



Part 8

Appendices

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PART 8 – APPENDICES

APPENDIX 3 - PROTOCOLS

1. REFERRAL PROCEDURE FOR PLANNING APPLICATIONS

This procedure relates to planning applications only and not any other planning matters which are delegated to the Deputy Chief Executive.

Referral by Ward Councillors

1. All Members will receive a dated weekly list of planning applications registered. The list will categorise applications by Ward, and an initial assessment of the level at which the decision will be taken – Officer or Planning Committee.
2. Applications and development proposals vary in their complexity, and some are particularly contentious and generate considerable local interest. A Ward Member can request that the item be considered by the Planning Committee. In order to satisfy the requirements for a fair and transparent Development Management service and to ensure that performance targets are not compromised, any request by a Member for an application to be referred to Committee should be made in accordance with the following procedure.
3. A Member for the Ward within which the application site is located, or an adjoining ward upon which the application has a significant impact (meaning valid planning reasons or significant local interest), may request that such an application be determined by the Planning Committee. Any requirement so made shall be called “a referral”. In order to make a referral, a Member must make a written submission (which shall be by email) to the Head of Planning and Development Management within 21 days of the date shown on the relevant weekly list. Referral requests must state the reasons why there is need for a committee decision, making reference to valid planning reasons and the significant concerns or potential significant impact of the development. Valid planning reasons must be given; stating which of the requirements (a-d) set out below are being met.
 - a) issues relating to highways, including access/visibility problems,
 - b) the design, scale, character and/or relationship of existing buildings and proposed buildings,

- c) the effect of the proposal upon the character or amenity of adjoining land and buildings and/or the impact on the surrounding area, and/or
 - d) there are significant policy or precedent implications.
4. The Head of Planning and Development Management will, in consultation with the Chair or Vice Chair of the Planning Committee confirm or reject the 'referral' based on the significance of the development and validity of the planning reasons. Members who request a call-in will only be notified if their request has been rejected.
 5. In accordance with good practice, Members requesting a call-in should attend the Committee meeting. However, if not available a nominated substitute Ward Member is permitted to attend and should notify the Constitutional Services Officer accordingly, prior to the meeting.

Consultation with Chair, Vice-Chair and Opposition Spokesperson of Planning Committee

1. There will be occasions when the Planning Committee has considered an application but is not able to issue a final decision because all statutory obligations have not been fulfilled. This will normally be because the periods for consultation have not expired. It is anticipated that referrals of this kind will be used infrequently.
2. In these cases, and at the Committee's discretion, the decision may be delegated to the Deputy Chief Executive in consultation with the Planning Committee Chair, Vice-Chair and main opposition spokesperson.

2. PLANNING COMMITTEE DECISION CONTRARY TO OFFICER RECOMMENDATION

Where the Committee is minded to make a decision contrary to Officer's recommendation (whether for approval or refusal), the Committee shall make the reasons clear at the meeting and a detailed minute made. The officer shall also be given the opportunity to explain any implications of the contrary decision before it is finalised.

3. PLANNING COMMITTEE - PUBLIC QUESTION TIME AND PUBLIC PARTICIPATION – PLANNING MATTERS

This note explains how the public may ask questions of the Planning Committee and how applicants for planning permission and other persons who may be affected by a proposed development may speak to the Committee.

The agenda for each meeting is open for public inspection at the Civic Centre Entrance (Rochdale Road) and at Access Oldham (Cheapside Entrance) (when accessible) and on the Council's website from five working days preceding the meeting.

Public question time

1. The Committee will consider questions relating to general planning issues and procedures but NOT about individual planning applications or enforcement matters.
2. Questions must be submitted in writing to Constitutional Services no later than 12.00 noon, two days preceding the meeting (excluding Saturdays, Sundays and Bank Holidays).
3. The Chair, or some other person at the request of the Chair, shall read out the question.
4. A Member of the Committee may speak to any question, then the Chair of the Committee will give a verbal response to the question(s) at the meeting. The Chair's response will be confirmed in writing within five working days of the meeting.
5. Questions regarding individual matters should be addressed to the Council's Planning Officers in the first instance.

Consideration of planning applications by the Planning Committee – public participation

The definitive lists of applications for consideration by the Committee will be completed five working days before the meeting. Please contact Constitutional Services to find out if your applications is on the list of applications to be considered. If it is listed, please advise the Constitutional Services Officer if you wish to speak stating whether you support or object to the proposal. Requests to speak must be received no later than 12:00 noon on the day of the meeting.

Procedure Notes to all Speakers

1. The number of speakers will be limited to two, namely an objector or a representative of the objectors, and the applicant or a representative of the applicant. A Ward Councillor may also speak on an application in their ward.
2. It is important to inform Constitutional Services as soon as possible if you wish to speak to the Committee since only the first person to do so will normally be invited to speak.

3. Speakers will be allowed to speak for up to 3 minutes to state their case. This time period will be strictly enforced. Speakers should make comments only, and not ask questions of officers or Committee Members.
4. Where there are a number of objectors, a representative should be nominated to speak, failing which the first person to have informed Constitutional Services of a wish to speak, will be invited to speak to the Committee.
5. The public speaking procedure does not allow electronic video presentations or distribution of letters/statements/photographs, etc. to Members of the Planning Committee immediately before or during the meeting.
6. Ward Members will be allowed to speak for up to 5 minutes and should make comments only and not ask questions of officers or Committee Members.

6. PROCEDURE FOR CONSIDERING PLANNING APPLICATIONS

1. The Committee will have a report on each application which sets out all material considerations and the Officer's recommendation. Members of the Committee are, therefore, already aware of the issues. You may obtain a copy of the report from the Constitutional Services Officer.
2. The Planning Officer will introduce the report and a Supplementary Information List will report any matters that have arisen since the publication of the report, for example, the receipt of further letters.
3. The Chair will invite the objector or a representative of the objectors (if any) to speak.
5. Members may ask questions of the objector or representative of the objectors to clarify any points that have been made.
6. The Chair will invite the applicant or a representative of the applicant to speak in support of the application and on issues raised by objectors.
6. Members may ask the applicant or a representative of the applicant to clarify the proposals or their response to the objections.
7. The Head of Planning and Development Management, or other officer (as appropriate), if he/she requires, may respond to specific comments made by either the objector, applicant or their representatives.

7. Ward Councillors not on the Committee may speak on applications affecting their Ward at a meeting of the Planning Committee.
8. Members may ask questions of the Ward Councillors to clarify any comments they have made.
9. The Planning or other Officers (as appropriate) will be invited to comment on issues raised by the speakers.
10. The Committee will then debate the issues and may ask questions of the Planning and other Officers and make a decision on the application (see below).

Additional Information

1. On occasions, an application may be deferred by Committee without debate of the issues, for example because further information is awaited. In such cases, speakers will not be permitted to address the Committee until the application is debated at a future meeting. Speakers will be notified of the date of the meeting which will determine the application.
2. If the Committee defers an application after hearing from a speaker or speakers, for example to carry out a site visit, no speaker, apart from Ward Members, will be allowed to address the Committee at a subsequent meeting considering the application unless the application has been materially altered. Speakers will be notified in writing of the determination of the application.
3. Members of the public are not allowed to take part in the debate and may not question Members, Officers or applicants whilst the Committee is determining the application.
4. Anyone registered to speak on an application arriving after the application has been dealt with will not be allowed to speak on that application.

OVERVIEW AND SCRUTINY COMMITTEES

PUBLIC QUESTION TIME AND PUBLIC PARTICIPATION

The Agenda for each Overview and Scrutiny Committee is open for public inspection at the Civic Centre, Oldham and on the Council's website from five working days preceding the meeting (Access to Information Procedure Rule 4.2 applies).

The public may ask questions of an Overview and Scrutiny Committee provided that Notice of the question and/or comment must be delivered to Constitutional Services no later than two days preceding the meeting (excluding Saturdays, Sundays and Bank Holidays). Delivery includes the submission of questions via electronic media. The notice of the public question/comment must include the questioner's name and full postal address.

Questions must relate to the Committee's remit and the Council's Constitution also allows the Monitoring Officer to refuse certain questions. You will be advised if this is the case and the reason for refusal in writing. (Council Procedure Rule 10.2)

Questions which are relevant to the remit of the Committee generally will be considered under the Public Question Time item. Questions which are relevant to a specific item in the agenda will be considered at the start of that item, though such questions will be limited to two per agenda item. Questions considered under any agenda item will be taken in the order of receipt.

General Public Questions

The Chair will advise of the name of a questioner and will either read out the question or ask for the question to be read out to the Committee. A Member of the Committee may speak to any question, then the Chair will give a verbal response on behalf of the Council to the questions at the meeting or, at the discretion of the Chair, respond in writing within five working days of the meeting.

Questions relating to an Item on the Agenda

Questions will be considered at the start of that item, though the number of questions on any item will be limited to two.

The Chair will advise of the name of a questioner and will either read out the question or ask for the question to be read out to the Committee. A Member of the Committee may speak to any question. The Chair of the Committee will give a verbal response on behalf of the Council to the questions at the meeting, either immediately following the question being put or at some other time during consideration of the item. The Chair's response will be confirmed in writing within five working days of the meeting.

The Chair may, at his/her discretion, make prior arrangement for a questioner to participate in further discussions on the item.

Consideration of multiple questions

If more than one question is submitted by the same questioner, the second question shall be taken following questions submitted singly, which shall then be followed by second questions and so on until all questions have been dealt with or the time allowed has expired. Subject to the above, all questions will be taken in order of receipt unless the questioner consents otherwise.

Public Question Time

Public question time, considered in total across both the Public Question Time item and across specific agenda items, will be limited to 30 minutes. The time allowed for responses is limited to a maximum of two minutes each.