

By: Chairman of Planning Applications Committee
Head of Democratic Services and Local Leadership

To: Planning Applications Committee – Thursday, 20 January 2011

Subject: RECORDED VOTING AT PLANNING APPLICATIONS COMMITTEE
MEETINGS

Classification: Unrestricted

FOR INFORMATION

The County Council's Constitution

1. Committee Procedure 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 Law and Governance 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 Committee Procedure Rule 2.20 and would not replace it.

6. This proposed provision will be reported to Selection and Member Services Committee, which will consider it on 27 January 2011. If this recommendation is agreed, it will be considered by the County Council on 6 April 2011.

RECOMMENDATION:

7. The Committee is recommended to note the Director of Law and Governance's advice that the votes of each individual Committee Member should be recorded on those occasions when the Head of Planning Applications Group's recommendation to grant permission or refuse an application is overturned. This advice will 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.

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