

Excerpt from the Minutes of the Planning Committee Meeting of 13 November 2014

Pla/105/11/14 'Minded To' Process

The Committee considered report CLS96/14 of the Director of Corporate and Legal Services which requested Members to give further consideration to the 'Minded To' process before reporting back to Council in December. Suggested revisions from the Director of Corporate and Legal Services to Part 5, Section 15 of the Council's Constitution relating to the Code of Planning Conduct were outlined.....

RESOLVED that the following recommendations be made to Council:

1. Section 15, Decisions Contrary to Officer Recommendation, in the Planning Code of Conduct be amended as follows:
 - 1) Members should recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
 - 2) If a Member who serves on the Planning Committee is contemplating moving a motion about an application which is contrary to the recommendation of the Head of Planning Services he or she should use his or her best endeavours, prior to the date of the meeting, to obtain advice from planning officers on the appropriate conditions or reasons that might apply if the decision accords with that motion. The Member will then incorporate conditions or reasons into the motion.
 - 3) Where the Committee proposes that it may wish to decide, in principle, a planning application contrary to the recommendation of the Head of Planning Services the decision on that application, in the first instance, shall be adjourned for reconsideration by the officers relating to the Committee's proposal. The Committee Members should make clear the reason(s) why it is proposed that they may wish to decide a planning application contrary to the recommendation of the Head of Planning Services, but during the adjourned period should establish their reason(s) for opposing the officer recommendation and declare what further information or additional information or considerations have been taken into account before reaching their final decision.
 - 4) This procedure will allow time for confirmation that clear and convincing justification for approval or reasons for refusal of the application can be made, based on material planning considerations. The procedure will allow the Head of Planning Services to comment upon the planning merits of the proposal to make a decision which may be contrary to his recommendation
 - 5) Any application which is adjourned will be reconsidered by the Planning Committee when any further information has been obtained or the further considerations have been identified. A decision upon the application will be

made at the time the application is reconsidered. The Committee will identify the reason(s) for the decision which will be recorded in the minutes together with any conditions which are proposed to be imposed in approving an application together with the reasons for such conditions.

- 6) The composition of the Planning Committee, insofar as possible, shall be the same upon the reconsideration of a planning application as that of the Committee which considered the application on the previous occasion and, if necessary, the meeting of the Committee shall be held separately from any ordinary meeting of the Planning Committee if it would be appropriate and proper to do so to enable the composition of the Committee to remain the same and include any standing deputies who have been present when the application was initially considered;
2. Written notification about the procedure for such applications be provided to the applicants and objectors to explain the process; and
3. Objectors and applicants be requested to provide any new information to the Planning Officers within 2 weeks of the initial meeting to allow the Planning Officers time to incorporate this into their report and present the new information to Members