



# City of Westminster

## PLANNING APPLICATIONS SUB-COMMITTEE PROCEDURE RULES

### 1.0 General

1.1 These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.

1.2 In the case of items which have previously been deferred by the Planning Applications Sub-Committee and where no new evidence is to be tabled, speakers will not be allowed to make further representations at Committee.

### PROCEDURE PRIOR TO THE MEETING

#### 2.0 Registration to Speak

2.1 Members of the public who wish to make representations to the Committee must register to speak by 12pm on the Friday (or two working days where the meeting is held on a different day) immediately prior to the meeting. This applies to those wishing to speak against the application, the applicant who may wish to speak in support of their application, other persons wishing to speak in support of the application and a representative of the local Recognised or Semi-Recognised Amenity Society. Ward Councillors and /or Members of Parliament who wish to speak on an item are advised to adhere to the same deadline. The maximum number of speakers on each item is limited as follows:

- **Planning (Major) Applications Sub-Committees:** a maximum of two speakers in support of the application (with one of these slots reserved for the applicant or their nominated spokesperson) and two against. In addition, there be a separate slot for the recognised and/or semi-recognised amenity society and a further slot for the relevant Ward Councillors should they wish to speak.
- **Planning Applications Sub-Committees 1, 2 and 3:** a maximum of one speaker in support (normally the applicant or their nominated spokesperson) and one speaker against. In addition, there be a separate slot for the recognised and/or semi-recognised amenity society and a further slot for the relevant Ward Councillors should they wish to speak.

2.2 If the number of requests to speak either in support or against the application exceeds the number of public speaking slots outlined above, potential speakers will be encouraged to discuss in advance of the meeting whether they wish to either nominate a speaker who will make a verbal representation on their common behalf or to share the total time allocated to speakers making representations either for or against the application, as the case may be. The Committee and Governance Services Team will contact the relevant parties on the Friday afternoon immediately after the registration deadline and seek their agreement for their contact details to be shared with the other parties in advance of the meeting (this agreement is necessary in order to avoid concerns regarding data protection). The nomination of the

spokesperson or clarification that the time will be shared between the speakers would need to be received by the Committee and Governance Services Team by the following Monday at 12pm (i.e. the day immediately before the Committee meeting). Where agreement cannot be reached between the parties on a nominated spokesperson (for example where objectors have different concerns) or for the time to be shared; it is proposed that the Chairman, in conjunction with the Presiding Officer, may choose to agree to a random selection process (a ballot) to determine who will speak.

2.3 The Council's Committee and Governance Services Team will notify those parties who are eligible to speak and notify the other interested parties that they will not be permitted to speak however they can attend the meeting to hear the discussion. Interested parties may also wish to contact their Ward Councillors and request that they make representations on their behalf however if such requests by Ward Councillors are made after the Friday deadline they will need to be submitted directly to the Chairman for agreement. Committee and Governance Services will provide the final list of speakers to the Committee Chairman and presiding officer by close of business on Monday (the day immediately before Committee).

2.4 The period for registration of interest in speaking will only commence after the case has been listed on a Committee agenda, published online 5 working days in advance of the meeting (i.e. any requests to speak included in a written representation on the application or direct contact with officers or Members will not override the formal registration process). The case will not be deferred to another Committee date if an interested party is not available to speak at the Committee meeting however they may ask a representative to speak on their behalf if appropriate.

### **3.0 Documents & Written Representations**

3.1 Written representations received prior to the completion of the committee report will be referred to within the report. Representations received after the report is published will be reported verbally to the Planning Applications Sub-Committee, with copies of the representations sent to the Committee Members at close of business on the Thursday immediately prior to the Committee meeting where received by the planning case officer by 2pm that day and copies of any further representations received by the planning case officer after this time but in advance of the meeting will be presented to the Committee Members at the meeting.

3.2 Registered speakers (including the applicant), the Recognised or Semi-Recognised Amenity Society and Ward Councillors may only make verbal representations. No further written representations may be presented at the meeting and it will not be possible to use visual presentations to show photographs, drawings or other materials.

## **PROCEDURE DURING THE MEETING**

### **4.0 Chairman's introduction**

4.1 The Chairman will introduce the officers and Committee Members. The meeting shall only take place if it is quorate<sup>(i)</sup>.

### **5.0 Agenda Order**

5.1 Agenda items will be heard in accordance with the order advertised on the agenda, however the Chairman will normally request that the agenda order be altered where interested persons/organisations have registered to make verbal representations on an application.

### **6.0 Apologies**

6.1 The Chairman will report any apologies received or substitutions made to the Committee membership<sup>(ii)</sup>.

## **7.0 Declarations**

7.1 The Chairman will ask the Committee Members and any visiting Ward Councillors whether they have any interests to declare in accordance with the Code of Conduct. Members will state clearly the nature of any interest and whether the interest is 'personal', or 'personal and prejudicial'. Committee Members with prejudicial interests will be required to leave the room for the duration of the relevant item, though they may make representations to the Committee before leaving the room.

## **8.0 Minutes**

8.1 The Chairman will ask the Committee whether the minutes of the previous meeting can be signed as a correct record of proceedings<sup>(iii)</sup>.

## **9.0 Officer's Presentation**

9.1 At the beginning of each substantive item, the planning officer will provide a brief introduction to the case using drawings, photographs and other documentation as may be necessary, summarise the key issues for consideration and refer the Committee to any late amendments to the report.

## **10.0 Representations**

10.1 The Chairman will invite those registered to make representations to the Committee to speak. Those speaking in support of the application (namely the applicant followed by any other supporters) will be heard first, followed by those speaking against the application. The local recognised or semi-recognised Amenity Society will be asked to speak next and interested local Ward Councillors or Members of Parliament will be heard last.

10.2 Each speaker will be allowed three minutes to make representations (except where the number of requests to speak either for or against the application exceeds the designated number of speaking slots and parties have agreed to share the maximum time allowed for speakers for or against the application), after which time they must then re-take their seat in the gallery. In the case of Ward Councillors, they may sit adjacent to the Committee). Representations must relate to material planning considerations, they must pertain to the item before the committee and in general no new issues beyond those raised in the written submissions already made in respect of the planning application should be raised.

## **11.0 Officer's response**

11.1 When the Committee has heard from all of the speakers on an item, the planning officer will respond to any new issues raised by the speakers. Committee Members may put questions to the planning officer (and other Council officers present) in relation to the details of the case, the issues raised by the speakers and the officer's recommendation. The planning officer may provide further clarification relating to the application, planning policies, procedures and legislation, where necessary.

## **12.0 Views and Voting**

12.1 When no further questions are to be put to the planning officer, the Chairman will then ask Committee Members to discuss their views on the application.

12.2 If a Committee Member proposes a decision be taken which is contrary to that recommended by the planning officer; proposes additional conditions or informatives be attached to a decision; or proposes deferral of an item, the Committee Member must state clearly the reason for this proposal.

12.3 Once any conflicting views have been heard, and in the advance of the main (substantive) vote, the Chairman may propose that the Committee vote on the addition of conditions, informatives or reasons for a decision, where necessary.

12.4 The Chairman will then propose that a substantive vote is taken. All decisions are reached by a majority vote. In the event of a tie the Chairman will have a casting vote.

12.5 Once the substantive vote has taken place, the Chairman will verbally summarise the decision, which will be minuted by the Committee and Governance Services Officer.

### **13.0 Disturbance to the Committee**

13.1 During the meeting, members of the public will not be permitted to make representations from the public gallery and notes must not be passed from the public gallery to the Committee table. Members of the public or Councillors may be asked to leave the room if they cause disturbance to the process of the Committee.

### **14.0 Application of Procedure Rules**

14.1 These rules should be read in conjunction with the Council's Constitution.

14.2 The above procedure rules will be reviewed from time to time and may be varied at the discretion of the Chairman in the case of extraordinary circumstances.

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(i) In order to be quorate, a minimum of three members must be present at the beginning of the meeting for the Planning (Major) Applications Sub-Committee and a minimum of two members must be present at the beginning of the meeting for Planning Applications Sub-Committees 1, 2 and 3.

(ii) Members of the Planning Committee who are unable to attend the meeting may send a substitute if they have notified Committee and Governance Services prior to the meeting.

(iii) In the case of factual errors, any proposed amendments to the minutes must be seconded and carried by a majority vote to become effective. The minutes are summary of the proceedings of the meeting and not a verbatim transcript.

List of Recognised and Semi-Recognised Amenity Societies:

[https://www.westminster.gov.uk/sites/default/files/list\\_of\\_amenity\\_societies\\_in\\_westminster2018.pdf](https://www.westminster.gov.uk/sites/default/files/list_of_amenity_societies_in_westminster2018.pdf)