



STRATFORD-UPON AVON TOWN COUNCIL

Planning Procedures

**(These procedures should be read in
conjunction with Stratford-upon-Avon Town
Council's Members' Planning Code of Good
Practice)**

1 Code of Conduct

- 1.1 Committee members should refrain from any interaction whereby a personal relationship of any description can be inferred between themselves and speakers, agents or members of the public who may be present. The use of forenames and general familiarity should be avoided at all times
- 1.2 There should be no interaction with the public at any time when the meeting is in progress unless it is part of the formal agenda e.g. questions for registered speakers
- 1.3 Do recognise that when considering non-pecuniary (personal) interests, you should think about how a reasonable member of the public, with full knowledge of all the facts, would view the matter as to whether you should speak or vote on a particular planning application
- 1.4 There are occasions when you may have said something (e.g. in a comment to the press or at a public meeting) or acted in a way which creates a perception that you have prejudiced or predetermined the outcome of the planning application or which suggests you have a biased view towards a particular development, which is known as 'fettering your discretion'

- 1.5 Do not fetter your discretion and therefore your ability to participate in planning decisions by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group)
- 1.6 Section 25 of the Localism Act 2011 reflects the common law position by making it clear that a councillor should not be regarded as having a closed mind simply because they previously did or said something that indicated what view they might take in relation to any particular matter

2 Format of Planning Consultative Committee Meeting

- 1) Chairman opens meeting and makes any announcements which will include itemising applications deferred from the immediate past Chairman's Actions Meeting
- 2) Apologies for absence are recorded
- 3) Declarations of interest taken. Members should state at this time whether they have had contact with or communication from applicants/objectors or agents thereof, or have attended a site visit pertaining to an application on the agenda. Members should state whether it is a non-pecuniary or pecuniary interest
- 4) The Committee will consider any written requests for dispensation
- 5) The Committee will consider the granting of verbal requests for dispensation
- 6) Public participation*
- 7) Pre-planning application presentations
- 8) Signing of previous meetings minutes
- 9) Notices of Decision (for information only) to be circulated at the meeting
- 10) Planning Clerk's Open Report:
 - List of planning applications including any items deferred from additional Chairman's Actions Meeting. There will be an opportunity at the start of each application for public speaking, if registered

- To note action by the Planning Clerk after consultation with the Chairman, Deputy Chairman and Planning Consultant
 - Street Trading applications and licensing Applications
 - Any other business to report for information
- 11) The Chairman's Verbal Report for information
 - 12) To note requests for Alterations of Recommendation
 - 13) To register the Town Council representative to speak at District Council Planning Committee Meeting
 - 14) To appoint substitutes for the next Chairman's Actions if necessary
 - 15) Date of next meeting
 - 16) Chairman closes the meeting

* Please note that Public Participation will be confined to non-agenda items on matters under which the Council has control or is a consultative body (subject to a time limit of 15 minutes, 3 minutes per speaker)

3 Planning Applications

- 3.1 Ward members on the PCC who have fettered their discretion (ref item 4 on Members Planning Code of Good Practice) should remove themselves from the Committee seating area for the duration of the item and may only address the Committee in their role as a ward councillor
- 3.2 The Planning Consultant will present the case and outline key issues
- 3.3 Points of clarification – questions to the Consultant by members
- 3.4 If a councillor has made a site visit, they should inform the meeting of what was learnt by the visit, subject to a time limit of 1 minute per councillor
- 3.5 Participation specific to the application
 - Objectors - 3 minutes in total
 - Supporters - 3 minutes in total

Applicant - 3 minutes in total

Ward members not on the PCC – 3 minutes in total

Members of the public wishing to speak about a specific application should register their interest with the Planning Consultative Clerk by noon on the day before the Planning Consultative Committee Meeting. They should register their name and address, the application number, and whether they are supporting or opposing the application. Public speakers will be permitted in accordance with paragraph 6.4

- 3.6 Points of clarification – questions to the participants or Planning Consultant by members – no time limit. Participants are requested to stick to concise answers and not use this as an opportunity to elaborate on other material issues. Members are reminded to keep the questions short and focused on material issues relevant to the case. Members are given one opportunity to ask questions, including supplementary questions for clarification
- 3.7 Town, District or County Council ward members not on the PCC may also make a written representation on applications in their ward, which will be tabled or oral representation at the meeting – 3 minutes in total
- 3.8 If a ward member has specifically requested an application be deferred to Committee, they will be expected to attend the Planning Consultative Committee to state their case and answer any questions
- 3.9 Committee debate –
 - Each member will be given the opportunity to ask the Planning Consultant any points for clarification
 - Each member will be given the opportunity to voice their opinion in turn
 - If the point has already been made, members should not waste time by commenting further or concurring with a previous speaker
 - Members will be asked to speak concisely and only on matters relevant to the case
 - Further representations will be at the discretion of the Chairman

- 3.10 The Chairman may also express his/her view as part of the Committee debate. It will only be necessary for the Chairman to speak again if the debate seems finely balanced and the Chairman's casting vote looks likely
- 3.11 Following the debate –
- A proposal will be required, substantiated by planning reasons, which must be seconded. The proposer and seconder will be noted but will not be recorded in the minutes
 - The proposal can either be to support, to object, to comment or make no representation
 - Members will then need to vote on the proposal by clearly raising their voting card
 - Chairman will invite all those in favour to raise their voting card and then all those against to raise their voting card and then those who wish to abstain
 - The clerk will minute the result of the vote
- 3.12 The Consultant will interpret and formulate the formal response of the Town Council, which will be read back and agreed by the members who voted for the proposal, before it is electronically sent to the District Council. Whilst the consultant formulates the response, members will remain seated and silent

4 Internal Procedures and Appendices

- 4.1 List of all the applications referred to the Planning Consultative Committee for consideration from the Chairman's Actions meeting – Appendix A
- 4.2 List of all the applications considered at the Chairman's Actions meeting – Appendix B. An additional Chairman's Action list will have been circulated to Council on the Friday prior to the Planning Consultative Committee Meeting. The additional Chairman's Actions list will be tabled at the meeting
- 4.3 Street Trading Applications
- 4.4 Requests for Alteration of Recommendation

- 4.5 A speakers list will be produced as a point of reference in the afternoon of the day before the Committee Meeting and e-mailed to the Chairman, Deputy Chairman and Planning Consultant
- 4.6 Items where there is Public Participation will be moved, at the discretion of the Chairman, to the beginning of the list of applications being considered
- 4.7 Prior to the meeting, tea and coffee will be available in the Committee Room for Committee Members. If a comfort break becomes necessary, members are asked to wait until there is a natural break in proceedings but should not leave the room during the deliberation of planning applications, or the submission thereof

5 Chairman's Actions

- 5.1 Decisions are usually taken by the Chairman and Deputy Chairman on behalf of the Committee during Chairman's Actions. Consequently, this must be taken into account when electing the Chairman and the Deputy Chairman. Members of the Planning Consultative Committee are therefore placing their faith and responsibility in the individuals nominated
- 5.2 If a member wishes to refer an application from Chairman's Actions to the Planning Consultative Committee, the request must be substantiated by a sound planning reason in accordance with the Development Plan (which specifically includes the NPPF) and in all cases, it will be at the discretion of the Chairman and the Deputy Chairman as to whether the item is referred but non-substantiated requests will not be referred
- 5.3 Within three working days of receipt of the Chairman's Actions List, members will be required to request in writing, including planning reasons, items which they wish to be referred to the Planning Consultative Committee. As a last resort, members may make verbal representation to the Chairman, Deputy Chairman or Planning Consultant if for some reason, written communication proves impossible

- 5.4 It is the Town Clerk's responsibility to ensure that the Planning Consultative Committee Meeting is called in accordance with legislation. The Council's officers are not responsible for notifying any individual, agent or representative from any outside body that an application which may be of interest to them is being considered at Chairman's Actions or the Planning Consultative Committee. It is the Ward Councillor's responsibility to convey such information where considered appropriate
- 5.5 Chairman's Actions Meeting will normally take place at 9:00am via Zoom on the Wednesday preceding the Planning Consultative Committee Meeting
- 5.6 The additional Chairman's Actions Meeting will normally take place at 9:00am the day before the Planning Consultative Committee Meeting. This also takes place via Zoom.
- 5.7 The quorum for the Chairman's Actions Meeting is two. **If a quorum is not present, or if during the meeting the number of councillors present falls below the required quorum, no business shall be transacted and the meeting shall be adjourned.** Business not transacted shall be transacted at the Additional Chairman's Actions Meeting immediately prior to the forthcoming Planning Consultative Committee Meeting to which the business is being referred
- 5.8 The Chairman and Deputy Chairman will normally attend Chairman's Actions Meetings, delegating responsibility to an alternative member/s of the Planning Consultative Committee in the event they are unable to be present
- 5.9 As it cannot be assumed that the Chairman and Deputy Chairman will be present, the names of the two councillors in attendance at the Chairman's Actions Meeting will be recorded in the Minutes
- 5.10 Although the Planning Officer is at Chairman's Actions to advise whether the decision to respond should be 'no representation', 'support', 'oppose' or 'defer to PCC', the final decision is made by the two councillors present

being in agreement - if they disagree then the decision will be to defer the application to the PCC meeting

- 5.11 An application will automatically be deferred to the PCC meeting if the application is from an existing town councillor or a member of the town council staff or their immediate families
- 5.12 An application will automatically be deferred to the PCC meeting if a resident, developer or ward councillor has registered to speak on the application by 12 noon on the day before the PCC meeting.
- 5.13 Residents wishing to speak on a planning application should bring it to the attention of their ward councillor prior to the meeting of the PCC.
- 5.14 The Chairman of the PCC will adhere to a courteous set statement of explanation to residents who turn up at a PCC meeting wishing to speak, but having failed to register, are disqualified;
- 5.15 That planning application lists will first be delineated by ward and then sent by email to the appropriate members;
- 5.16 All applications will be published on the Town Council's website.

6 Response Deadlines outside normal time frame

- 6.1 The Planning Clerk will check the response date on all Planning Applications;
- 6.2 If a response is required before Chairman's Actions, or the Additional Chairman's Actions Meeting, the Clerk will bring the application to the attention of the Chairman, Deputy Chairman and Planning Consultant;
- 6.3 If a response falls after Chairman's Actions but before the Planning Consultative Committee, the Planning Clerk will embolden the response date on the Chairman's Action list to highlight that the application cannot be deferred due to timing;

- 6.4 Those in attendance at the Chairman's Actions Meeting must determine either a) a response or b) a holding objection. The Planning Consultant or the Planning Clerk will send the response immediately thereafter.

7 Pre-Application Proposals

- 7.1 Greater emphasis is now placed on the involvement of local people and organisations in the pre-application process. The Town Council will therefore provide a more proactive role in the consideration of pre-application proposals within the town. Pre-planning presentations of no more than 10 minutes duration (to include Q&As) will be heard as part of a Planning Consultative Committee Meeting and the Committee will have the opportunity to ask for points of clarification but must not state or pre-determine their view on the application. Members will have one opportunity to ask questions
- 7.2 Pre-planning presentations are an agenda item, following Public Participation. This does not necessarily mean that a presentation will automatically occur at every PCC meeting. Requests for pre-planning applications should be made in writing by no later than 5 working days prior to the Committee meeting
- 7.3 It is important that there is no display of familiarity with any of the presenters or public
- 7.4 Pre-planning application presenters will be allowed to speak for the allotted time. Additional information whether it be in the form of advertising leaflets, or photographs, or a written statement will not be permitted and should not be handed out at the meeting. Presenters are encouraged to use PowerPoint presentations to display plans/photos/sketches etc. whilst they address the Committee. The Planning Consultant will upload the presentation, which can then be controlled by the presenter. The provision of models or presentation boards at a pre-planning application presentation must be notified at the time of registration and will be permitted at the discretion of the Chairman

- 7.5 The Chairman should ensure that if a member asks a question, it should not be interpreted by the pre-planning application presenter as an invitation to carry on giving their presentation (which should have been curtailed after 10 minutes). If the presenter is permitted to respond, at the discretion of the Chairman, it should be factual and succinct
- 7.6 Representation will be made to the District Council on any pre-application proposals outside the town boundary which will seriously impact on the town

8 Process for determining Amendments

- 8.1 In association with item 5.1 where the Chairman, Deputy Chairman and Planning Consultant may take a decision on behalf of the Committee, there are occasions where a planning application of note, having been considered by the PCC is amended or the District Council Planning Officer requests that the Town Council alters its recommendation in light of additional information. In these instances:
- 8.2 Amendments will be dealt with through the normal Chairman's Actions/ PCC channels unless time scales do not allow for this to happen. In this case, it will be dealt with by the Chairman, Deputy Chairman and Planning Consultant.
- 8.3 The Planning Clerk will notify the Chairman, Deputy Chairman and Planning Consultant to obtain a recommendation
- 8.4 The Planning Clerk will then forward the comments to the SDC Case Officer

9 Process for requests of alterations of recommendation

- 9.1 The Planning Clerk will notify the Chairman, Deputy Chairman and Planning Consultant to obtain a recommendation, which will be returned to the Case Officer.

These occasions will be documented as an appendix within the next PCC agenda

10 Speaking at District Council Planning Meetings

- 10.1 The Chairman or Deputy Chairman will normally attend District Council Committee Meetings where Town Council representation is necessary. However, if neither are available, the responsibility will be delegated to either the ward members, or the proposer or seconder of the motion
- 10.2 Where applications are to be heard by the District Council's Planning Committee and a Town Council representative is required to attend the meeting, when necessary a pre-prepared statement approved by the Chairman in association with the Planning Consultant will be read out at the District Council Planning meeting by the Council representative
- 10.3 The Town Council's representative will be expected to attend the meeting and present the views of the Town Council as agreed in the motion which can be embellished in a manner that portrays the speaker's style but they should not express their own personal views if different from that agreed, nor respond to questions with their own views. If the representative disagrees with the motion put, they will still be expected to present the Town Council's case in an appropriate manner
- 10.4 The Consultant will only become involved if the case is particularly complex or controversial, when it may be prudent for an experienced officer to put forward the Council's case and be able to answer questions from cross examination

11 Planning Appeals

- 11.1 Although the Town Council will not lead on appeals, there are occasions when representation at an appeal would add weight and support
- 11.2 The Planning Consultant will only become involved if the case is particularly complex or controversial, although the

Consultant will be asked to review any prepared speech by the Chairman (or substitute) at the appeal

- 11.3 The Council's Planning Clerk will add to the Appeals Register any appeals from within the town boundary or outside the town boundary where the planning application will have an impact on Stratford-upon-Avon
- 11.4 The Appeals Register will be forwarded to all Town Councillors to determine whether the Town Council should be represented. Members must state additional planning reasons that substantiate why the Town Council should be represented
- 11.5 Appeals will become a standard item on the Planning Consultative Committee agenda
- 11.6 If it is determined that the Town Council should attend the appeal, the Committee will appoint a representative if the Chairman is unable to attend
- 11.7 If it is determined that the Town Council should not attend the appeal, the reason for non-representation will be logged on the Appeals Register
- 11.8 The Chairman or appointed representative's prepared speech will be circulated to the Committee and Planning Consultant for comment
- 11.9 The Council representative will attend the appeal and once the outcome is known, contact the Planning Clerk to update the Appeals Register

12 Ward Representation

- 12.1 The Town Council's Planning Consultative Committee should have representation over the nine wards within the town, where possible. Should an occasion arise where a ward is not represented, in accordance with S/O C18, one of the two ward members should make every effort to attend if there are relevant applications within their ward on the agenda

13 Familiarisation of Applications, Site Visits and Training

- 13.1 Prior to the meeting, members will be expected to have familiarised themselves with the applications online, <http://apps.stratford.gov.uk/eplanning/> - type in the application number. Queries arising from the online inspection of applications should be referred in advance to the Chairman, Deputy Chairman or the Planning Consultant
- 13.2 Members will be expected to have undertaken site visits if there are applications on the agenda which are in unfamiliar locations or where site knowledge would be advantageous. In such a situation, you are only entitled to view the site from public vantage points and you have no right to enter private property. Whilst you may be invited to enter the site by the owner, it is not good practice to do so on your own, as this can lead to the perception that you are no longer impartial
- 13.3 Do ensure that any information which you have gained from a site visit is reported back to the Committee, so that all present at the meeting have the same information
- 13.4 On occasions a pre-arranged accompanied site visit with the Consultant may be prudent. Applications that are likely to warrant this will be determined by the Chairman, Deputy Chairman and Planning Consultant during Chairman's Actions Meetings
- 13.5 All members will be expected to attend the regular Planning and Licensing Training events conducted by the Planning Consultant and outside organisations including the District Council and WALC
- 13.6 Members are expected to undertake planning training on a regular basis. Planning training will be available throughout the year in association with WALC, SDC and the Town Council's Planning Consultant

14 Street Trading and Licensing Applications

- 14.1 When considering a licensing or street trading application it is important to remember that the Town Council is not a statutory consultee. However, the Council has the right, similar to that of the general public, to object to a licence or street application and the District Council will take note and respond accordingly
- 14.2 Street Trading and Licensing applications are subject to the same operational procedures as Planning

Caroline Nash
Town Clerk