

WNDC Planning Committee Standing Orders - Index

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STANDING ORDERS OF WEST NORTHAMPTONSHIRE DEVELOPMENT CORPORATION PLANNING COMMITTEES

1 Introduction

- 1.1 The Board of WNDC has agreed the Standing Orders, which define how the Planning Committees operate, how decisions are made, and the rules, which are to be followed to make sure that they are well organised, transparent, and accountable.
- 1.2 Each Planning Committee is made up of a maximum of five Board Members and three Councillors and they are there to make decisions on the planning applications that are listed on the agenda.
- 1.3 Decisions are usually made in public except when confidential matters are being discussed.
- 1.4 Officers of WNDC attend the meetings to give advice, present reports, and make recommendations to the Committee.
- 1.5 The Chair will call each item on the agenda in order. Each item will be discussed and voted on following presentations from Officers and (if appropriate) debate by the Committee. Where a proposal is put to a vote and a vote taken, the item will be considered to have been decided in agreement with that vote. The Chair as an exception and with reason can exercise his/her discretion to change the order of the agenda.
- 1.6 Any information that is received after the agenda is published and is relevant to the application will be reported to the Committee verbally and as a written update report. This update report will also be available to the public.

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- 1.7 Sometimes, the Committee will defer making a decision which can be for a number of reasons. If this happens, the item will be reported to a later meeting of the Committee for further consideration.
- 1.8 The public can address the Committee and the rules on public speaking at the Planning Committee are set out in appendix 1.

2 Constitution

- 2.1 Under Statutory Instrument 2006 No.616, the First Secretary of State (as was) made an Order, the West Northamptonshire Development Corporation (Planning Functions) Order 2006 (the Order) which establishes West Northamptonshire Development Corporation (WNDC) as the Local Planning Authority for specified applications within designated urban development areas of Northamptonshire.
- 2.2 WNDC's Board (the Board) has resolved that (except where it is provided for within the approved scheme of delegation to its officers) the planning function for;
 - a. The urban development area of Northampton (the Designated Area) (as identified in the map attached to the Order) is delegated to the Northampton Area Planning Committee (NAPC).
 - b. The urban development area of Towcester (the Designated Area) (as identified in the map attached to the Order) is delegated to the Towcester Area Planning Committee (TAPC).
 - c. The urban development area of Daventry (the Designated Area) (as identified in the map attached to the Order) is delegated to the Daventry Area Planning Committee (DAPC).
- 2.3 Northampton, Towcester, and Daventry Planning Committees will be referred to in the standing orders as 'The Committee' unless otherwise stated.

3 Aim and Objectives of WNDC's Planning Committees

- 3.1 To promote and deliver the sustainable regeneration and growth of West Northamptonshire. This is within the background of relevant national and local policy, including the Sustainable Communities Plan, Growth Area's Strategy, the plans for the wider Milton Keynes and South Midlands sub-region and for the East Midlands region as a whole and other relevant policy and guidance as may be published.

4 Terms of Reference

4.1 Planning

Except where delegated in accordance with a scheme of delegation:

- (a) To exercise powers pursuant to Part 3 of the Town and Country Planning Act 1990 (as amended) within the Designated Area as permitted by the Order and any subsequent statutory instruments.
- (b) To determine applications for planning permission, consents or approvals except for those planning applications, which are excluded from WNDC's jurisdiction for determination as identified in Article 4 and 5 of the Order unless the determination has been delegated to the Director of Planning Services.
- (c) To delegate matters to the Director of Planning Services.
- (d) To agree for WNDC to enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (or other similar agreements as may be substituted for Section 106) as required for any planning permission, consent or approval granted by the Committee and, to authorise officers to make and negotiate agreements on behalf of WNDC.
- (e) To determine the response to consultation on development plans, strategies, master plans, protocols, and other development programmes for the Designated Area (and surrounding area) as may be appropriate.
- (f) To make sure that planning strategies and planning applications, consents and approvals granted by the Committee meet Government decisions and policy, and the statutory objectives of WNDC (so far as it is appropriate to do so).
- (g) To apply the principles of high quality design, sustainability and community safety (as may be appropriate) having considered the policy guidance that may be published by WNDC and/or Northampton Borough Council, Daventry District Council, South Northamptonshire Council and Northamptonshire County Council and other such relevant planning policy guidance as may be published.
- (h) To determine applications for planning permission, consents or approvals in line with relevant statutory requirements and having regard to all relevant national planning guidance, development plan

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policies, the objectives of WNDC and also having regard to Section 136 of the Local Government & Planning Land Act 1980 as may be amended and all other material planning considerations.

- (i) To provide regular progress reports to the Board on planning decisions taken by the Committee as required.
- (j) To make sure the Committee in accordance with relevant statutory timescales, considers consultation responses received in accordance with statutory timescales.
- (k) To make decisions in respect of Master Plans and relevant design documents and design codes, as required.

5 Delegations and Authority

5.1 Except where delegated in accordance with a scheme of delegation to the Director of Planning Services the Board delegates to the Committee;

- (a) the authority to determine planning applications consents or approvals as defined in the Order and submitted to the WNDC pursuant to the Town and Country Planning Act 1990 (as amended); and
- (b) the authority to endorse and comment on planning frameworks necessary to support the Committees planning decisions. Where applicable these frameworks may be adopted by Northampton Borough Council, Daventry District Council, South Northamptonshire Council and Northamptonshire County Council as planning policy guidance.

5.2 The Board may alter these standing orders, as it deems appropriate, without consultation.

6 Appointment of Members

6.1 The Committee comprises up to eight (8) members as follows;

- (a) Up to five (5) members of the WNDC Board shall be nominated by the Board. The Chair of the Committee shall be a member of the WNDC Board as detailed in 8.1.
- (b) The remaining 3 members of the Committee (subject to (d) and (e) below) shall be serving Councillors of the Local Authority for the area in which the Committee sits; to be made up as follows:

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- (i) No more than six Councillors of Northampton Borough Council shall be nominated to the Northampton Area Planning Committee by Northampton Borough Council for as long as they hold office or until they are removed by Northampton Borough Council or the Board or until they are suspended from office under Part III of the Local Government Act 2000 (although they may resume office at the end of the suspension). Three of the nominees shall be members of the Committee (**Appointed Councillors**) the remaining three members will be substitutes,.
- (ii) No more than six Councillors of Daventry District Council shall be nominated to the Daventry Area Planning Committee by Daventry District Council for as long as they hold office or until they are removed by Daventry District Council or the Board or until they are suspended from office under Part III of the Local Government Act 2000 (although they may resume office at the end of the suspension). Three of the nominees shall be members of the Committee (**Appointed Councillors**) the remaining three members will be substitutes.
- (iii) No more than six Councillors of South Northamptonshire District Council shall be nominated to the Towcester Area Planning Committee by South Northamptonshire District Council for as long as they hold office or until they are removed by South Northamptonshire District Council or the Board or until they are suspended from office under Part III of the Local Government Act 2000 (although they may resume office at the end of the suspension). Three of the nominees shall be members of the Committee (**Appointed Councillors**) the remaining three members will be substitutes.

For the avoidance of doubt all nominations and/or removal of such Councillors (including their substitutes) shall be required to first comply with such procedures as WNDC's Board may specify (as may be amended from time to time, set out in Appendix 3).

- 6.2 Substitute members of the Appointed Councillors shall be permitted to attend and take part in the relevant Planning Committee in the event one or more of the three Appointed Councillors is unable to attend. There shall be no obligation on WNDC (or its officers) to require or request a substitute to attend the relevant area Planning Committee if an Appointed Councillor is unable to attend.

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- 6.3 Where a Member is unable to attend a Committee it is the responsibility of each Member to inform the Committee Assistant of this and send their apologies least three (3) working days before the date of the meeting wherever possible. If a member fails to attend three (3) or more committee meetings without giving appropriate apologies, WNDC may review their membership on the committee.
- 6.4 The Board may at any time without consultation;
- a. Dissolve the Committee,
 - b. Remove any of its members or,
 - c. Change the size of its membership.
- 6.5 Subject to the requirements of Article 6.1 above, each Committee member may nominate a substitute member who may not be a member of the Committee but the substitute member shall either:
- Be a member of the Board; or
 - Be approved by the Secretary of State for the purposes of sitting on the Board or (if required) Committee of WNDC.
- 6.6 Any substitute Member shall let the Director of Planning Services know as soon as he or she arrives. That Member shall thereafter be appointed for the remainder of the meeting (which includes an adjourned meeting to continue on a subsequent day) to the exclusion of the Member for whom he or she is substituting.
- 6.7 Only Members or their substitutes are allowed to vote at Committee meetings.
- 6.7 Committee Members shall be expected to comply with WNDC's Code of Good Practice for Planning Matters.

7 Officer Attendance

- 7.1 The Director of Planning Services (or his representative) will attend meetings together with appropriate staff from WNDC and, if necessary, partner organisations and external consultants.
- 7.2 The Committee Assistant (or representative) shall attend each Committee meeting.

8 Chair

- 8.1 The Board shall choose the Chair and Vice Chair of the Planning Committee from a panel of current Board Members.
- 8.2 The Chair shall control the conduct of the meeting. Subject to article 11, if the Chair is away or has to declare an interest in matters that are being discussed then the Vice Chair shall Chair the meeting. If both the Chair and Vice Chair have to declare an interest or are unable to attend then the Committee Members shall choose a Committee Member who is also a Board Member to Chair the meeting.

9 Convening

- 9.1 Committee meetings will follow a published timetable.
- 9.2 Meetings will be held in accessible locations.
- 9.3 The Committee Assistant shall arrange future meeting dates for the Committee to approve.
- 9.4 The Chair (or any member of the Committee with agreement of the Chair), after consultation with the Committee, may ask the Committee Assistant to arrange a meeting.
- 9.5 All Committee Members will be advised of changes to the Committee schedule in good time and no less than five (5) days before the meeting (save where it is not practicable to do so).
- 9.6 At least five (5) clear working days before a meeting, a notice of the meeting (agenda) will be sent by the Committee Assistant to each Committee member giving the details of the main items of business to be discussed.
- 9.7 Any notice or other document addressed to a Member at an address or facsimile number they have provided shall be considered to have been served or delivered if;
 - (i) sent by e-mail, on the day after it was sent; or
 - (ii) sent by post, on the day following the day on which it was put in the post (or where second class post is employed, on the second day after the day when it was put in the post); or
 - (iii) sent by facsimile transmission, at the time of transmission; or
 - (iv) personal delivery.

- 9.8 The non-receipt of a notice by a member shall not invalidate the proceedings at a meeting.
- 9.9 Any Member who does not receive notice of a meeting as explained in the Standing Orders but who attends the meeting to which the notice relates shall, unless he or she says at the relevant meeting, be considered to have received due notice of the meeting for the purpose of these Standing Orders. Any member may waive the requirements of that notice in accordance with these Standing Orders.
- 9.10 The Chair, or in the absence of the Chair, the Vice Chair, may approve the cancellation of a meeting of the Committee due to lack of business. He/she may postpone and rearrange the date and/or time of a Committee meeting after consultation with the Director of Planning Services.

10 Urgent Items

- 10.1 Items of urgent business may be carried out at any meeting even if that item has not been included in the meeting notice, provided that, in the opinion of the Chair of the meeting the item in question is of a routine and substantially uncontroversial nature.
- 10.2 In determining if an item is routine and substantially uncontroversial in nature, advice should be sought from the Director of Planning Services or his/her nominated Officer.
- 10.3 Despite Article 10.1 above any urgent items (not already identified as a main item of business) may be raised at the Committee meeting by the Director of Planning Services (or his/her appointed representative) with the agreement of the Chair.

11 Quorum

- 11.1 No business shall be carried out at a Committee meeting unless at least three (3) voting members, at least one of whom must also be a member of the Board, are present.
- 11.2 During any meeting, if the number of the Committee is not quorate the meeting will adjourn immediately. The remaining business will be considered at a date and time agreed with the Director of Planning Services or considered at the next committee meeting.

12 Voting

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- 12.1 All decisions made by the Committee shall be decided by a majority of votes of the Members present at the meeting.
- 12.2 Voting shall usually be by a show of hands but may be by whatever means as may be agreed by the Members present at the meeting.
- 12.3 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote.
- 12.4 Where any member asks immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the recommendation or abstained from voting.
- 12.5 If in the reasonable opinion of the Director of Planning Services (or his nominated representative) an application should be deferred for determination to a future Committee meeting then he/she shall be allowed to direct the Committee members to defer the application. The reasons for the deferral shall be recorded in the minutes.
- 12.6 If after considering an item on the agenda the members on a majority vote are minded to defer the determination of an application for the purposes of requesting additional information, explanation or the carrying out of a site visit or for any other purposes as they see fit, the following will apply
 - a. The Application shall be deferred until a future meeting of the Committee
 - b. The reasons for the deferral shall be recorded in the minutes
 - c. The Director of Planning Services shall be asked to prepare a report addressing the reasons given by members for the deferral at a future meeting of the Committee.
- 12.7 If Members on a majority vote are minded to disagree with or vote against the officer recommendation in relation to an application before them for determination then the following shall apply;
 - 12.7.1 If the Committee resolves to refuse an application, the reasons for refusing that application shall be minuted and (if required) Officers shall be delegated authority to prepare the precise wording of the reasons for refusal for the purposes of the Refusal Notice (which shall reflect the views expressed by the Committee as minuted when determining the application). Such Refusal Notice shall first be ratified by the Chairman or Vice-Chairman (or such other nominated member of the Committee where neither are available) in writing prior to being issued.

12.7.2 If the Committee resolves to approve an application, Members shall give their reason(s) for approval which shall be minuted together with details of any specific conditions or planning obligations to be secured as part of the planning permission; and (if required) Officers shall be delegated authority to prepare the precise wording of the reason(s) for granting planning permission (which shall reflect the views expressed by the Committee as minuted when determining the application) together with the planning conditions or obligations to be secured. Such planning permission shall not be issued until the reasons for approval and form of conditions/planning obligations has been approved by the Chairman or Vice Chairman (or such other nominated member of the Committee where neither are available) in writing prior to being issued.

13 Interests of Members and Officers

- 13.1 A Member with a personal interest in an item who attends a meeting at which that matter is considered must make known to the meeting the nature of the personal interest at the start of the consideration or when the interest becomes clear during the course of the discussions subject to the following exemptions
- a. any other body to which the member was appointed or nominated by WNDC.
 - b. any other body exercising functions of a public nature.
- 13.2 A member with a prejudicial interest in a matter must:
- a. declare that they have a prejudicial interest and the nature of that interest as soon as the interest becomes apparent;
 - b. remove himself/herself from the committee and take no part in the determination of the application. If members of the public are allowed to make representations, give evidence or answer questions about the matter, then such Member shall also be permitted to address the Planning Committee for this purpose (in accordance with WNDC's Code of Practice on Public Speaking; but must then leave the meeting immediately for the remainder of consideration of the application in question.

- 13.3 Under no circumstances should Committee Members openly declare which way that they will vote before the meeting. Any member who has previously openly declared a view on a planning matter that is to be considered by the Committee should withdraw whilst the item is being considered and take no part in the voting on that particular item.
- 13.4 Any Officer who has a personal interest in a matter arising at a meeting shall declare the interest and where that interest is on a personal nature shall withdraw from the meeting by leaving the room.

14 Public Participation

- 14.1 In line with the Code of Practice for Third Party Participation, public participation at Committee meetings shall be allowed as shown in Appendix 1 of the Standing Orders.
- 14.2 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks is necessary.
- 14.3 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may request that person leave the room or may adjourn the meeting for as long as he/she thinks is necessary or if required cancel the meeting.
- 14.4 Meetings will be held in locations accessible to all members of the public, including those with disabilities.
- 14.5 Written contributions regarding any planning application must be made before 12 noon on the day of the Committee meeting. Any contributions received after this time will not be taken into account.

15 Site Visits

- 15.1 Before a Committee meeting there will be site visits to appropriate application sites on the agenda as chosen by the Director of Planning Services (or his nominated representative).
- 15.2 When choosing application sites to visit, the Director of Planning Services (or his nominated representative) will take into account
- a. The expected benefit of the site visit
 - b. The reason why the comments of the applicant and objectors cannot be adequately expressed in writing ;or
 - c. If the proposal is particularly contentious

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- 15.3 All Committee Members will be expected to attend any site visits. In the event that Members are unable to attend, they should send their apologies at least three (3) working days before the site visit (so far as is reasonably practical).
- 15.4 If a Member is unable to go on a site visit, this will not prevent the Member from taking part in the debate and voting on an item.
- 15.5 Any Committee member can ask that an application, which has not had a site visit, be deferred until a site visit has been carried out. After considering item 15.2, a request for a site visit shall be subject to a majority vote of Committee Members.
- 15.6 Unless otherwise agreed Members shall visit sites as a Committee and shall not enter an application site or an objector's land or premises other than as a Committee. Individual Members shall not discuss matters with any other person, other than with members of the Committee or Officers during the inspection.
- 15.7 Subject to 15.6 and after notifying the Director of Planning Services, Members may carry out unaccompanied site inspections from public vantage points, provided that they do not contact the landowner or developer themselves.
- 15.8 Members shall not, either as a group, or individually, hear representations from the applicant, the applicant's agent, third parties or Ward Councillors on a site visit. They may only be shown the site and/or property and receive relevant information.
- 15.9 During a site visit, any Members who have interests to declare shall make the declarations before reaching the relevant site. If the interest is one, which is prejudicial and would require them not to vote when the application is considered by the Committee they will not take part in the visit to that site.
- 15.10 During a site visit, discussion may take place but the Committee Members should not express a view or indicate how they intend to vote.

16 Minutes

- 16.1 The names of Members and Officers present at a meeting shall be recorded in the minutes.

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- 16.2 The Committee Manager shall prepare the minutes of the meeting being held as soon as possible after it was held and they shall be submitted for approval as to their accuracy to the next appropriate meeting.
- 16.3 The Chair will sign the minutes of the committee at the next suitable meeting. The Chair will move that the minutes of the meeting be signed as a correct record and subject to any amendment; the minutes will be signed as a correct record of the meeting.
- 16.4 Where requested and considered appropriate by the Director of Planning Services the Chair and Vice Chair (or such other two Members of the Committee if one or neither are available) shall be permitted to validate the minutes of the Committee in advance of the formal approval of those minutes at the next committee meeting pursuant to 16.3.
- 16.5 Where possible, copies of the minutes of each Committee meeting shall be sent to each member Committee member before the next meeting.
- 16.6 Wherever practical, copies of the minutes of each meeting shall be included within the next Committee agenda.
- 16.7 If a Planning Committee makes a decision that is against the Officer's recommendation, a detailed minute of the Committee's reasons should be made and a copy put on the application file.

17 Confidential Business

- 17.1 All Committee meetings shall be held in public, except for those items that need to be confidential or contain exempt information by virtue of commercial, legal or other permitted reasons. In such instances the public shall be excluded from listening to such items.

18 Gifts and Hospitality

- 18.1 Members of the Committee should register any gifts of hospitality worth £25 or over that is received in connection with official duties.
- 18.2 The gift or hospitality must be registered within 28 days and the nature of the gift or hospitality, the source of who gave it, and how the business under consideration relates to that source.
- 18.3 Members should consider if the gift or hospitality should be considered a personal matter or prejudicial matter subject to the points below.

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- You automatically have a personal interest in a matter if it is likely to, or is likely to affect the source of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift and hospitality, the source who gave it to you, how the business under construction relates to that source, and then decide whether that interest is also prejudicial.

19 Lobbying

- 19.1 Members of the Committee who are lobbied about a planning matter should avoid expressing a view on it and restrict themselves to giving only procedural advice, including suggesting to those that are lobbying that they should speak or write to the relevant officer so that their opinions can be included in the Officer's report to the Committee.
- 19.2 Members should not give any indication as to how they will vote on the matter. However, if circumstances require a Member to express a view, it should be clear that the Member is expressing a personal view based on the available information and that this is not necessarily their final opinion or the opinion of the Committee.
- 19.3 Members should not seek to influence the Officer's recommendation to Committee.
- 19.4 Where applicants, objectors, or other interested parties send material directly to Committee Members in relation to a planning matter, Members should advise those persons or organisations to send, where possible, copies of the information to the Director of Planning Services.
- 19.5 If a Member of the Committee intends to reply upon information received in consideration of any planning matter, he/she should make sure that the Director of Planning Services or Development Control Manager is aware of the information by the close of business on the day before the date of the meeting at which the planning matter is to be considered.
19. Before meeting with an applicant, prospective applicant or objector, Committee Members should tell the Director of Planning Services or Development Control Manager and if requested should allow an Officer to accompany the Member.

20 Access to Agenda and Reports before the Meeting

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- 20.1 Copies of the agenda and reports will be available for public inspection at its offices 5(five) clear days before the meeting and where possible shall be made available on WNDC's external website. If an item is added to the agenda later, the revised agenda and any report relating to the item will be open for inspection from the time it is added to the agenda.

Appendix 1

West Northamptonshire Development Control Third Party Participation in the Planning Committee Meetings

Code of Practice

This Code of Practice sets out the process by which the public may take part in WNDC Planning Committee meetings. The provisions within the Code of Practice are at the Chair's Discretion.

- (a) The public can ask to speak to the Committee on any planning application that the Committee is considering, subject to the provisions in (b).
- (b) On any one application, the maximum number of speakers under (a) above will be limited as follows:
 - (i) Two people can speak in support of an application.
 - (ii) Two people can speak against an application.
 - (iii) Where a local amenity group or a group handing in a petition to the committee makes a request to speak in relation to a planning application, no more than one representative of such group will be permitted to address the Committee. Unless otherwise permitted by the Chair, such representative shall count towards the maximum number of 2 persons permitted to speak either in favour of or against such application (as set out above).
 - (iv) The Parish Councillor for the ward in which the application falls can speak on a proposal (in addition to the four speaking places above). Where the application falls over two (2) or more parish wards, one (1) Parish Councillor for each ward will be permitted to speak in favour, and one (1) against an application.
 - (iv) The Local District/Borough and/or County Councillor for the ward in which the application falls can speak on a proposal (in addition to the four speaking places). Where there is more than one (1) Local District/Borough and/or County Councillor within a ward, only one (1) Councillor will be permitted to speak in favour of an application and one against an application. If an application falls over two (2) or more wards, one (1) Councillor per ward will be permitted to speak in favour and one (1) against an application.

In the event that eligible councillors of the same ward wish to speak in opposing views, one councillor per ward may speak in favour of and one councillor per ward may speak against an application pursuant to paragraph (iv) above.

- (v) The Local Member of Parliament can speak on a proposal (in addition to the four speaking places).
 - (vi) The applicant or their nominated spokesperson can speak on a proposal (in addition to the four speaking places)
- (c) Any request to speak to the Committee must be received either in writing, by email or by telephone by the Committee Manager no later than 12 noon on the working day prior to the Committee meeting. The speaker must confirm the application to which their representations relate and whether they are speaking in support of or against the recommendation. All requests to speak shall be allocated on a "first come first serve" basis (subject always to the constraints of paragraph
- (b) Any requests received after the deadline will only be permitted to speak at the discretion of the Chair.
- (i) If all speaking slots have been filled under provision (b) and (c), a reserve list may be created. In the event that allocated speakers are unable to speak at committee, a reserved speaker may be invited to make representations to Committee at the discretion of the Chair.
- (d) **Persons with disabilities and/or health issues:** All speaking requests must be made in accordance with the process outlined above. However, persons who require special arrangements to make their representations to the Committee should contact the Committee Assistant to discuss their requirements.
- e) Where any person wanting to address the committee intends to refer to or rely on documentation, plans or other materials, such individual shall provide a copy of such documentation, plans or other materials to the Committee Assistant no later than 12 noon the day the committee is due to convene.
- (f) **Speaking Order:** Speakers will be heard in the following order:
- a. Up to two speakers 'against' the application

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- b. Councillors 'against' the application
 - c. MPs 'against' the application
 - d. Up to two speakers 'for' the application
 - e. Councillors 'for' the application
 - f. MPs 'for' the application
 - g. The applicant
- (g) A person speaking to the Committee on an application will be entitled to speak for no more than 3 minutes, unless extended at the discretion of the Chair.
- (h) Subject to the number of people who want to speak and whether there are any controversial items on the Agenda, the Committee, after agreement with the Chair may:
- (i) Listen to all speakers and consider the associated applications at the beginning of the meeting; or
 - (ii) Follow the agenda and hear all speakers as the applications are considered; or
 - (iii) Hear all speakers at the beginning of the meeting and then follow the order of the agenda
- (h) In the event that:
- (a) an application is deferred under the Committee's standing orders; and
 - (b) if members of the public or a group have had the opportunity to speak to the Committee during the Committee meeting at which the application was deferred

the following shall apply:

- (i) where following the deferral no new information that is material to the consideration of the application has been received in respect of the planning application [by the applicant] or the deferral was to permit a site visit to be carried out and no new information that is material to the consideration of the application has been received in respect of the planning application [by the applicant] then no further public speaking shall be permitted when the application is next considered by the Planning Committee;

Or

- (ii) where, following the deferral, new information that is material to the consideration of the application has been submitted in respect of the application then public speaking shall be permitted in accordance with this Code of Practice and for the avoidance of doubt where any person who previously spoke on the application wishes to address the Planning Committee again, they shall be required to register their request in accordance with paragraph (d) of this code, and there shall be no automatic right to speak again.
- (l) For the purposes of paragraph (h)(b)(i) and (ii) above, the Director of Planning Services shall determine what is considered to be material information to the application.
- (j) Local Councillors, Members of Parliament and the applicant will always be afforded their right to speak under the relevant provisions at (b) for deferred applications.
- (k) This Code of Practice may be amended by the WNDC Board from time to time without consultation.

Appendix 2

Protocol on Meetings with WNDC Planning Committees

1. General

- 1.1 WNDC welcomes discussions with applicants on proposals which fall to it for determination. In most cases these will be handled by officers, who will give advice based on WNDC, national, regional and local policy. Certain major, significant, or potentially controversial developments may be accepted for pre-application meetings with the relevant Planning Committee. Such meetings, which must be at the request of the applicant, will be at the discretion of the Chair of the Committee, after taking advice from the Director of Planning Services.
- 1.2 This protocol explains how these meetings will be conducted. These meetings may take place before an application has been submitted, or following submission of an application but prior to it being considered at Planning Committee.

2. The Conduct of Meetings

- 2.1 Meetings will normally be held at WNDC's offices. In rare cases it may be appropriate to visit an application site or inspect a similar development to that proposed – in these cases the Protocol will apply as if the meeting was being held at WNDC's offices.
- 2.2 Meetings will be arranged as required, but only after the agreement of the Chair. Such arrangements may include the submission in advance by the applicant of such documents as the Committee may require, or which may be referred to in the applicant's presentation.
- 2.3 The members of the relevant Planning Committee shall be entitled to attend these meetings. Members of the public, elected Councillors or MP's shall not be permitted to attend these meetings unless expressly permitted by the Chair and the Chair or WNDC officers shall not be obliged to provide reasons for refusing a request to attend such meetings.
- 2.4 Meetings will be expected to last approximately two hours with approximately thirty minutes allocated to a presentation by the developer. The form of each presentation will be expected to cover: i) site history ii) policy context iii) physical context, and iv) design analysis. The form and

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content of the presentation should have been agreed in advance by officers as accurate, relevant and the minimum necessary to assist the committee.

- 2.4 Officers will be given the opportunity to bring any salient facts about the site, its history and the Policy context to Members' attention.
- 2.5 Members will then be given the opportunity to make comments and ask questions of the developer. All parties should bear in mind that the meeting is taking place at the request of the applicant and the merits of the case will not be discussed. Any views expressed by the Committee or by Officers prior to formal determination of an application do not constitute a formal decision and are without prejudice to the right of individual Members and the Committee to determine any subsequent application as they see fit, having regard to any material considerations.
- 2.4 Normal practice will be to respect confidentiality for the proposals, but this will always be subject to the law and in particular the provisions of the Freedom of Information Act 2000. Applicants should be aware that their application will be determined in the light of information provided with it and, if information is revealed at a meeting held before an application has been submitted, that is not used in the application, it will not be taken into account.
- 2.5 Officers will take a note of the proceedings. A copy of this note will be put into the application file following the meeting, or, if held before the applicant has been submitted, when an application is received and will be available for the public to see.

3. The Role of the Applicants

- 3.1 The applicants will have the opportunity to make a presentation on their proposals. The presentation will normally be followed by questions and answers. The presentation can only provide relevant background information to give context to the proposal and it must focus primarily on issues that are relevant to the planning process.

4. The Role of Members

- 4.1 Members must maintain an impartial role and avoid expressing an opinion or giving advice that indicates a pre-judging of the proposals. Questions to clarify aspects of a proposal or policy concerns are legitimate, but must not develop into negotiations. Any comments made will be without prejudice to the right of the individual Member and the Committee to determine any subsequent application as they see fit having regard to any material considerations. They will only make their decision on the application after

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having received the officer's report and heard all the relevant evidence, arguments and views at the full meeting of the Committee.

- 4.2 In line with the Nolan recommendations it is expected that any Member who takes an active stand in support of, or against an application before impartial and objective consideration of all the relevant facts and their consideration at a Planning Committee will be expected to leave the Committee meeting and not take part in the deliberations on that application, due to the pre-determination that has occurred or which may have appeared to have occurred.

Appendix 3

WNDC's Procedure for the Nomination of Council Representatives to WNDC's Area Planning Committees

- 1 The purpose of this procedure note is to establish the Corporation's internal process for confirming the appointment and/or removal of Nominated Representatives sitting on each of the Area Committees.
- 2 Pursuant to the Standing Orders, each Council is permitted to nominate no more than 6 Nominated Representatives (3 to sit on the Area Committee and 3 substitutes). The Board has the power to alter the membership of the Area Committee or remove members from each Area Committee (be they Board members or Nominated Representatives) at any time and without prior consultation.
- 3 The democratic process for nominating the Nominated Representatives (together with any criteria each Council may wish to adopt in determining such nomination) is the responsibility of each Council. WNDC does however ask each Council to nominate individuals with suitable skills and experience, including a background in development control matters, knowledge of the planning decision making process and a robust understanding of the local growth agenda.
- 4 The responsibility for the removal of any of the Nominated Representatives (together with any criteria each Council may wish to adopt in determining any removal) rests with each Council and is not a matter for WNDC (save for the general removal of Area Committee members as identified in paragraph 2 above).

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- 5 Prior to any Nominated Representative being permitted to sit on an Area Committee the following procedure shall be adhered to:
 - 5.1 Each Council shall confirm in writing to WNDC's Chief Executive each Nominated Representative;
 - 5.2 The Board shall approve each Nominated Representative to sit on the relevant Area Committee. A Nominated Representative shall not be permitted to sit on the relevant Area Committee until such Board approval has first been obtained. Where necessary, the Chairman of the Board may consider approval of nominated representatives and such approval shall be ratified by the Board;
 - 5.3 Each Nominated Representative shall, if required, enter into a contract (setting out such terms and conditions as WNDC may determined from time to time) confirming the appointment to sit on the relevant Area Committee;
 - 5.4 Each Nominated Representative may be obliged to undertake and complete such relevant training as WNDC may so require (from time to time) prior to sitting on the relevant Area Committee; and
 - 5.5 If so required, each Nominated Representative shall be approved by the Secretary of State for Local Government and Communities (or his successor).
- 6 In the event the Council removes a Nominated Representative the removal of the Nominated Representative will not be recognised by WNDC until the following has occurred:
 - 6.1 The Council has provided written notification to the individual Nominated Representative confirming his/her removal as a Nominated Representative for the purposes of sitting on the relevant Area Committee; and
 - 6.2 The Council has confirmed to the Chief Executive of WNDC in writing the identified Nominated Representative so removed and compliance with paragraph 6.1 above.
- 7 No new Nominated Representatives, in excess of the permitted 6 from each Council, will be accepted by WNDC until the relevant Council has undertaken the formal removal process pursuant to paragraph 6 above. Provided the procedure under paragraph 6 has been undertaken WNDC shall be permitted to prevent any "removed"

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Nominated Representative from sitting on the relevant Area Committee.

- 8 In the event this code does not cover a specific situation which may arise regarding the removal and/or nomination of the Nominated Representatives or there is an issue over the interpretation of the procedure note the Board shall be entitled to make such decision as it considers appropriate in its absolute discretion. This shall be delegated to the Chief Executive, and will reported at the next Board meeting.
- 9 If a Committee Member wishes to resign from the Committee, they should inform the Director of Planning Services in writing.
- 10 This procedure note shall be amended from time to time on the advice of officers and any amendments shall be approved by the Board before such amendments can take effect. For the avoidance of doubt this Procedure note shall take effect from the date it is approved by the Board.

Glossary

In this Procedure Note the identified terms shall mean the following

- 1 **Area Committee** means either of the following WNDC planning committees
 - (a) Northampton Area Planning Committee
 - (b) Daventry Area Planning Committee; or
 - (c) Towcester Area Planning Committee
- 2 **Board** means the Board of West Northamptonshire Development Corporation
- 3 **Council** shall mean either Northampton Borough Council, Daventry District Council or South Northamptonshire District Council
- 4 **Nominated Representative** means a Councillor of a Council and for the avoidance of doubt:
 - (a) Nominated Representative for Northampton Borough Council shall sit on the Northampton Area Planning Committee;
 - (b) Nominated Representatives for Daventry District Council shall sit on the Daventry Area Planning Committee; and
 - (c) Nominated Representatives for South Northamptonshire District Council shall sit on the Towcester Area Planning Committee

Standing Orders means the "WNDC Planning Committee Standing Orders" which governs the operation of the Area Committees (as may be amended from time to time)