

**RIBBLE VALLEY BOROUGH COUNCIL**  
**REPORT TO PLANNING & DEVELOPMENT COMMITTEE**

DECISION

Agenda Item No. 6

meeting date: THURSDAY, 16 FEBRUARY 2017  
title: MEMBER PROTOCOL  
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE  
principal author: DIANE RICE, HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To seek Member approval for the attached Planning Protocol.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives } The Council aims to be a well-managed Council, providing efficient services. Clear guidance supports this objective.
- Corporate Priorities }
- Other Considerations }

2 BACKGROUND

2.1 The Council approved the Code of Practice for Councillors Dealing with Planning Matters in May 2002; it was last reviewed in 2007.

2.2 Members are provided with guidance from a number of sources to assist them in dealing with planning matters. A Protocol had been prepared to combine the different elements of the guidance issued to Members into a single Protocol, supplemented by guidance similar to that in the Code of Practice which was presented to Planning and Development Committee on 10 November 2016.

3 ISSUES

3.1 In order to consider the details in the document the Planning and Development Committee resolved to appoint a Working Group of Members to look at all the issues included in the proposed Protocol.

3.2 The Working Group met on 1 December 2016 and suggested various amendments to the Protocol that have subsequently been included in the revised Protocol attached at Appendix 1.

3.3 The minutes of the Working Group are attached at Appendix 2.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – N/A
- Technical, Environmental and Legal – N/A
- Political – N/A

- Reputation – N/A
- Equality & Diversity – N/A

**5 RECOMMENDED THAT COMMITTEE**

- 5.1 Consider the Planning Protocol as amended by the Working Group attached as Appendix 1 and approve the same.

DIANE RICE  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

**BACKGROUND PAPERS**

None.

For further information please ask for Diane Rice, extension 4418

REF: DER/CMS/P&D/16021703



**PROTOCOL FOR MEMBERS  
AND OFFICERS**

**DEVELOPMENT MANAGEMENT**

**FEBRUARY 2017**

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# **1 Introduction**

- 1.1 This Protocol sets out the practices and procedures that Members and Officers of Ribble Valley Borough Council should follow when determining planning applications.

# **2 Basic Principles**

- 2.1 The basis of the planning system is to manage development in the public interest.
- 2.2 Planning is often contentious because planning decisions affect the private interests of individuals, landowners and developers. It is not a precise science and requires informed judgement within a firm policy context. The planning system relies on ensuring that officers and members act in a way which is not only fair, but also is clearly seen to be so. The planning process must therefore involve open and transparent decision making. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased, or not in any way well founded.
- 2.3 Members have a duty to represent their constituents, but also an overriding duty to the wider community. Whilst Planning Committee Members may be influenced by the opinions of others, their decisions must not discriminate in favour of any individual, group, company or locality, nor appear to do so. Decisions should be clearly based upon material planning considerations.
- 2.4 The role of the planning officer is to advise and assist members in their determination of planning applications by providing impartial and professional advice. They will ensure that all the necessary information for a decision to be made is provided with a clear and accurate analysis of the issues including identifying relevant development plan policies and all other material considerations. All reports to Members will contain a clear recommendation.
- 2.5 Members may raise with the relevant officers any points that they consider to be of relevance to the merits of a planning matter that the Council is to determine. However, Members should not otherwise seek to influence officers regarding particular officer recommendations.
- 2.6 Planning applications submitted by the Council for its own development will be treated in the same way as those submitted by private developers, in terms of the assessment of material planning considerations, however all such applications will be referred to Committee.

### **3 Pre-application Discussions**

- 3.1 Pre-application discussions between potential applicants and a Planning Officer can be of considerable benefit to both parties and should be encouraged. Such discussions will help to clarify what information should accompany the application and will usually reduce the time taken to make a decision.
- 3.2 It should always be made clear at the outset that the discussions will not bind the officer to make a particular recommendation, or the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be consistent and based on the Local Development Plan and material considerations.
- 3.3 A written notice should be kept of potentially contentious meetings.
- 3.4 Members of the Committee need to preserve their role as impartial decision makers and generally should not give pre-application advice to applicants and/or agents regarding development proposals.
  - (a) Members should only meet applicants if an officer (wherever possible the Head of Development Management or a member of staff nominated by him) is present. A note should be taken of the meeting. The taking place of the meeting should be reported to the Committee.
  - (b) Wherever possible the note should be compiled by either a Committee Clerk or member of the Planning Admin team.
  - (c) If an applicant or interested party makes an approach, members should agree to listen but are advised not to comment. If a comment is given it should be made clear that it is a personal view rather than that of the authority. Members should avoid giving any commitment, or the impression of a commitment that they hold any particular view on the proposed development. Exceptionally, where a member considers that he or she cannot avoid giving an opinion, this should be declared at Committee. If the approach is from a constituent, members may give information on policies and procedures. Requests for information from professional advisors or agents should be referred to officers.
- 3.5 Members should be aware of the opportunity for a potential applicant to take formal pre-application advice as set out at Appendix 1 & of the Council's adopted Statement of Community Involvement: Section 4 (Involving the Community in Planning Applications) & Appendix 3 (Guidance for Developers on Consultation for Proposals)(available at [https://www.ribblevalley.gov.uk/downloads/file/9588/sci\\_adopted\\_october 2013](https://www.ribblevalley.gov.uk/downloads/file/9588/sci_adopted_october_2013))

## **4 Lobbying**

- 4.1 Lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a proposal will often seek to influence the decision by an approach to their local Member or to Members of the 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.
- 4.2 Planning Committee Members are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view, Members of the Committee should avoid expressing an opinion which may indicate they or the authority have reached a final conclusion on a planning application until all the relevant information, evidence and arguments have been put before them at Committee.
- 4.3 Ward Members who are also members of the Planning Committee may participate in the Committee debate on an application in their Ward and will normally be able to vote on the application. Whilst Ward Members may wish to ensure that a particular body of local opinion is heard by the Committee, and may reflect those views to the Committee, they should take care to avoid bias. Members of the Planning Committee need to take account of the general public's (and the Ombudsman'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, 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 his or her concerns publicly before a meeting but he or she should make it clear that they will not form a final opinion until they have considered all the information.
- 4.4 If a member responds to lobbying by deciding to go public in support of a particular outcome; or even campaign actively for it; it will be very difficult for that member to argue convincingly that he/she has carefully weighted all the evidence and arguments presented at the committee meeting: In these circumstances the decision of the Planning Committee may be vulnerable to challenge by way of Judicial Review if there is bias or the appearance of bias in the process. An appearance of bias is created if Members make it plain that they have already made up their minds about an application and will not be influenced by anything said at the meeting. In these circumstances the proper course of action would be for the member to make an open declaration and not to vote.
- 4.5 Being a Member of a Parish or Town 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 Council. 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 a mouthpiece for another Authority. To do so could give an appearance of bias.

- 4.6 Members should be aware of, and have regard to, guidance issued from time to time by the Planning Advisory Service in relation to this issue.

## **5 Site Visits**

- 5.1 Collective/accompanied Members site visits shall only be held where the proposals are of such a nature that the Committee is confident that the value added by such a visit justifies the delay in the processing of the planning application.
- 5.2 Attendance at site visits is generally by invitation only – the prime purpose being for Council members themselves to fully understand the material planning considerations to be taken into account in determining the planning application.
- 5.3 All site visits should be carried out in accordance with the Council's rules relating to site visits set out at Appendix 2.
- 5.4 Individual site visits should be carried out in accordance with current PAS "Probity in Planning" guidance.

## **6 Delegated Decisions**

- 6.1 Delegation of appropriate powers and functions by Planning Committee to designated officers has long been regarded as an essential element for the delivery of an efficient planning service.
- 6.2 The Council's Scheme of Delegation and Development Management Protocol are set out at Appendix 3.

## **7 Committee Decisions**

### **Committee Reports**

- 7.1 Reports to Planning Committee will normally be available at least five working days prior to the meeting.
- 7.2 All applications submitted to the committee will have a full written report from officers including a reasoned assessment of the proposal, reference to relevant policies and a justified recommendation and analysis of available options. Reports will cover the substance of any objections and the views of people and bodies that have been consulted.



- 7.3 Any oral presentations raising new matters and updates by officers to the committee will be minuted.
- 7.4 Members should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter and do not attend or leave part way through. 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 members are not present for the whole of that process and miss a substantial proportion of it they should consider whether they are in a position to vote. The Chairman will be able to offer advice on this point.
- 7.5 If the report's recommendation is contrary to the provisions of the Local Development Plan, the material considerations that justify this must be clearly stated.
- 7.6 Where an application is recommended for refusal the reasons will be set out in full in the officer's report.

#### **Decisions contrary to officer recommendation**

- 7.7 Members must indicate reasons at Committee for approval or refusal of applications determined contrary to officer advice. Pressure should never be put on Officers to "go away & sort out planning reasons".
- 7.8 Where Members are minded to approve an application contrary to officer advice, the application will be deferred to a future meeting of committee when it will be reconsidered with properly drafted conditions forming part of the report
- 7.9 Where an application is being considered at Committee for refusal contrary to officer advice, the proposed reasons for refusal will be agreed at that committee meeting. The reasons will be recorded in the minutes & be based on material planning considerations and the relevant policies supporting the refusal. An opportunity will be given to the officer to explain the implications of the contrary decision. If a successful planning appeal follows a refusal contrary to officer advice, clear identification of good reasons for refusal will reduce the chance of a costs award.

#### **Free from political instruction**

- 7.10 Members of the committee must make planning decisions on planning grounds. "Whipping" is inappropriate and decisions should not be taken in party groups on how to vote on particular applications prior to the committee meeting.

#### **Declaration of interests**

- 7.11 The Council's Code of Conduct sets out requirements for members on declaring pecuniary and non-pecuniary interests and the consequences of having such an interest. These must be followed scrupulously and Members

should review their situation regularly. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct.

- 7.12 A Member with a 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. He or she should leave the room before the item is considered. The responsibility for this rests with each Member. Advice can be obtained from the Head of Legal and Democratic Services if required, in advance of a Committee meeting. Guidance is also contained in Standing Order No. 30 in relation to non-pecuniary interests. It is unsatisfactory if a member asks for guidance in the course of a debate.

### **Requests by Members for information**

- 7.13 Wherever possible, Members should give advance notice of additional information they intend to request, or information they intend to contest, at the committee meeting so that officers can be in a position to assist and avoid the unnecessary deferral of a decision.

### **Public Participation**

- 7.14 In order to give greater opportunity to applicants and objectors to express their respective points of view, the Planning Committee operates a scheme of public participation, details of which are set out at Appendix 4.

## **8. Issue of Decisions**

- 8.1 Where an application is approved or refused by Committee the planning permission or notice of refusal will normally be posted to the applicant within 48 hours of the date of the Committee Meeting.
- 8.2 Where application is approved subject to a legal agreement, the decision notice will not be issued until the agreement has been completed.

## **9 Member Training**

- 9.1 Members of the Planning Committee will receive regular training about the planning system.

The Council is a public authority for the purposes of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Applicants under this legislation may request copies of any information that we hold, and, unless exemptions/exceptions apply, we must supply the requested information to them. Please see the attached notes.

In providing information to us, you understand and agree that all of the information supplied by you to us, could be disclosed to third parties (including to your competitors).

If you consider that any of the information that you give to us is confidential or commercially sensitive, you must: (i) provide it in a separate document; and (ii) mark it as such (and provide an explanation, where this is not self-evident).

If we receive a request for such information, we will take your views into account. However, the final decision as to whether or not to disclose the information will remain the Council's.



## Ribble Valley Borough Council

### REQUEST FOR PRE-APPLICATION ADVICE

Please complete all sections – see overleaf for guidance notes.  
DO NOT DELETE OR REMOVE ANY PART OF THIS FORM

**THE PLANNING DEPARTMENT NO LONGER ADVISE WHETHER OR NOT PERMISSION IS REQUIRED. IF YOU REQUIRE CONFIRMATION OF THIS TYPE, PLEASE SUBMIT AN APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED DEVELOPMENT. SUCH AN APPLICATION COSTS HALF THE NORMAL PLANNING FEE. DOWNLOADABLE GUIDANCE NOTES AND THE RELEVANT FORMS CAN BE FOUND ON THE COUNCIL'S WEB PAGES AT**

[https://www.ribblevalley.gov.uk/info/200361/planning\\_applications/1542/forms\\_for\\_planning\\_applications](https://www.ribblevalley.gov.uk/info/200361/planning_applications/1542/forms_for_planning_applications)

For Householder development only, further guidance on whether or not you need planning permission can be found at <http://www.planningportal.gov.uk/permission/> however, these guidelines **do not** apply to any addresses that do not have Permitted Development Rights. We therefore advise that before consulting the planning portal you first check the planning history of your property to find out whether or not these Rights have been removed. If they have, then planning permission will automatically be required for *any* development proposed at the site.

1. Address of proposed work

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2. Your/Applicant's name and address

Name/Address of Planning Agent/Architect  
(our response will be sent to this address)

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Tel No: \_\_\_\_\_

Tel No: \_\_\_\_\_

e-mail: \_\_\_\_\_

e-mail: \_\_\_\_\_

3. Please provide a brief description of your proposed development, and write the questions you wish to ask (continue on a separate sheet if necessary).

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Please enclose your supporting information and fee (see overleaf)

Please tick if you **only** require a written response

Please tick if you require a meeting with a written response

For all enquiries, please provide the following supporting information: -

- Location plan showing the site (Including at least two street names and at a recognised scale of 1:1250 where possible)
- Sketch plans of the proposed work (site plan, elevations, floor plans)
- Draft design and access/heritage statement where appropriate
- Photos of the existing site and surroundings may also be helpful, along with confirmation of the current use of the land/buildings

If insufficient information is given with your request, we may not be able to provide advice.

I enclose the fee of £ \_\_\_\_\_ and understand that no refunds will be given

Signed..... (Print name) .....

Dated .....

Completed request forms, together with the supporting information and fee should be sent to:

Planning Department  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA

**Requests accompanied by insufficient information or payment will not be considered. We will contact you if this is the case, and if you have not validated your enquiry within six months we will dispose of your submission. Please do not send your request by email as we do not have the equipment to deal with it.**

### ***Building Regulations***

*Building Regulations apply to the majority of new buildings, extensions, structural alterations, alterations to bathrooms, loft conversions and some detached buildings. If you are unsure of the requirements, further information may be obtained from any of our Building Control Surveyors on (01200) 425111, or visit our web pages,*

[http://www.ribblevalley.gov.uk/info/200141/building\\_control](http://www.ribblevalley.gov.uk/info/200141/building_control)

*If the regulations apply to your proposals, then it is necessary to obtain Building Regulation consent. If you wish to receive the necessary forms, please tick the box.*

## **Disclosing information on pre-application discussions**

Although the Council does not automatically make public the details of pre-application discussions with potential developers, under the Environmental Information Regulations 2004 we may receive from time to time a request from a member of the public to provide information regarding enquiries for pre-application advice and of any advice given. Subject to certain exemptions, we are obliged to provide this information, although personal contact details are protected under the Data Protection Act.

The exemptions relate to commercially sensitive and confidential information. It is therefore important that you bring to the Council's attention at the outset in writing any information which you consider may, if disclosed, prejudice your commercial interests or which you consider would breach confidentiality. You should also set out the reasons why and for what period you consider the information falls into these categories. It is then for the Council to decide whether it believes the information falls into these exempt categories, if a Freedom of Information request is subsequently received.

We may also treat as exempt from disclosure information which, if disclosed, may prejudice the effective conduct of public affairs. This can be particularly relevant at the outset of major applications where a lot of exploratory discussion takes place. If the disclosure of this exploratory information was likely to prejudice the process of leading to a proper determination of the subsequent planning application, then it may not be disclosable.

Apart from these exemptions any other recorded information resulting from these pre-application discussions is very likely to be disclosable.

## **RVBC CODE OF PRACTICE FOR ACCOMPANIED SITE VISITS.**

### COMMITTEE SITE VISITS

Collective site visits by Committee will be useful on occasions where there are particular aspects that Committee believes would benefit from group inspection and officer explanation. Because there is a danger that such visits may become Committee rehearsals or opportunities for oppressive lobbying it is worthwhile that formal protocols are followed.

If an applicant or objector requests a collective visit by Members, any request should be passed on to the Chair of the Planning and development Committee.

When a meeting has been requested by a Councillor for an accompanied site visit, it will need to be agreed by the Chair of the Planning and Development Committee. If the application is scheduled for a Planning and Development Committee, the meeting will normally be arranged on the morning of the meeting. An email will be sent by the Committee clerk confirming the arrangements. If deemed appropriate and at the discretion of the Chair of the Planning Development Committee a representative of the Parish Council may attend.

**At the start time of the visit the lead officer present will draw attention to the purpose & procedure to be followed which will normally be:**

- Head of Service or appropriate officer to welcome and explain the purpose of the meeting.
- If deemed appropriate the applicant may give a brief description of the proposal and point out specific things during any tour of the site.
- Members may ask questions direct to the Officers to clarify the nature of the application. If deemed necessary by the officer the applicant may be invited to answer appropriate questions.
- If the Parish Council attend any collective site visit Members should restrict any questions of the Parish Council to clarification of facts avoiding any discussions of the merits of the case.
- It may be possible and proper to use the site visit to take views from various private points. The Officer present should state at the outset that if anyone present would like the Councillors to see the site from a particular point of view they should put that suggestion to the Officer
- Members should make every effort not to be drawn into discussions about the merits of the case either individually or in groups.



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

# DELEGATION SCHEME

## 16 APRIL 2015

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVIEWED 10th October 2013

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

### 1. GENERAL DEVELOPMENT CONTROL

- (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
- (b) The statutory or the discretionary need to advertise various types of applications.
- (c) What statutory or other consultations/notifications are required?

### 2. APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS AND DISCHARGE OF CONDITIONS

#### 2.1 There are two types of application for a Lawful Development Certificate.

These are:

- (a) Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.

(b) Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.

2.2 Applications for the discharge of conditions placed on planning approvals.

2.3 Since all these types of application relate to issues of fact, both refusals and approvals are delegated to the Director of Community Services. **These applications remain delegated even if representations are received.**

### 3. DETERMINATION OF PLANNING APPLICATIONS

3.1 Applications submitted on behalf of family members of Councillors and officers should be placed before the Planning and Development Committee even if they fall within the categories below.

#### Approvals

3.2 The following types of planning application are delegated to the Director of Community Services providing fewer than 10 objections from separate addresses are received by the date of consultation closure. The total of these includes statutory consultees.

- Applications for up to 9 new dwellings (6/12/12).
- Substitute dwellings on existing plots within an existing housing estate.
- Applications for new access points wither on classified or unclassified roads.
- Applications for a change of use (26/5/94).
- All new build commercial premises including agricultural developments irrespective of the size.
- Proposals for new shop fronts on existing shops.
- Applications for consent to display advertisements.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- Applications for conservation area consent (11/4/90 and 30/04/09).
- All applications about which the observations of the Council are requested (23/4/98 and 18/12/08).
- Renewals of previously approved schemes (23/4/98).
- Renewals of temporary consents (15/6/99).
- Applications for temporary buildings (15/6/99).
- Reserved matters applications.
- Modification of conditions and minor alterations to Section 106 Agreements. (24/05/12).
- Minor material amendments (14/1/10).
- Non material amendments (14/11/10).
- Ancillary development within the curtilage of a dwelling house (for example, domestic garages, conservatories, porches, greenhouses and means of enclosure etc).
- Extensions to dwellings.
- Revocation requests relating to Section 106 Agreements (24/05/12).



## Refusals

- 3.3 Planning applications falling into these categories can be refused under delegated powers without prior reference to the Chairman (or if unavailable the Vice Chairman) of Planning and Development Committee.
- Household extensions and curtilage buildings.
  - Listed buildings.
  - New housing clearly contrary to Policy (To be interpreted by Case Officer in conjunction with Head of Planning Services 24/05/12).
  - Applications raising design issues.
  - Advertisement proposals.
  - Buildings in the open countryside.
  - Change of uses that do not generate significant employment issues.
  - Reserved matters.
  - Staff, member and close family proposals.

Such delegated refusals can be issued with registered objectors.

## Section 106 Agreements

- 3.4 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to officers unless Committee have formally requested further involvement at the time of the original decision.

## Non determination appeals

- 3.5 Delegated to the Head of Planning Services and Director of Community Services in conjunction with the Chairman and Vice Chairman of the Planning and Development Committee, to determine the appropriate reasons for refusal in any non-determination appeals if it is not possible to take a full report to Committee due to the need to meet the necessary appeal deadlines.

## 4. PRIOR NOTIFICATIONS

- 4.1 Proposals for all prior notification proposals which currently include agricultural buildings, demolition work, telecommunications apparatus and householder extensions within certain size and locational thresholds, may benefit from permitted development rights. The developers are however required to serve a prior notification upon the Council. (July 2013).

This gives the local authority the opportunity to assess whether planning consent is required and also to seek technical alterations if appropriate. The Council has a limited time to respond; but as failure to issue a decision results in an automatic approval, these items need to be delegated regardless of the decision reached.

- 4.2 Authorise the Director of Community Services in the determination of Local Development Orders applications at BAe Samlesbury (16/4/15).

## 5 HERITAGE PARTNERSHIP AGREEMENTS

Proposals for Consented Work applications, Certificate of Lawfulness of Proposed Works and amendments and additions to any Heritage Partnership Agreements (16/4/15).

## 6. ENFORCEMENT

6.1 In all cases where there is a breach of planning control, the Director of Community Services is authorised to take the necessary action to regularise the situation, including the service of notice on untidy sites.

## 7. BUILDING PRESERVATION NOTICES/URGENT REPAIRS

7.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Community Services is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

7.2 Authorise the Director of Community Services in relation to Urgent Works Notice (Listed Buildings and Conservation Areas) (16.4.15).

## 8. TREE PRESERVATION AND COUNTRYSIDE

The Director of Community Services is authorised to make:

- (a) provisional tree preservation orders where necessary because of the immediate threat to tree involved.
- (b) Decisions on applications for work on protected trees.
- (c) Confirmation of tree preservation orders when no objections have been received.
- (d) Decisions on notifications under the Hedgerow Regulations.
- (e) Confirmation of public rights of way diversion orders.
- (f) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

## 8. OTHER MATTERS

8.1 Decisions on whether an application is needed for consent to demolish a building.

8.2 Decisions on whether an environmental impact assessment is required for any specific proposal and determination of scoping and screening requests.

8.3 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee (8/3/01).

8.4 Decisions whether or not to use consultants to prepare and present an appeal case is delegated but only following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee.

- 8.5 Delegation to the Director of Community Services or Head of Planning Services to decide to take applications to Planning and Development Committee even if they fall within the Delegated procedure, if it is deemed appropriate.
- 8.6 Determine applications as finally disposed of (10/10/13).
- 9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE
- 9.1 The ward councillor will have the right to require that any application or revocation request appearing on the weekly list to be presented to Planning and Development Committee for decision, providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

**PUBLIC PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS**

The Council operates public participation at council meetings and committee meetings. It is a regular item on every agenda.

Listed below are the ground rules for people wishing to speak at any meeting.

1. Only residents of the Ribble Valley may ask a question or make comments.
2. Contributions are limited to one per person per item and no person shall speak for more than 3 minutes, except in exceptional circumstances.
3. Public participation will last for 15 minutes at the start of each meeting. The running order of the agenda may be changed to accommodate public participation at the discretion of the Chairman.
4. Public participation is a part of the formal proceedings and will be recorded in the minutes.
5. Persons wishing to speak at any meeting can only do so in relation to decision items on the agenda. All agendas will be published on the Council's website at least 5 working days before the meeting. Agendas are also available for inspection at the Council Offices, Church Walk, Clitheroe.
6. If an item is listed in Part 2 of the agenda it is to be discussed in private as exempt information and press and public are excluded from the meeting.
7. Speakers on the same agenda item will be taken in the order they are received. Speakers on different agenda items will be dealt with in agenda item order.
8. No person will be allowed to speak on the same issue at two consecutive meetings unless the item has been deferred from a previous meeting.
9. No paperwork/plans/photographs are allowed to be circulated by any speaker at the meeting. This must be done in advance of the date of the meeting if they wish the members to consider information other than that which is contained in the agenda papers.
10. Any person wishing to speak at committee meetings must register with the council by no later than noon on the day of the meeting (for Council it is the Friday before the meeting).
11. If an immediate response is required to a question/comment, it should be submitted in writing at least two working days before the meeting.
12. In respect of questions at Council meetings, members of the public must give notice in writing to the Chief Executive by no later than noon on the Friday before the Council meeting. The notice must specify the nature of the question in enough detail to enable a reply to be prepared. A response will be given by the Chairman of the appropriate committee and a copy of the written answer will be given to the questioner. Questioners have the right to ask one supplementary question once they have received the chairman's response.
13. Speakers must be aware that under the 'Openness Regulations' there is an obligation on the Council to allow filming/recording of meetings as long as it is not disruptive.

14. There are different rules for Licensing Sub-Committees and Planning & Development committees as follows:-

At Licensing Sub-Committee committee

- Only the Applicant and persons who have made relevant representations to a licensing application are permitted to speak;
- The Applicant will be invited to speak first followed by each person who has made a relevant representation;
- There is no limit on the length of time a person may speak, although parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Sub-Committee;
- Members of the public who attend the sub-committee and who have not submitted a relevant representation are not permitted to speak;
- Members of the Sub-Committee may ask a question of any party or other person appearing at the hearing;
- Parties will be allowed to clarify points upon which they wish to support their application;
- Any additional paperwork/evidence in support of or against the application must be submitted prior to the hearing, and members of the Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the consent of all parties

At Planning and Development committee a maximum of 2 speakers is also allowed on each planning application.

- One will be the applicant/agent; the other an objector
- If the Parish Council is the objector they will have first refusal on the right to speak
- If the Parish Council do not wish to speak, the Council will accept the first person to register as an objector
- The applicant/agent will speak first and the objector second. With reference to rule 1 – residents of Ribble Valley. This rule is waived to accommodate representatives of applicants/objectors from outside the Ribble Valley to participate
- Officers and members other than the Chairman cannot question the speaker. In exceptional circumstances the Chairman may ask an applicant and/or objector to clarify a matter of fact. If this happens, the applicant and /or objector must confine themselves to giving a direct answer to the question
- Officers will not be required to answer questions raised, but will do so if a member of the committee so requests
- No paperwork/plans/photographs will be allowed to be circulated by the applicant/agent or objector at the meeting. The onus is on the applicant/agent and/or objector to do this in advance of the date of the meeting if they wish the members of the planning and development committee to consider information other than that which is contained in the agenda papers.

## MINUTES OF PLANNING PROTOCOL WORKING GROUP HELD ON 1 DECEMBER 2016 – 4.30pm

PRESENT:

Cllr Sue Bibby (Chair)	John Heap
Cllr Richard Sherras	Diane Rice
Cllr Stephen Atkinson	John Macholc

APOLOGIES

Received from Councillor Sue Knox

PURPOSE OF THE WORKING GROUP

- To consider and make recommendations to Planning & Development Committee on the Draft Planning Protocol for Members and Officers.

Members were reminded that historically the document was formed to protect members and officers and to avoid any inappropriate behaviour that would bring the Planning function into disrepute.

John Macholc highlighted the distinction between the document under discussion and the part of the Development Management Protocol that covers how officers deal with planning issues.

The Chairman felt that the underlying issue determining whether member behaviour is appropriate is whether it is judged by the reasonable man on the street that a councillor is being biased.

Several practical examples were discussed in order to understand what the issues are and what would be acceptable behaviour or not.

It was agreed that the Probity in Planning document produced by PAS was extremely helpful with guidance in lots of issues. However, the Planning Protocol document related more closely to how Ribble Valley does things and is potentially therefore more useful to our own councillors on Planning committee.

Members discussed several points in the draft document and suggested some amendments and asked that it be sensitivity checked with the PAS document so as to avoid conflicts.

**ACTION: It was agreed that Diane would do this and then circulate to the members on the working group for comment before re-presenting it to Planning & Development committee in the New Year.**

The meeting closed at 5:15pm