration that the views expressed are/were provisional and they will come to a final view once they have weighed all the evidence and listened to all the arguments presented at the committee meeting. If a Member is of the view that they are unable to make an unbiased decision they should not participate in the decision. If they consider the public comments they have made mean the public perception is that they will be unable to make a decision without bias, they may in the interests of maintaining public confidence decide not to participate in a decision.
- 8.5 If any Member, whether or not a committee member, speaks on behalf of a lobby group at the decision making committee, they must 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.
- 8.6 If a Member requires advice about being lobbied, they should seek advice from the Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

9. Political Influence

- 9.1 Given that the point at which a decision on a planning application is made cannot occur before a Planning committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how Members should vote and political whips must not be used.

9.2 Members of the Planning committees should avoid organising support for or against a planning application and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public. Where a member of a Planning committee wishes to act as a facilitator to a local group regarding a particular application, they should indicate that they will need to absent themselves from the vote on that particular application when it was being considered.

10. Pre-application Discussions

10.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties. Such discussions should not, however, become or be seen to become, part of a lobbying process. Any such discussions should take place within clear guidelines.

10.2 Where Members are involved in pre-application discussions, at least one officer should attend any meetings and a follow-up letter is advisable, particularly when documentary material has been left with the Council. A written note should be made of all meetings.

10.3 All officers taking part in such discussions should make clear whether or not they are the decision-maker.

10.4 Any advice that is given should not be partial, nor seen to be partial, by any party involved. It should always be made clear at the outset that the discussions will not bind a Council to making a particular decision and that any views expressed are personal and provisional. Advice and observations should be based on the adopted plan and material considerations.

10.5 The following terms of engagement shall apply:

- (a) Presentations by applicants should be limited to the development proposal and a question and answer session on factual matters. The understanding must be that the engagement is in order to improve understanding. Where appropriate such meetings may take place on site and incorporate a site visit. Officers of appropriate seniority should attend presentations.
- (b) Members should maintain an impartial listening and questioning role and avoid expressing an opinion or giving advice beyond outlining the adopted local policies. Questions to clarify aspects of a proposal, or the expressions of policy concerns are legitimate as long as they do not develop into negotiations. It should be made clear at the outset of the meeting that discussions are not binding, and that views expressed are not part of the determination process. It should be made clear in introductory remarks that any statements should be categorised as 'without prejudice'.

- (c) If the applicant requests the views of the authority, these will be communicated subsequently and in writing by officers. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.
- (d) A written note of the proceedings should be kept - to include a record of officer attendance and follow up.
- (e) Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.
- (f) A note should also be taken of any potentially contentious telephone discussions in respect of an application.

11. Site Visits

- 11.1 When deciding whether a site visit is appropriate prior to the meeting at which the planning application is to be considered, all circumstances should be considered including whether:
 - (a) Matters of judgement are involved on the context of the site such as the effect on landscape, impact on character, residential amenity, or highway considerations rather than purely on principle;
 - (b) It is a finely balanced case; or
 - (c) It is a contentious application where there are strong local views.
- 11.2 Members are expected to register their request for a site inspection in connection with a particular application or proposal with the Assistant Director: Planning within 25 calendar days of notification of receipt of a planning application (by email to planning@westnorthants.gov.uk or by post to Assistant Director: Planning, West Northamptonshire Council, One Angel Square, Angel Street, Northampton NN1 1ED).
- 11.3 The site visits will normally be held once the officer report has been prepared and prior to the meeting of the Planning committee.
- 11.4 Where visits are agreed, they will be arranged by Democratic Services. Site visits must be undertaken in a consistent manner. Members must be accompanied on site visits by a planning officer and should not enter into any conversation with other people on site and must avoid any comment which could be construed as bias.
- 11.5 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer present. Members need to exercise caution with regard to being lobbied on such site inspections.

- 11.6 The primary aim of a site visit is to enable Members to judge for themselves the likely impacts of the proposed development and appreciate the issues involved. All members of a Planning committee are encouraged to attend the site visits.
- 11.7 Site visits should only be attended by Members and officers. No representations will be permitted during the site visit from parishes, members of the public, applicants or agents.
- 11.8 Ward Members are welcome to attend all site visits and invited to attend the Planning committee meeting in respect of applications within or affecting their wards.
- 11.9 Where a Member proposes deferral of a planning application at a Planning committee meeting in order that a site inspection may be carried out, the planning reason for conducting such an inspection should be clearly stated.
- 11.10 Any of the Members responsible for calling an application into a Planning committee may wish to attend the site visit to explain why they called the application in to Planning committee.

12. Call-Ins

- 12.1 Planning applications can be 'called-in' to a Planning ~~e~~CCommittee for determination.
- 12.2 Applications can be called in by any Member of the Council.
- 12.3 Call-in requests must be submitted in writing via planning@westnorthants.gov.uk within ~~24~~ calendar days from the beginning of the consultation period, or within 7 calendar days from the beginning of any subsequent re-consultation period.
- 12.4 Call-ins have to be based on valid and relevant planning grounds stated in writing by the Member calling the application in. Any issue relating to the propriety of the specified planning grounds will be determined by the Monitoring Officer.
- 12.5 By making a call-in request, a Member is indicating that they consider the issues require debate by the Planning Committee.
- 12.6 All call-in requests will be published on the Council's online Register of Planning Applications and will be viewable by all members of the public.
- ~~12.5~~
- 12.7 Members are expected to attend and speak at a planning committee meeting that considers a planning application they have called-in. If a member cannot attend, they should endeavour to ask another member to attend on their behalf or, failing that, submit a written statement to Democratic Services no later than 24 hours before the start of the meeting. Any statements received will be read out by the Democratic Services Officer at the invitation of the Chair. An application that has been called in

will still be considered by a planning committee if the member does not attend or does not submit a written statement in lieu of attending.

~~42.6—If a member of a Planning Committee has called in an application, that Member may not participate as a member of the Planning Committee for the duration of the relevant item and must withdraw from the Committee [to the public gallery]. Such a Member may however speak on the relevant item in their capacity as a call-in author pursuant to paragraph 12.7 above (and if they are the Ward Councillor, this right to speak is notwithstanding paragraph 1.1(c) of the Protocol on Speaking at Planning Committee which states that only Ward Councillors who are not members of the Committee may speak at Planning Committee).~~

12.8

13. Where a Member Represents Two Councils

13.1 A Member is able to take part in the debate on a proposal by a consultee body (for example as a member of a parish council) provided:

- (a) The proposal does not substantially affect the wellbeing or financial standing of the consultee body;
- (b) The Member makes it clear to the consultee body that:
 - (i) Their views are expressed on the limited information before them only;
 - (ii) They must reserve judgement and the independence to make up their own mind based on their overriding duty to the whole community and not just to the people in that area, ward or parish.

13.2 Members will disclose the interest regarding their membership or role when the relevant Planning Committee comes to consider the proposal.

13.3 Members may take the opportunity to exercise their separate speaking rights as a local Member.

13.4 When exercising this right, they should:

- (a) Advise the committee that they wish to speak in this capacity in accordance with the Public Speaking Arrangements;
- (b) Remove themselves from the Member seating area for the duration of that item; and
- (c) Ensure that their actions are recorded.

14. Conduct of Ward Members (non-members of the Planning Committee)

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- 14.1 Ward Members have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Members may therefore become involved in discussions with officers about individual applications. However, they should remember that it is very easy to create the impression that they are using their position to influence the progress of the application. Any discussions with officers should be seen to be open and above board. Officers should make a note on the file of any such discussions.
- 14.2 Ward Members who are not members of a Planning committee can make representations on planning applications in their Ward and may attend meetings of a Planning committee and, with the Chair's agreement, may address the committee on such applications in accordance with the rules on public speaking.
- 14.3 Any representations or address should relate to the planning merits of a planning application. This will not apply if the Member is also a Parish/Town Councillor and the Parish/Town Council is the applicant. In that circumstance, if the Member wishes to address the committee directly, they should register to speak in their capacity as the applicant.
- 14.4 When making representations on behalf of their constituents, Members should make it clear that it is their constituents' views and not their own that are being expressed. Furthermore, any representations on behalf of constituents must be expressed in such a way that no individual or group feels that they have been unfairly represented.
- 14.5 If a Ward Member speaks on behalf of a lobby group at the decision-making committee, they should withdraw from the meeting once any public or Ward Member speaking opportunities have been completed.
- 14.6 A Member who has declared a prejudicial interest in a planning application, and is therefore unable to represent the interests of their Ward in respect of that application, should advise constituents to address their representations to another Member who is not so affected.
- 14.7 Being a Member of another Council that has expressed a view on an application does not prevent a Planning Committee Member reaching the same or a different view when the application is considered on its merits by the Planning committee. However, the Member should approach the decision making process afresh and not express a final view in advance of the committee meeting or act as an advocate for another Council. To do so would give an appearance of bias.

15. Development Proposals submitted by Councillors and Officers

- 15.1 A Member who acts as an agent to people pursuing a planning matter or who has submitted, or intends to submit, or is closely connected with someone (e.g. a spouse, close relative or close social acquaintance) who has submitted, or intends to submit, a planning application should play no part in the decision making process for that

proposal. This includes refraining from any form of lobbying of other Members. Nor should such a Member:

- (a) Use their position to gain access to officers to pursue their interest; or
- (b) Bring improper pressure to bear on officers.

15.2 They should preferably appoint an agent to act on their behalf in negotiations or discussions, particularly in respect of major or controversial developments.

15.3 Members should notify the Assistant Director of Economic Growth and Regeneration and/or the Monitoring Officer of any application with which they are connected directly or indirectly before it is submitted to the Council.

15.4 Where a Member or officer or their agent submits an application in a personal capacity (either as an individual or through a company, firm or body with which they are connected) it shall always be considered by the Planning Committee. The Monitoring Officer shall be notified of the application and confirm in the report to Committee that the application has been dealt with in accordance with this Protocol.

15.5 An application submitted by a member in accordance with paragraph 17.1 shall be dealt with by the Planning Committee other than the committee that covers the area to which the application relates (e.g. if the application relates to a ward covered by the Planning Committee – North, the application shall be dealt with by the Planning Committee – South and vice-versa).

15.6 A member of a Planning Committee contemplating making a planning application for development which is clearly contrary to approved planning policies should consider whether they should resign from the committee before submitting it.

15.7 A Member who has received (or is closely connected with someone who has received) a planning permission should ensure that the terms of that planning permission are scrupulously observed, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

16. Planning Applications by the Council

16.1 The Council itself requires planning permission to carry out or authorise certain types of development on land it owns. Where these are major applications, they will be determined by the relevant Planning Committee. Proposals for the Council's own development will be treated with the same transparency and impartiality as those by private developers.

17. Regular Review of Decisions

17.1 Members should visit a sample of implemented planning permissions on a regular basis to assess the quality of the decisions made. Such a review should be undertaken at least annually.

18. Availability of meetings online

18.1 The Council will endeavour to webcast planning committee meetings where the facility exists to do so. Should it not be possible to webcast a meeting for any reason, this shall not invalidate the proceedings and the meeting shall go ahead as planned.

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Part 8.6 — Protocol on Speaking at Planning Committees

This Protocol details the rules on public speaking at the Strategic Planning Committee and Planning Committee North and Planning Committee South.

As an overarching, guiding principle, decisions should always be taken in a fair and transparent manner to ensure there are no grounds for suggesting that a planning decision has in any way been biased, partial, or not well founded.

The separate Planning Protocol (see above) applies to Members at all times when they are involving themselves in the planning process. The Monitoring Officer can also provide guidance to Members in relation to conduct on planning matters, as necessary.

1. Speaking at Planning Committee Meetings

1.1 The following can speak at Planning Committee Meetings

- (a) The applicant or their agent.
- (b) Up to two persons who wish to object up to two persons who wish to support an individual planning application, an enforcement recommendation or any other quasi-judicial matter on the Agenda. If there are more than two objectors/supporters, each group may organise a spokesperson to speak on their behalf.

~~(c)~~ Ward Councillors who are not members of the Planning Committee. (If Ward Councillors sit on the Planning Committee, they may nominate a substitute councillor to speak).

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~~(d)~~ Members of Parliament with the whole or part of their constituency within West Northamptonshire Council's boundaries.

~~(e)~~ A representative of a ~~p~~Parish ~~e~~Council ~~to~~ whose ~~area~~ Parish the application relates.

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~~(f)~~ On 'major' category applications a representative of an adjoining Parish Council where that Parish Council has commented on the proposal (where 'major' in this context is as defined by the Government's planning applications statistical returns).

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~~(d)~~ _____.

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1.2 Additional speakers may be allowed at the discretion of the Chair of the Committee.

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1.3 Arrangements for Speaking

It is necessary to register with Democratic Services as soon as possible and in any event not later than midday on the last working day before the Committee. This applies to all speakers, with the exception of Ward Councillors. Speakers are

required to indicate whether they will be speaking against or in support of an application.

Speakers referred to in paragraph 1.1 of this protocol may request to address the meeting via video link where such facilities are available. Should a speaker be unable to address the committee via video link for any reason, including a failure of technology, then in accordance with section 2.2 of this protocol consideration of the application will not be delayed. It is therefore recommended that such speakers submit a written statement to Democratic Services no later than 24 hours before the start of the meeting. Any statements received will be read out by the Democratic Services Officer at the invitation of the Chair.

Speakers may register by telephone, email or in writing using the following contact details:

Contact details for registration

Planning Committee	E-mail address	Tel. no.	Postal Address
Planning Committee North and South	democraticservices@westnorthants.gov.uk	01604 837722	Democratic Services, One Angel Square, Angel Street, Northampton NN1 1ED
Strategic Planning Committee	democraticservices@westnorthants.gov.uk	01327 322195	Democratic Services, The Forum, Moat Lane, Towcester NN12 6AD

Late representations will not be heard. If there are several objectors/supporters, each group should organise a spokesperson to speak on their behalf. In the absence of agreement, the Council will operate a “first come first served” policy. In the event that more than two people have already registered, a person wishing to make their views known to the Committee may contact their Ward Councillor to request that they put across their points.

Where a member of the public has registered to speak but fails to attend the meeting, the Chair shall have discretion to reallocate that speaking place to another member of the public present who would otherwise have wished to speak. For the avoidance of doubt, such reallocation will be on a like-for-like basis, i.e. if the original registration was ‘for’, the reallocated place will also be ‘for’.

If objectors intend to speak, the applicant will be contacted to ensure that they have the opportunity to reply.

2. Procedure at the Meeting

The discussion on applications will be in the following order:

- (a) The Chair of the Committee will announce the application
- (b) the [*Head of Planning tbc*] or their representative may present the item and will add any further information relevant to the application and report
- (c) Members of the public can then speak in the following order:
 - (i) Objector
 - (ii) Parish or Town Council(s)
 - (iii) MP
 - (iv) Ward Councillor(s)
 - (v) Supporter
 - (vi) Applicant/agent
- (d) A planning officer may summarise issues before the matter is debated by the Planning Committee Members and a vote taken.

The Chair has discretion to permit questions from the Planning Committee Members to the various speakers, after the end of their allotted 3 minutes.

A planning officer may summarise issues before the matter is debated by the Planning Committee Members and a vote taken.

In the event of any dispute over these procedures or the protocol, the Chair's decision is final.

2.1 Time

All speakers either in support or against the application or speaking on behalf of the applicant will be allowed a maximum of three minutes to address Planning Committees. At Strategic Planning Committee the time allocated will be five minutes per speaker. Participants addressing the Committee will be advised when they have 60 seconds of their allotted three minutes remaining and will be expected to cease talking immediately on being advised that their three minutes is up.

2.2 Notes

- (a) Any speakers who are not members of the Committee are only allowed to make statements. They may not ask questions of officers, the Committee or each other and must take no further part in the procedure once they have finished their address to the Committee.
- (b) Consideration of an application will not be delayed simply because someone who has registered to speak is unable to attend the meeting.
- (c) Addresses should only be about planning issues and should not refer to non-planning issues, such as private property rights, moral issues, loss of views or effects on property values.
- (d) Fresh material may not be circulated to the councillors, which has not first been seen by Planning officers.
- (e) Speakers may speak about material planning considerations and relevant facts pertinent to any planning application submitted to the Council that they have made a written representation on, and which is on the agenda for

determination at the Committee. Some examples of material planning considerations include:

- (i) the environmental impact of the development
- (ii) the impact of the development on the highway network
- (iii) any policy in the Council's Local Development Framework, or the relevant Local Plan for your area.
- (iv) central and regional Government planning policy guidance, circulars, orders and statutory instruments

(f) Issues that may be taken into account by the Committee include:

- (i) planning laws and previous decisions
- (ii) noise, disturbance, smells
- (iii) residential amenity
- (iv) design, appearance and layout
- (v) impact on trees, listed buildings and conservation areas
- (vi) public open space

(g) Issues that will not be taken into account by the Committee include:

- (i) boundary disputes
- (ii) private rights of way, private covenants or agreements
- (iii) the applicant's conduct, private affairs or how a business is run
- (iv) the applicant's motives (including profit)
- (v) the impact on property values
- (vi) suspected further development
- (vii) loss of views over other people's land
- (viii) land ownership

(h) The circulation of plans, photographs, or other material at the Committee meeting will not be permitted. Any such documentation should be submitted to the Assistant Director – Planning

(i) marked for the attention of the relevant Planning Officer as part of the existing consultation arrangements.

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