

Causeway Coast & Glens Shadow Council

To: Corporate Policy and
Resources Committee

Date: 19 May 2015

Draft Standing Orders of Council

For Decision

Linkage to Corporate Plan	
Strategic Priority	Transition and Transformation
Objective	Successful implementation of the convergence plan
Lead Officer	David Jackson/Moira Quinn
Cost: (If applicable)	Not applicable

1.0 Background

1.1 Article 37 (1) of the Local Government Act (Northern Ireland) 2014 states that:

(1) A council must make standing orders for the regulation of the proceedings and business of the council.

(2) A council may vary or revoke standing orders.

1.2 As a temporary measure, Causeway Coast and Glens Borough Council agreed to continue to utilise the interim standing orders which had been used by Causeway Coast and Glens Shadow Council. This was to be for a temporary period until the Department for the Environment put in place a legislative basis for the provision of new standing orders for Councils in Northern Ireland.

1.3 To date the draft Local Government (Standing Orders) Regulations, which were to have provided this legislative basis, have not been approved by the Assembly. The Department of the Environment, however, has prepared a guidance framework for Council Standing Orders which has been provided by them to assist Councils in the development of standing orders for the regulation of their proceedings and business.

2.0 Draft Standing Orders

2.1 The framework provided by the Department has now been used to develop new draft Standing Orders for Causeway Coast and Glens Borough Council.

- 2.2 The framework introduced a number of new Standing Orders along with a number of other changes to existing Standing Orders. In order to highlight the changes proposed by the framework, a list of these new Standing Orders along any changes to existing Standing Orders are outlined in **Appendix A**.
- 2.3 These changes have been incorporated into the draft Standing Orders document which is attached as **Appendix B**.
- 2.4 As indicated, the Local Government Act (NI) 2014 enables the Council to vary its Standing Orders and included in the draft Standing Orders document are two new Standing Orders for consideration by the Committee; one on a procedure for “Changes to the Constitution” and the other on “Protocol for the Operation of the Planning Committee”.

3.0 Recommendation

It is recommended that the Committee recommend to Council the adoption of the draft Standing Orders as outlined in **Appendix B**.

**STANDING ORDERS
FRAMEWORK CHANGES AND NEW ADDITIONS**

S/O 12 – Order of Business	Order has been changed.
S/O 15 (4) – Minutes of Committee	New addition to this Standing Order.
S/O 18 – Amendments to Regulatory Decisions	New Standing Order
S/O 19.6 – Place of Member Speaking	New addition to this Standing Order
S/O 19.12 – Member Shall Not Speak More Than Once	Reduced in size from the original wording.
S/O 20.3 – Qualified Majority	Expanded to include legislative requirements regarding qualified majority.
S/O 21 – Call In Process	New Standing Order
S/O 22 – Positions of Responsibility	New Standing Order
S/O 25.1 – Standing to Speak	New addition to this Standing Order
S/O 25.2 – Chairperson Standing	New addition to this Standing Order
S/O 29 – Changes to the Council Constitution	New Standing Order
S/O 30 – Protocol for the Operation of the Planning Committee.	New Standing Order

Causeway Coast and Glens Borough Council

STANDING ORDERS OF COUNCIL

Version Number	1
Author	
Date Adopted by Council	
Date Revised	

DEFINITIONS

“**2014 Act**” means the Local Government Act (Northern Ireland) 2014.

“**Budget**” means the expenditure authorised by a council under section 3 of the Local Government Finance Act (Northern Ireland) 2011.

“**Call-in**” means a requisition for the reconsideration of a decision as provided for in section 41(1) of the 2014 Act.

“**Clerk**” means the Clerk of a council appointed under section 41 of the Local Government Act (Northern Ireland) 1972.

“**Committee**” means a committee appointed under section 7 of the 2014 Act.

“**Delegated authority**” means the discharge of a function under authority fixed by a council under section 7 of the 2014 Act.

“**Decision maker**” means the body or person making an executive decision, a decision under delegated authority or a key decision.

“**Executive**” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act.

“**Executive Arrangements Regulations**” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015.

“**Executive decision**” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council.

“**Key decision**” means a decision under executive arrangements which is likely –

to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s annual budget for the service or function to which the decision relates; or

to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council.

“**Member**” means a councillor on that council.

“Nominating officer” means:

- (a) the person registered under the Political Parties, Elections and Referendums Act 2000 as the party’s nominating officer; or
- (b) a Member of the council nominated by that person for the purposes of Schedule 1 to the 2014 Act.

“Party” means a party registered under the Political Parties, Elections and Referendums Act 2000 in the Northern Ireland register (within the meaning of that Act).

“Policy framework” means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council.

“Proper officer” means an officer appointed by the council for the purpose of supporting the executive.

“Published” means made available for inspection by Members of the council.

“Register of Decisions” means a register of decisions maintained by the council of those decisions agreed by the council.

“Section of the inhabitants of the district” means any section of the inhabitants that is clearly identifiable by location, interest or other category.

“Special resolution” means a resolution of a council as defined in section 148 of the Local Government Act (Northern Ireland) 1972.

INDEX

Standing Order	Description	Page No
1	Annual and Monthly Meetings	5
2	Time and Place of Meetings	5
3	Convening Special Meetings	5
4	Notice and Summons of Meetings	5
5	Chair to be taken	6
6	Chairperson of Meeting	6
7	Quorum	6
8	Admission to meetings	7
9	Record of attendances at meetings	8
10	Exclusion of the public	8
11	Deputations	9
12	Order of Business	9
13	Minutes of the Council	9
14	Submission of Minutes	10
15	Minutes of Committees	10
16	Motions	11
17	Amendments	12
18	Amendments to Regulatory Decisions	15
19	Rules of Debate	15
20	Voting	18
21	Call-in Process	20
22	Positions of responsibility, etc. – Time Limits	25
23	Appointment of more than one committee	25
24	Rescission of a preceding resolution	26
25	Members conduct	26
26	Disturbance by public	27
27	Suspension and amendment of Standing Orders	27
28	Interpretation of Standing Orders	28
29	Changes to Council's Constitution	29
30	Protocol for Operation of Planning Committee	29

1. Annual and Monthly Meetings

- (1) In every year that is not a local election year the Council shall hold an Annual Meeting in the month of June.
- (2) In any year which is a local election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix, at the offices of the Council or at such other place as the Department may direct.
- (3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the fourth Tuesday of every month. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.
- (4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

2. Time and Place of Meetings

The Annual Meeting and other meetings of the Council shall be held at 7.00 pm in the Council Chamber except where otherwise fixed by statute or by special summons.

3. Convening Special Meetings

- (1) The Chairperson of the Council may call a meeting of the Council at any time.
- (2) The Chairperson of the Council must call a meeting of the Council if a requisition for such a meeting, signed by not less than **five** Members of the council is presented to him/her; and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of **seven days** from the date of service of the requisition on him/her, not less than five Members may, on that refusal or on the expiration of that period, forthwith call a meeting of the Council.

4. Notice and Summons of Meetings

- (1) **Five days** at least before a meeting of the Council, a committee or sub-committee, notice of the time and place of the intended meeting shall be published at the offices of the Council. Where the meeting is called by Members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat.
- (2) A summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every

Member at least **five days** before the meeting. Want of service of this summons shall not affect the validity of a meeting.

- (3) Except in the case of business required by statute or, where in the opinion of the Chairperson at the meeting the business should be considered by the meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a committee or sub-committee other than that specified in the summons relating thereto.
- (4) A committee or the meeting of Council may be cancelled at short notice by the Chair or mayor when a red weather warning from the meteorological office coincides with the timing of the meeting.

5. **Chair to be Taken**

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

6. **Chairperson of Meeting**

- (1) At a Meeting of the Council, the Chairperson of the Council, if present, must preside.
- (2) If the Chairperson of the Council is absent from a Meeting of the Council, the Deputy Chairperson of the Council, if present, shall preside.
- (3) If neither the Chairperson nor Deputy Chairperson are present at a Meeting of the Council, a Member of the Council chosen by the Members who are present must preside.
- (4) If discussion arises on the allocation of the position of Chairperson, the Clerk shall exercise the powers of the Chairperson to assist in the regulation of that discussion.
- (5) Any power of the Chairperson of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7. **Quorum**

- (1) Subject to paragraph (4), no business shall be transacted at a Meeting of the Council unless at least **one-quarter** of the whole number of Members are present.
- (2) If during a meeting, the person presiding, after the number of Members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he/she shall declare the meeting adjourned.

- (3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.
- (4) Where more than **one-quarter** of the Members become disqualified at the same time then, until the number of Members in office is increased to not less than **three-quarters** of the whole number of Members, the quorum of the Council shall be determined by reference to the number of Members remaining qualified instead of by reference to the whole number of Members.

8. Admission to Meetings

- (1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public, in accordance with section 42 of the 2014 Act.
- (2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.
- (3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.
- (4) At all times during which a Meeting of the Council is open to the public, the Council must, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.
- (5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place by a member of the public shall be prohibited unless expressly permitted by the Council.
- (6) The use of social media by Members of the Council, Members of the public or journalists shall be permitted during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

9. Record of Attendances at Meetings

The names of the Members present at a Meeting of the Council must be recorded.

10. Exclusion of the Public

- (1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.
- (3) The Chairperson may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.
- (4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chairperson may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.
- (5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a Member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.
- (6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a Member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.
- (7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

11. Deputations

- (1) Deputations, from any source, shall only be admitted to address the Council provided the Clerk has received **7 days' notice** of the intended deputation and a statement of its objective. This is to be in line with the protocol agreed by Council at **Annex A**.
- (2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two Members of the deputation. The totality of the address shall not exceed **10 minutes**.
- (3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made a presentation to the Council, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of **six months**.

12. Order of Business

Subject to any statutory requirements to the contrary, the order of business at every meeting of the Council shall be as follows:

- a) apologies;
- b) declaration of Members interests;
- c) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- d) deputations;
- e) business required by statute to be transacted at the Meeting;
- f) adoption of the minutes of the proceedings of any committees and consideration of reports, if any, from such committees;
- g) reports of officers, public bodies, agencies etc, if any, may be considered and such orders given thereon as may be deemed necessary;
- h) reports on decisions/recommendations subject to the reconsideration process;
- i) other reports;
- j) correspondence and matters not already dealt with;
- k) sealing of documents;
- l) consideration of motions of which due notice has been given, in the order in which they have been received;
- m) confidential matters;
- n) (for Committees only) any other relevant business noted to the Chairperson, nominating officer, and relevant chief officer, twenty four hours prior to the meeting.

13. Minutes of the Council

13.1 Keeping Of; As Evidence; Etc

- (1) Minutes of the proceedings of a Meeting of the Council, or of a committee or sub-committee, shall be drawn up and entered in a bound book kept for that purpose.
- (2) No discussion shall take place upon the Minutes except upon their accuracy.
- (3) Any minute purporting to be signed as mentioned in paragraph (3) shall be received in evidence without further proof.
- (4) Until the contrary is proved, a Meeting of the Council or of a committee or sub-committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

13.2 Signing Of

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Chairperson presiding, if approved by the meeting at which they fall to be signed.

14. Submission of Minutes

- (1) In order to give sufficient time for the printing of the minutes and for their perusal by the Members of the Council, minutes of meetings of a committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be disapplied where a committee considers the matter to be of extreme urgency and records such a decision in its minutes.
- (2) It shall be the duty of a committee, through the Chairperson or his/her representative, when its minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

15. Minutes of Committees

- (1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of committees with reference to any matter within the remit of a committee which does not appear on the minutes submitted to the Meeting of the Council.

- (2) Any Member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states his/her request in writing to the Chairperson of the committee twenty-four hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.
- (3) A reply to an issue raised at the Meeting regarding any matter in the minutes, without written notice, shall be at the discretion of the Chairperson of the committee.
- (4) Any matter in the minutes of a committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the Clerk of the Council shall be identified, and may not be the subject of discussion at that Meeting.

16. **Motions**

- (1) Every motion shall be relevant to some matter:
 - i) in relation to which the Council:
 - a) has power or duties;
 - b) is not prevented from taking action on by other legislation;
 - ii) which directly affects the local government district or its residents; and
 - iii) for which the Council is legally competent.

16.1 **On Notice**

- (1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given in writing, signed by the Member or Members of the Council giving the notice, to the Clerk not later than at least **seven** clear days before the next Meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than **seven** clear days before the meeting.
- (2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.
- (3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.
- (4) Notices of motion shall be entered by the Clerk in their proper place upon the Summons Paper in the order in which they are received.

- (5) If a motion set out in the Summons is not moved either by a Member who gave notice, or by some other Member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (6) If the subject matter of any motion of which notice has been properly given comes within the remit of any committee it shall, upon being moved and seconded, stand referred without discussion to that committee, or to such other committee as the Council may determine, for consideration and report. The Chairperson presiding may, if he/she considers it urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.
- (7) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Clerk by the Member concerned not later than **seven** clear days, at least, before the Council meeting.
- (8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of **six months** from the date of the second meeting at which the matter has failed to be considered.

16.2 Without Notice

The following motions may be moved without notice:

- a) to appoint a Chairperson of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or Members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 27.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a Member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

17. Amendments

- (1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:
 - a) to amend the proposal; or
 - b) that the Council do now adjourn; or
 - c) that the debate be adjourned; or
 - d) that the question be now put; or
 - e) that the Council do proceed to the next business.

17.1 To Amend the Proposal

- (1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.
- (2) An amendment to a motion shall be either:
 - a) to refer a subject of debate to a committee or to an officer for consideration or re-consideration;
 - b) to leave out words;
 - c) to leave out words and insert or add others; or
 - d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of directly negating the motion before the Council.
- (3) When an amendment upon an original proposal has been moved, the question to be put shall be "*That the amendment be made*". Where any amendment is agreed, the question to be put shall be "*That the proposal, as amended, be agreed*". Where any amendment is rejected the question of the substantive proposal shall be put.

17.2 That the Council Do Now Adjourn

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "*that the Council do now adjourn*". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.

- (2) In the event of the proposal for the adjournment being carried, the Chairperson shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.
- (3) A second proposal "*that the Council do now adjourn*" shall not be made within half-an-hour unless, in the opinion of the Chairperson, the circumstances are materially altered.

17.3 That the Debate be Adjourned

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) Before putting to the meeting a proposal "*that the debate be adjourned*", the Chairperson presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.
- (3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.
- (4) On resuming an adjourned debate, the Member who moved its adjournment shall be entitled to speak first. A second proposal "*that the debate be adjourned*" shall not be made within half-an-hour. A Member shall not move or second more than one proposal for the adjournment of the same debate.

17.4 That the Question Be Now Put

- (1) Any Member who has not already spoken to the proposal or amendment then under debate may move "*that the question be now put*". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal "*that the question be now put*" to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.
- (3) A second proposal "*that the question be now put*" shall not be made on the discussion of the same question within half-an-hour.

- (4) A Member shall not move or second more than one proposal "*that the question be now put*" on the discussion of the same question.

17.5 That the Council Do Now Proceed to the Next Business

- (1) Any Member of the Council who has not already spoken to any proposal or amendment then under debate may move, "*that the Council do proceed to the next business*". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal "*that the Council do proceed to the next business*" to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.
- (3) When a proposal is carried "*that the Council do proceed to the next business*", the question under discussion shall be considered as dropped.
- (4) A second proposal "*that the Council do proceed to the next business*" shall not be made on the same question within half-an-hour.
- (5) A Member shall not move or second more than one proposal "*that the Council do proceed to the next business*" on the discussion of the same question.

18. Amendments to Regulatory Decisions

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority [or those powers specified in Executive Arrangements Regulations]; or any application for which the Council is the licensing authority.

19. Rules of Debate

19.1 Motions and Amendments to be Reduced to Writing and Seconded

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chairperson presiding, be put into writing and handed to the Chairperson presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

19.2 Alteration of Motion

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

19.3 Withdrawal of Motion

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

19.4 Mode of Address

The established mode of address is to stand (if able to do so) when addressing the Council's Chairperson. While a Member is speaking, the other Members shall remain seated unless rising to a point of order or in personal explanation. A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

19.5 Precedence in Speaking

Whenever two or more Members rise together to speak, the Chairperson shall decide who has precedence.

19.6 Place of Member Speaking

A Member, when addressing the Chairperson, shall remain in the place allocated to him/her in the Council Chamber.

19.7 Member Called to Order

If any Member, while speaking, be called to order, he/she shall resume his/her place and shall not again address the Council until the Chairperson has disposed of the question of order.

19.8 Definition of Point of Order

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

19.9 Member May Raise a Point of Order

A Member may raise a point of order and shall be entitled to be heard immediately.

19.10 Ruling of Chairperson on Point of Order

The ruling of the Chairperson on a point of order shall not be open to discussion.

19.11 Member to Speak to Motion

A Member who speaks shall direct his/her speech strictly to the Motion under discussion, or an amendment thereof.

19.12 Member Shall Not Speak More Than Once

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate until Members who have not previously spoken have done so.

19.13 Duration of Speeches

Except with the permission of the Council, a Member, in introducing a motion, shall not speak for more than **ten minutes** and, in replying, for more than **five minutes**.

19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a Member of the Council.

19.15 Only One Motion / Amendment May be Moved and Discussed at a Time

- (1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (2) If an amendment is not carried, other amendments to the original motion may be moved.
- (3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further

amendments are moved.

19.16 When a Motion is Under Debate No Other Motion Shall be Moved

When a Motion is under debate no other Motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chairperson under Standing Order 25.4, that a Member do leave the meeting.

19.17 Chairperson Rising During Debate

Whenever the Chairperson rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

19.18 Chairperson Not to Receive Motion for Direct Negative

The Chairperson shall not receive a motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

19.19 Mover's Right of Reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

20. Voting

20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those Members present and voting.

20.2 Chairperson's Casting Vote

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote.

20.3 Qualified Majority

[The specification of decisions which are required to be taken by a qualified majority is a statutory requirement on a council under section 40(1) of the 2014 Act]

A qualified majority shall be required in relation to a council's decision on –

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance, as provided for in section 19 of the 2014 Act **[mandatory]**;
- (b) the adoption of paragraph 3(2) of Schedule 1 to the 2014 Act as the method for filling positions of responsibility **[mandatory]**;
- (c) the adoption of Part 2 of Schedule 1 to the 2014 Act as the method for filling positions of responsibility **[mandatory]**;
- (d) the adoption of paragraph 3(3) of Schedule 2 to the 2014 Act as the method for appointing councillors to committees **[mandatory]**;
- (e) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (f) the suspension of standing orders, other than Standing Orders 20.3, 21, 22 and 23, which cannot be suspended.

20.4 Show of Hands

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.5 Recorded Vote

If, before a vote is called, any Member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

21 'Call-in' Process

[The specification of provision for the reconsideration of a decision is a statutory requirement under section 41(1) of the 2014 Act, as is the specification of a requirement to obtain the opinion of a practising barrister or solicitor (section 41(2))]

21.1 Decisions Subject to Call-In

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders –
 - (a) a decision of the council;
 - (b) a decision of the executive;
 - (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
 - (d) a key decision taken by an officer of the council;
 - (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
 - (f) a decision taken by a committee to make a recommendation for ratification by the council.

- (2) The following decisions shall not be subject to call-in –
 - (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
 - (b) a decision which is deemed to be a case of special urgency in accordance with regulation 24 of the Executive Arrangements Regulations;
 - (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
 - (d) a decision taken by an officer which is not a key decision;
 - (e) a decision by the executive which serves only to note a report from or the actions of an officer; and
 - (f) a decision which is required to be taken by a special resolution.

- (3) No decision may be subject to call-in more than once for each of the grounds specified in section 41(1) of the 2014 Act.

21.2 Call-in Procedure

- (1) A call-in must be submitted in writing to the Clerk by **10am** on the **fifth working day** following:
 - (a) in the case of a decision of the Council, the date of the Council meeting at which the decision was taken; and
 - (b) in the case of a decision of a committee, the date on which the decision to which the call-in relates was published.

- (2) If a call-in is received after the relevant period specified in paragraph (1), it must be deemed inadmissible.

- (3) A call-in shall-
 - (a) specify the reasons why a decision should be reconsidered; and

- (b) subject to paragraph (6), be deemed to be inadmissible if the reasons are not specified.
- (4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, Members must in the reasons specified under paragraph (3)(a) specify –
 - (a) the section of the inhabitants of the district that would be affected by the decision; and
 - (b) the nature and extent of the disproportionate adverse impact.
- (5) Within **one working day** of receipt of a call-in, the Clerk must confirm that –
 - (a) it has the support of **15 per cent** of the Members of the council; and
 - (b) the reasons for the call-in have been specified.
- (6) Where the reasons have not been specified on the requisition, the Clerk must notify the Members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified period.
- (7) Within **two working days** of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the Clerk must seek the opinion of a practising solicitor or barrister in accordance with section 41(2) of the 2014 Act.
- (8) When the legal opinion obtained in accordance with section 41(2) of the 2014 Act is received, the Clerk must –
 - (a) furnish the opinion to Members; and
 - (b) include the decision on the agenda for the next available Meeting of the Council, at which it will be taken by a qualified majority.

21.3 The Call-In Process: Committee Arrangements

- (1) For the purposes of reconsideration of a decision pursuant to a call-in, the minutes of a committee which record a decision –
 - (a) taken under delegated authority; or
 - (b) for referral for ratification by the council
 must be published within **five working days** of the conclusion of the meeting.

The date on which the minutes were published must be regarded as the relevant date for the purposes of a call-in.

- (2) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1) -
 - (a) a decision to which paragraph (1)(a) applies must be implemented; or
 - (b) a decision to which paragraph (1)(b) applies must be tabled for ratification by the council.

The tabling for ratification of a decision to which paragraph (1)(b) applies, or the implementation of a decision to which paragraph (1)(a) applies, must be postponed until the decision has been reconsidered. The decision maker may rescind the decision at any time prior to the decision being reconsidered.

(3) If a call-in is made in accordance with Standing Order 21.2 paragraph (3) and section 41(1)(a) of the 2014 Act, the council must appoint an ad hoc committee of the council, the Membership of which will be –

- (a) the chairpersons of all committees of the council; and
- (b) the deputy chairpersons of all committees of the council

to consider the process adopted by the decision-making committee.

(4) The Chairperson and Deputy Chairperson of the committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the committee appointed in accordance with paragraph (4).

(5) The Members of the ad hoc committee who are present shall choose a Member to preside at the meeting.

(6) The Members who submitted the call-in, or a Member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chairperson, address the meeting, but must not have voting rights, unless they are voting Members of the ad hoc committee.

(7) A committee appointed in accordance with paragraph (4) may –

- (a) refer the decision back to the decision maker;
- (b) in the case of a decision taken under delegated authority, support the decision; or
- (c) in the case of a decision for ratification by the Council, refer the decision to the Council.

(8) Where a decision has been supported in accordance with paragraph (8), that decision must –

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the committee appointed in accordance with paragraph (4) confirmed support for the decision.

21.4 The Call-In Process: Council Decisions

- (1) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1) in respect of a decision, that decision may be implemented after that period expires.
- (2) The implementation of a decision must be postponed until the decision has been reconsidered.
- (3) The Clerk must place a call-in on the agenda for the next Meeting of the Council.

21.5 The Call-In Process: Executive Arrangements

- (1) A proper officer must, within **two working days** of the production of a statement in accordance with regulations 25 and 26 of the Executive Arrangements Regulations, submit to the Council a notice detailing the decision(s) recorded in the statement.
- (2) The notice prepared in accordance with paragraph (1) must specify –
 - (a) those decisions that are not subject to call-in;
 - (b) the period for receipt of a call-in; and
 - (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.
- (3) If a call-in is not received in respect of a decision, that decision may be implemented after that period expires.
- (4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the Council, the call-in must be referred to the Council for decision.
- (5) The implementation of a decision must be postponed until the decision has been reconsidered. The decision maker may rescind the decision at any time prior to the decision being reconsidered.
- (6) Subject to paragraph (4) the Clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with paragraph (2).
- (7) The overview and scrutiny committee must meet within 5 working days of receipt of the call-in.
- (8) More than one call-in may be considered at a meeting of an overview and scrutiny committee.

- (9) Subject to paragraph (10), the consideration of a matter under paragraph (5) by an overview and scrutiny committee may be adjourned, provided that –
- (a) the Chairperson presiding at the meeting; and
 - (b) the Chairperson of the executive
- agree a date for the resumption of consideration of the call-in request.
- (10) A meeting convened in accordance with paragraph (6) may only be adjourned under paragraph (9) in order to –
- (a) allow for additional information to be obtained; or
 - (b) permit additional witnesses to attend.
- (11) The Members who submitted the call-in, or a Member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the chairperson, address the meeting, but must not have voting rights, unless they are Members of the overview and scrutiny committee.
- (12) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may –
- (a) support the decision; or
 - (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.
- (13) Where a decision has been supported in accordance with paragraph (11), that decision must –
- (a) be approved;
 - (b) be inserted in the Register of Decisions; and
 - (c) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.
- (14) Where a decision has been referred back to a decision maker in accordance with paragraph (12)(b), the decision maker must –
- (a) consider the recommendation of the overview and scrutiny committee; and
 - (b) reconsider the original decision.

22 Positions of Responsibility, etc. – Time Limits

[The specification of the period within which the nominating officer of a political party should exercise the powers conferred by paragraphs 2(1), 4(1) and 6(1), and for the person nominated to take up the position of

responsibility is a statutory requirement under Schedule 1 to the 2014 Act]

- (1) Subject to paragraph (2), in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) or paragraph 4(1) or paragraphs 6(1) and 6(2) of Schedule 1 to the 2014 Act, the period specified for –
 - (a) the nominating officer to select a position of responsibility and the term for which it shall be held; and
 - (b) the person nominated to accept the selected position is **15 minutes**.
- (2) An extension to the period specified in paragraph (1) may be granted subject to the approval of the Council. Such an extension may be requested by –
 - (a) the nominating officer;
 - (b) the person nominated to hold the selected position; or
 - (c) another Member.

23 Appointment of More Than One Committee

[The specification of the application of paragraphs 2 to 4 of Schedule 2 to the 2014 Act in the circumstances where a council decides to appoint more than one committee is a statutory requirement]

- (1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent Members of the Council, it must agree –
 - (a) the number of committees to be appointed; and
 - (b) the number of councillors that shall constitute the Membership of each committee.
- (2) The total number of places to which a nominating officer of a party may nominate Members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.
- (3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act must be exercised in such manner as to ensure that –
 - (a) all the Members of a committee are not nominated by the same nominating officer;
 - (b) a nominating officer of a party may nominate Members who stood in the name of that party to fill the majority of places on a committee, if the majority of Members stood in the name of that party; and
 - (c) subject to (a) and (b), the number of Members which each nominating officer of a party may nominate, in so far as far as is practicable, bears

the same proportion to the number of places on that committee as is borne by the number of Members on the Council who stood in the name of that party.

- (4) Nominations made in accordance with paragraph (3) must take into account any positions of responsibility on a committee held by a Member who stood in the name of a party.

24 Rescission of a Preceding Resolution

- (1) No motion to rescind any resolution passed within the preceding **six months**, and no motion or amendment to the same effect as one which has been rejected within the preceding **six months**, shall be proposed by a Member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least **15 per cent** of the Members of the Council.
- (2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of **six months**.
- (3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee or a call-in

25 Members Conduct

25.1 Standing to Speak

When a Member speaks at the Council he/she must stand (if able to do so) and address the meeting through the Chairperson. If more than one Member stands, the Chairperson will ask one to speak and the others must sit.

25.2 Chairperson Standing

When the Chairperson stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

25.3 Member Not to be Heard Further

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chairperson or any other Member may move "*that the Member named be not further heard*". The motion, if seconded, shall be put and determined without discussion.

25.4 Member to Leave the Meeting

If the Member named continues to behave improperly after such a motion is

carried, the Chairperson or any other Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.5 General Disturbance

When the Chairperson is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

26 Disturbance by Public

26.1 Removal of Member of the Public

If a Member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room.

26.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared.

27 Suspension and Amendment of Standing Orders

27.1 Suspension

A Member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the Meeting must record the reason for the suspension.

27.2 Amendment

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council. The mandatory standing orders may not be added to, varied or revoked by the Council.

28 Interpretation of Standing Orders

The ruling of the Chairperson as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any Meeting of the Council.

29 Changes to the Council Constitution

- 29.1 Unless expressly provided for in the Constitution, only full Council will approve any changes proposed to the Council Constitution. Any proposed changes to the Constitution must have a proposer and seconder and be agreed by Council.
- 29.2 The Council will also review the Constitution annually and consider for approval any changes arising from this review. Any proposed changes to the Constitution arising from this review must have a proposer and seconder and be agreed by Council.

30 Protocol for the Operation of the Planning Committee

The Council requires members of the Planning Committee to follow the recommendations contained in the 'Protocol for the Operation of Planning Committees' at all times. A copy of the Protocol for the Operation of Planning Committees is attached as **Annex B**.

Causeway Coast & Glens Borough Council

PROTOCOL FOR RECEIVING DEPUTATIONS

1.0 Receipt of Requests for Deputations

- 1.1 In accordance with Standing Order 10 (1), deputations, from any source, shall only be admitted to address the Council provided the Clerk (Chief Executive) has received **7 day's notice** of the intended deputation and a statement of its objective.
- 1.2 Requests for deputations shall be received in writing by the Chief Executive giving clear details of the subject matter of the deputation.
- 1.3 A register will be maintained of all requests for deputations received. Each request will be date stamped on receipt and a note of the time received also recorded. An acknowledgment of receipt will be forwarded to the organisation making the request.
- 1.4 Requests for deputations shall be considered in chronological order, ie by the date and time in which they have been received.
- 1.5 Deputations relating to the business of the Planning Committee shall not be dealt with under these arrangements. The procedure for the public to address the Planning Committee have a specific separate protocol.

2.0 Allocation of Deputations

- 2.1 The Chief Executive will make an initial decision as to the most appropriate meeting a deputation should be allocated to, either a meeting of the Council or the most appropriate Committee of the Council.
- 2.2 The Chief Executive will normally advise and consult with the Mayor or Committee Chair with regard to receiving deputations.
- 2.3 Not more than one deputation shall be received at any one meeting of the Council or its Committees.
- 2.4 When a deputation has been received at a meeting of the Council or its Committees, no further deputation from the same organisation to the same or similar effect shall be received for a period of 1 year.

- 2.5 If a large number of deputations are outstanding there will be the option of arranging a special meeting of the Council for the purpose of hearing these deputations.
- 2.6 In relation to requests to receive an urgent deputation, the Chief Executive will consult the Mayor or appropriate Committee Chair on receiving this deputation.

3.0 Procedure for Hearing Deputations

- 3.1 Deputations will be received in accordance with Standing Order 11 which outlines the Order of Business at every meeting of Council.
- 3.2 Standing Orders may be suspended to allow a deputation to be heard first before the Council or Committee moves into the remaining business of the meeting.
- 3.3 Standing Order 10 (2) requires that a deputation shall be confined to the presentation of a statement, or a copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed **10 minutes**.
- 3.4 A deputation shall be made up of no more than **5** representatives whose names will have been provided to Council Officers **7 days** in advance of the meeting.
- 3.5 The deputation has a total of 10 minutes in which to make its address. A further 15 minutes can be allocated to allow Members to ask questions of the deputation but, if required, this question and answer period may be extended by the agreement of Members at the meeting.
- 3.6 Following receipt of a deputation, the Council or Committee may decide to refer the matter for a report from relevant Council Officers or refer the matter for further discussion at an appropriate Council or Committee meeting.

**PROTOCOL
FOR THE
OPERATION OF
PLANNING
COMMITTEES**



Department of the
Environment

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INDEX

	Page
Purpose of the protocol	3
Remit of the planning committee	3
Size of committee	5
Frequency of meetings	5
Enforcement	5
Schemes of delegation	6
Referral of delegated application to committee	7
Format of committee meetings	8
Pre-determination hearings	9
Public speaking	10
Decisions contrary to officer recommendation	11
Decisions contrary to local development plan	13
Deferrals	13
Site visits	14
Training	15
Network	15
Review of decisions	15
Legal adviser	15

PURPOSE OF THE PROTOCOL

1. This protocol has been drafted by the Department of the Environment to assist the 11 new councils in setting up and running planning committees. This advice and guidance is not mandatory (although it does refer to a number of statutory requirements); rather it highlights what is considered to be best practice with regards to the operation of planning committees (following research in other jurisdictions). While councils have a degree of latitude in relation to how they will run their planning committees, it is important to ensure that planning decisions are taken, and are seen to be taken, in a fair and equitable manner, and that there is a degree of consistency across the 11 councils so that applicants are not faced with a variety of processes. Councils can decide to incorporate any or all of these recommendations into their standing orders / constitutions.
2. Councils should consider drawing up their own procedures to supplement this document; for example, expanding on public speaking rights, format of committee meetings, how to conduct site visits etc. Further advice and guidance may be requested from the Department, if considered necessary.
3. Councillors should refer, as necessary, to the mandatory Councillors' Code of Conduct, guidance issued on the Code by the Commissioner for Complaints, and to any relevant advice and guidance issued by the Department in relation to planning.

REMIT OF THE PLANNING COMMITTEE

Development management

4. The main role of the planning committee is to consider applications made to the council as the local planning authority and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, and in accordance with agreed timescales, it is strongly recommended that the decisions of the planning committee in determining applications made to the council should be taken under full delegated authority, meaning that the decisions of the committee will not go to the full council for ratification. However, if councils decide to retain the option of referring certain major applications to the full council for determination, it is recommended that these should be restricted to applications which are significantly contrary to the local development plan or contentious cross-boundary applications.

Development Plan

5. Each council is required by section 8 of the Planning Act (NI) 2011 to prepare a plan for its district to be known as a plan strategy. The strategy must set out the council objectives in relation to the development land in its district, and its strategic policies for the implementation of those objectives. After the plan strategy has been adopted the council must then prepare a local policies plan. This will set out the council policy in relation to what type and scale of development is appropriate and where it should be located.
6. Both these documents comprise the local development plan. This plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the planning committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
7. The planning committee's role in relation to the local development plan is to approve the local development plan before it is passed by resolution of the council. The planning committee should also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

Development Plan Transition Arrangements

8. Until such time as the council has adopted its plan strategy the council's local development plan will be taken to be the extant Departmental development plan for that part of the council district.
9. When the council has adopted its plan strategy, the local development plan will be the council's adopted plan strategy and the extant Departmental development plan read together. If there is a conflict between the council's plan strategy and the extant

Departmental development plan the conflict shall be settled in favour of the council's adopted plan strategy.

10. When the council has adopted its local policies plan, the local development plan will be the council's adopted plan strategy and local policy plan as defined in Section 6 of the 2011 Act.

SIZE OF COMMITTEE

11. A recent study¹ carried out for the Welsh Government into the operation of planning committees in Wales found that there was no simple link between the size of a committee and its efficiency and effectiveness and that, in fact, the bigger committees often had lower attendance levels, greater inconsistency and cost more to operate. In addition, if all members of the council are on the planning committee there is less room for members to act as advocates for their constituents. It is strongly recommended, therefore, that a planning committee should consist of between 20% and 50% of council members (depending on the size of the council) and that there should be a quorum (e.g. 50% of committee members). Councils can decide whether substitute members are permitted. The Head of Planning would be expected to attend all planning committee meetings, in addition to the planning officers presenting their reports.

FREQUENCY OF MEETINGS

12. Councils are free to determine the frequency of their planning committee meetings, depending on their governance models and schemes of delegation. .

ENFORCEMENT

13. It is strongly recommended that all enforcement activities are delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address alleged breaches of planning control as established by the council's policies. Planning committees can be informed of progress on cases and can request a report from officers to the committee on any enforcement matter (but the committee should not take any decisions on enforcement action). In addition, planning officers

¹ 'Study into the Operation of Planning Committees in Wales' by Fortismere Associates with Arup (July 2013)
150519 – Standing Orders – v1
Page 38 of 47

should prepare a quarterly report on the progress of formal enforcement cases which should be circulated to all councillors, not just planning committee members (this could be in relation to the number of notices issued, convictions obtained etc. as opposed to individual cases).

14. Each council should prepare an enforcement strategy detailing how enforcement action will be dealt with, which should be agreed by the planning committee.

SCHEMES OF DELEGATION

15. Section 31 of the Planning Act (NI) 2011 requires each district council to introduce schemes of delegation. Schemes of delegation allow decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. The details of each delegation scheme, which will only relate to applications within the category of local developments, will be for individual district councils to determine (a scheme of delegation cannot include major or regionally significant applications). The Department will be issuing a separate Guidance Note on Schemes of Delegation.
16. This means that the majority of planning applications (and other consents such as listed buildings, advertisements etc.) should be determined by planning officers rather than by the direct consideration and vote of the planning committee; however, such decisions are still, legally, decisions by the council. The overall objective is to ensure that district council arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can still be dealt with directly by elected members.
17. There are certain statutory restrictions on which applications can be delegated to officers – the Planning (Development Management) Regulations (NI) 2015 state that an appointed officer cannot determine an application for planning permission where the application is made by the council or an elected member of the council, or the application relates to land in which the council has an interest. Instead, these applications must be determined by the planning committee. Apart from these restrictions it will be up to an individual council to decide if it wishes to place any further restrictions on which applications can be delegated to planning officers - for example:

- applications made by a planning officer, senior officer of the council or a close relative or partner;
- applications which have an objection (or a number of objections); and / or
- an associated application is being determined by the planning committee.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

18. Delegation of planning applications to officers is seen as a critical factor affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on the more complex or more controversial cases. (It is recommended that, over time, councils should aim to have 90 – 95% of applications dealt with under delegated arrangements.) It is essential, however, that members have the opportunity to request, where they consider it appropriate, that an application, which would normally fall within the scheme of delegation, be referred to the planning committee for determination.
19. However, a balanced approach is necessary and councils should ensure that applications are not unnecessarily referred to the planning committee as this may result in delay to the processing of applications. The scheme of delegation should include a procedure, to be determined locally, whereby councillors are able to request that the planning committee consider a proposal. In addition, the Head of Planning can refer any matter which they consider suitable for determination by the planning committee. Members of the public should not be able directly to request that an application be referred to the planning committee. Any referral request must clearly specify the planning grounds on which the request is being made to ensure that applications are not unduly delayed.
20. It is recommended that councils monitor the number of applications referred to the planning committee to ensure that only those that are significant or controversial are considered by the planning committee.

FORMAT OF PLANNING COMMITTEE MEETINGS

21. Councils are free to operate their planning committees in accordance with their own standing orders. The following recommendations and paragraphs are made to provide

some advice and guidance to councils following research into best practice. It is recommended that:

- the planning officer should prepare a weekly list that will indicate which applications are to be considered by the planning committee and which are to be determined by officers under delegated powers;
- all planning committee members should be sent the agenda in advance of the meeting with a report on each application not delegated to officers;
- officers should prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
- the Chair should hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.

22. The meeting is presided over by the Chair of the planning committee. Following the approval of the minutes of the previous meeting and apologies, councillors should declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. The councillor must leave the meeting for that item.

23. The report prepared and presented by the case officer makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown. After the planning officer presents the report members have an opportunity to listen to speakers, ask questions of the officer and debate the case. The planning committee then discusses the application before taking a vote (proposed and seconded followed by a show of hands) on whether or not to agree with the officer's recommendation. The Chair has a casting vote. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware that conditions can be tested at appeal and they should, therefore, be necessary, enforceable, reasonable and relevant to planning and the development under consideration.

24. Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item. However, the chair of the planning committee can use their discretion in exceptional circumstances.

PRE-DETERMINATION HEARINGS

25. In order to enhance scrutiny for applications for major development which may raise issues with particular sensitivity for a local area, Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department for call-in consideration, but that have been returned to a council for determination). A council's planning committee will therefore have to hold a hearing prior to the application being determined. In addition, councils may also hold pre-determination hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support of the development. The intention is to give applicants and those who have submitted relevant representations the opportunity to be heard by the council before it takes a decision. This will make the application process for major development more inclusive and transparent.
26. The scope to hold these hearings is likely to apply only to those applications for major developments which have attracted a significant body of relevant planning-based objections. It would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to warrant a pre-determination hearing, taking account of:
- the relevance of the objections in planning terms;
 - the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
 - the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
27. Any hearing should take place after the expiry of the period for making representations on the application but before the council decides the application. It will be for the planning committee to decide whether it wishes to have a hearing on the same day as the related planning application is determined by the planning committee or to hold a separate hearing. The scale and complexity of the planning issues will have to be considered. In holding a hearing the planning committee procedures can be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the planning committee decides to hold the hearing on the same day as it wishes to

determine the application the report to councillors should also contain a recommendation.

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS

28. Good practice, following research in other jurisdictions, suggests the following procedures should be followed when conducting planning committee meetings:

- planning committee meetings should be open to the public;
- requests to speak should be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting setting out the planning reasons the speaker wishes to raise; however, at the meeting the Chair can decide whether to allow any relevant information to be tabled which was not made available to members in advance of the meeting;
- the planning committee should be provided with copies of these statements;
- other councillors may attend and speak about an application but only planning committee members can vote;
- local councillors may speak for 5 minutes, members of the public (including agents / representatives etc.) for 3 minutes;
- in addition to councillors addressing the planning committee, one person from those objecting to the proposal and one person in support of the proposal should be allowed to speak. Where there is more than one request to speak, the 3 minutes should be shared between them or they can appoint one representative;
- if an objector speaks the applicant should be allowed to respond if they wish even if they have not registered to speak in advance;
- the planning committee may seek clarification of those who have spoken on any issues raised by them but not enter into a debate with them;
- no documentation should be circulated at the meeting to members by speakers;
- applications where there will be speakers from the public should be taken first;
- Planning officers can address any issues raised and the planning committee can question officers; and
- the Chair may agree to accept representations outside these procedures under exceptional circumstances.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

29. The planning committee has to reach its own decision. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the planning committee or its members. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. A planning committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

Overturning recommendation to approve

30. Any member who does not agree with the officer recommendation to approve an application can propose reasons for refusal, which need to be seconded by another member and then voted on. Any decision by the planning committee must be based on proper planning reasons. The planning officer should always be given the opportunity to explain the implications of the planning committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

31. Councillors who reject a planning application that officers have advised them to accept risk being overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against the council if no sound reasons for the decision have been given. The Chair should seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers should endeavour to summarise what are considered to be the main reasons for refusal referred to by members during the debate and include advice on what would be reasonable and what would not be reasonable reasons for refusal.

32. If officers consider that the suggested planning refusal reasons are reasonable and capable of being defended on appeal members should vote on the reasons for refusal. If the view of officers is that the reasons for refusal are either in whole or in part not capable of being defended then members should give consideration to deferring determination of the planning application until the next planning committee and ask for a further report (and / or site visit) to ensure it has all the relevant information it considers

necessary to inform its decision. Advice and assistance should be sought from council solicitors, as necessary.

33. In the event of an appeal against a refusal of planning permission contrary to officer recommendation, it is a matter for each council to decide who should attend the appeal to defend the decision. However, the following options are available:
- councils could require planning officials to prepare the case for written submissions and / or attend the appeal even if it is against their recommendation;
 - some may require the members who proposed and seconded a motion to refuse consent contrary to officer recommendation to be called as council's witnesses;
 - some may use planning consultants or different planners from those who made the original recommendation.

Overturning recommendation to refuse

34. If the planning committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. Again, councils will have to decide who should defend the council's decision in court.
35. It is critical that the minutes accurately reflect the discussions and decisions taken during the meetings as these could be used as evidence should any complaints be made about how decisions are taken. Members may wish to consider taking their own notes on controversial applications.

DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN

36. In general, planning decisions should be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a planning committee member proposes, seconds or supports a decision contrary to the local development plan they will need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

DEFERRALS

37. The planning committee can decide to defer consideration of an application to the next meeting for further information, further negotiations or for a site visit. Members should be aware, however, that deferrals will inevitably have an adverse effect on processing times and should restrict themselves, where possible, to one deferral only. In addition, there should be clear reasons why a deferral is necessary.

SITE VISITS

38. It is recognised that, on occasions, members of the planning committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the application is particularly contentious). However, these visits should be undertaken on an exceptional basis as they are time-consuming and expensive. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by planning committee members, but these should only be permitted where the benefit is expected to be of considerable value.
39. The planning committee clerk should contact the applicant / agent to arrange access to the site. Invitations should then be sent to members of the planning committee. Site visits are not an opportunity to lobby councillors or to be used to seek to influence the outcome of a proposal prior to the planning committee meeting. Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will not have the information provided by the planning officer, and, in some circumstances (e.g. where a councillor is seen with applicant or objector) it might lead to allegations of bias. It is recommended that only planning committee members, officers, and local councillors should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee should record the date of the visit, attendees and any other relevant information.
40. Planning officers should prepare a written report on the site visit which should then be presented to the next planning committee meeting at which the application is to be determined.

TRAINING

41. It is strongly recommended that councillors sitting on planning committees should be required to attend relevant training on planning matters before they can sit on the planning committee – this would allow for a generally consistent approach to be taken. This requirement should be extended to planning committee members continuing to receive relevant training on an ongoing basis. It is also strongly recommended that planning committee chairs should receive separate, additional training in relation to their roles.

NETWORK

42. It is recommended that a network of planning committee chairs should be established and meet regularly to discuss matters of common interest.

REVIEW OF DECISIONS

43. On an annual basis members should inspect a sample of implemented planning decisions in order to assess the quality of decision-making. This should include a sample of decisions delegated to officers to give assurance that the scheme of delegation is operating effectively and in line with the council's views.

LEGAL ADVISER

44. It is strongly recommended that the planning committee has access to legal advice on planning matters, preferably attending each planning committee meeting.