

By: Alex King, Deputy Leader
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – Tuesday, 7 June 2011

Subject: RECORDED VOTING AT PLANNING APPLICATIONS COMMITTEE MEETINGS

Classification: Unrestricted

FOR DECISION

The County Council's Constitution

1. Procedure Rule 2.20 of the County Council's Constitution sets out the rules for recording voting at committee meetings as follows:-

- (1) If any Member requests, the Chairman will call a vote on any recommendation or motion or amendment. The vote will be by a show of hands by Members of the Committee present, including substitute Members.
- (2) If the votes for and against are equal, the Chairman shall immediately declare if he is using his casting vote and, if so, whether for or against the proposal.
- (3) Immediately after a vote has been taken, an individual Member may ask that the way he cast his vote either for or against the proposal or to abstain be recorded in the minutes.
- (4) One-third of the voting Members present may require that the way all Members cast their vote for or against or to abstain shall be recorded in the Minutes: such a request must be made before the vote is taken.

The need to vary the procedure for the Planning Applications Committee

2. The determination of each planning application is a legal decision which is open to challenge either through an appeal to the Secretary of State or Judicial Review. On those occasions where the recommendations of the Head of Planning Applications Group have been agreed, the decision is readily defensible through reference to the professional advice given in the report and at the meeting.

3. The situation becomes more complex on those occasions when the Committee overturns the Head of Planning Applications Group's recommendations. Under such circumstances, the way in which each individual Member voted can become a matter of legal significance.

4. Consequently, the Director of Governance and Law has advised that the votes of each individual Committee Member (whether for, against or in abstention) should be recorded whenever the Committee votes against the

Head of Planning Applications Group's recommendation for permission or refusal.

5. This provision would supplement Procedure Rule 2.20 and would not replace it. Procedure Rule 2.20 (4) would be amended to read:

"One-third of the voting Members present may require that the way all members cast their vote for or against or to abstain shall be recorded in the Minutes; such a request must be made before the vote is taken. Additionally, the votes of each individual Member of the Planning Applications Committee (whether for, against or in abstention) will be recorded whenever the Committee votes against the Head of Planning Applications Group's recommendation for permission or refusal of a planning application, together with the grounds and reasons for overturning the recommendation."

6. This proposed provision has been reported to Planning Applications Committee, which considered it on 12 April 2011. The Committee agreed that the Director of Governance and Law's advice should be reported to Selection and Member Services Committee and (subject to that Committee's agreement) to the County Council for proposed adoption into the Constitution.

7. If this recommendation is agreed, it will be considered by the County Council on 21 July 2011.

RECOMMENDATION:

8. The Committee is invited to recommend the Director of Governance and Law's advice (set out in paragraphs 4 and 5 of this report) to the County Council for adoption into the Constitution.

Peter Sass: Head of Democratic Services

Officer Contact: Andrew Tait
Democratic Services Officer
(01622) 694342