Development and Planning Applications Committee Chair's procedure for the preparation, discharge, and review of Committee meetings

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Contents

Overview

This document set out three phases:

- Preparing to meet: An approach for decision ready meetings;
- Delivery of committee meeting: structured and logically flow;
- Post committee meeting: review lessons and execute actions.

The Chair retains discretion to tailor proceedings to facilitate appropriate information for the committee

Preparation

The committee cycle

Appendix One outlines the key milestones within a 22-day cycle leading up to committee meetings, designed in accordance with the committee dates mapper provided to democratic services.

Agenda setting

The Chair, in collaboration with the Vice Chair, Head of Planning and Development, Head of Development Policy, and relevant officers, will curate the agenda and forward plan for the committee. This collaborative approach ensures a comprehensive and relevant agenda is set for each meeting.

The committee is scheduled to convene monthly, with the year divided into sessions focused on planning applications (approximately eight meetings) and development policy advisory functions (around four meetings). Flexibility is maintained to combine meetings or adjust schedules to address planning applications promptly or contribute to policy document preparations for cabinet review.

Training forms a significant part of meeting preparation. At least four sessions annually dedicated to applying policy to planning applications, in addition to the mandatory annual training on probity for committee members.

Agenda slots: Three applications rule

Each meeting allocates roughly 1 hour and 20 minutes for planning applications, taking into account speaking time, deliberation, and voting. This allows for up to three applications per meeting, with complex applications potentially occupying multiple slots.

Agenda Publication

Agendas are published on Merton.gov.uk at least seven clear working days before the meeting, detailing agenda items, accompanying documents, and plans. For meetings including planning applications, committee members receive papers ten calendar days in advance; this is reduced to seven days for meetings without planning applications.

Committee papers

Committee documents will include concise summaries highlighting contributions to strategic priorities such as ecology, carbon reduction, affordable housing, economic development, and the smart cities agenda.

Speakers List

Once the agenda has been published, those who wish to speak can register their interest. All speakers must register in advance by contacting the Planning Department no later than 12 noon three days before the meeting by phone (020-8545-3445/3448) or e-mail (planning@merton.gov.uk). Where this falls on a weekend

the deadline will be the previous Friday. The Chair will review requests to speak based on the considerations in Table 1.0.

Officers will notify residents and the Committee of the decision as to who may speak. This should be no later than 12pm on the day before the committee.

Table 1.0: Qualifications for speaking on planning applications

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
Resident supporters or objectors	Two	Three minutes each. Max six minutes collectively.	Reside in the London Borough of Merton Submitted a written representation to the planning application in question If selected, speaking slot is not transferable	Less than 6 residents apply but more than two will be decided on the following factors: • Proximity to the red line boundary of the development • Can provide the committee with new insight into the impact development would bring • Where an application crosses local authority boundaries one slot is always reserved for a Merton resident More than seven residents apply • 7 selected by chance through computer programme

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
				Two further reserves will be drawn using the same method
Statutory stakeholders	N/A	Max six minutes	A statutory stakeholder consultee on a planning application e.g. utilities	Can provide the committee with new insight into the impact development would bring
Ward Councillors	Three	If all ward councillors speak time is divided at their discretion to a maximise of six minutes. If only one Councillor speaks they can take no longer than three minutes.	Councillor in the ward of the development	Where an application borders two wards at the discretion of the Chair ward speakers can be drawn from more than one ward. If an application boarders three or more wards additional time maybe allocated to enable a representative from all wards to speak, and or facilitate differing views.
Members of Parliament	1	Two minutes	Elected Member of Parliament for the constituency the application is in.	Ibid...
Cabinet member	1	Two minutes	Cabinet member for an area of material consideration for the purposes of identifying factual information within a planning application	Where pre-existing council policy exists or development is of strategic importance or pre-engagement with the committee at technical briefing and agenda setting meetings

Type	Max number	Time to speak	Qualifications	Considerations for allocation of speaking slots
				identify gaps in understanding to facilitate most appropriate cabinet member to support committees understanding
Agent and Applicant	N/A	Max six minutes	Part of the team bringing the application to council for approval. Speakers self-organise how their allotted time.	Agent and Applicant are expected to address questions raised by previous opposing speakers and make arguments using non- technical language.
Planning officer(s)	N/A	Max 25 minutes presentation setting out both benefits and risks of the scheme.	Subject matter experts for the application and planning policy	Planning officers are expected to answer questions relating the scheme in question.

Submission of additional information on planning applications before the meeting

To ensure the timely review of any additional information related to agenda items, it must be submitted to the Planning Department via email (planning@merton.gov.uk) by noon, three days prior to the meeting. If this deadline falls on a weekend, the submission is due by the preceding Friday. Exceptionally, information sent directly to committee members may be considered, but this is reserved for extraordinary circumstances

Technical briefing for planning applications

Prior to the committee meeting, members are offered a technical briefing by planning officers. This session is designed to address technical queries and determine any additional information necessary for informed decision-making. The questions and answers will form part of the modification sheet.

The modifications sheet for planning applications

By 10am on the day of the committee meeting, a modifications sheet will be accessible on the Council's website and sent to committee members by email. This

document compiles responses to written inquiries, highlights from the technical briefing, and any amendments to applications. It serves as a reference during officer presentations, ensuring transparency and up-to-date information.

Questions by email

Committee members can forward written questions regarding upcoming planning applications to area leads, with a copy to the Chair, until the day after technical briefing. Inclusions of these responses in the modifications sheet ensure comprehensive discussions. Questions received post-briefing may not be addressed in the modifications sheet to ensure its timely release. Absence of a technical briefing removes this deadline, allowing for continued inquiries.

Site visits

Site visits are integral for appreciating the physical context of applications, offering insights that enhance the comprehension of officer reports. These visits, authorised by the Chair and arranged through democratic services, are exclusive to committee members, applicants, and agents, focusing strictly on factual observations without discussing the application's merits. The scheduling typically aligns with the evening of a technical briefing, with participant details and visited locations recorded for transparency.

Call-in

Outlined in Appendix Three, the call-in process allows committee members to request further scrutiny of planning applications based on specific planning concerns not resolved through conditions or legal agreements. These requests, confined to the public consultation period and relevant to the current application, must be substantiated with planning rationale and a declaration of interest.

Call-ins are not a tool for casework management. Councillors will be expected to evidence how other options have been explored other than call-in. Call-ins can be made on the discharge of conditions.

Summary of call in process

Councillors have the right to call in any planning application within the borough, initiating the process by completing an online form. This form requires detailed justification for the call-in and documentation of attempts to resolve issues prior to escalation. It's crucial that call-ins are made during the public consultation phase to reflect on the most current application status. Upon submission, the form is reviewed by Officers for validation and onward discussion by the Chair, Vice Chair, and Head of Development.

[CALL IN FORM](#)

Upon validation, the call-in form undergoes a thorough review during the Chair and Vice Chair's agenda-setting meeting. The review process may invite the submitting Councillor to provide further clarifications. Inadequate submissions, lacking a valid planning rationale, are returned with explanations for rejection.

Decisions on the call-in submissions are communicated at the following committee meeting, with possible outcomes including committee hearing or mediation. Should mediation not resolve the issue, the application may be redirected back to the committee. Notably, committee members involved in a call-in process are precluded from presiding over the related application to maintain impartiality and transparency. Declarations of interest are essential to avoid conflicts.

The call-in records are pivotal for refining the procedure, ensuring its effectiveness and equitable application. This systematic approach ensures a balanced and fair review process, integrating feedback for continuous improvement.

Committee delivery

Minimum number of committee attendees

To ensure the validity of meetings, a quorum of five members, including the Chair, is mandatory for proceeding with any committee meeting.

Presentations
Presentations by residents and applicants will strictly be oral, with no distribution of printed materials allowed. Entrance and exit protocols must be followed as directed. Both in-person and remote presentations are facilitated, with a traffic light and timer system for in-person presentations and verbal cues for remote speakers to manage their allotted time effectively. It's crucial that presentations are grounded in facts and well-reasoned opinions.

Ability to clarify comments made by applicant or speaker or to seek expert third- party advice

Committee members have the discretion to question speakers for clarifications or additional factual information, overseen by the Chair to ensure questions are concise and not an extension for further statements. When necessary, external expert insights may be sought to substantiate discussions, especially when information is not readily verifiable through public sources.

Seating at the meeting and conduct

Observer seating is allocated on a first-come, first-served basis, with a potential ticketing system for high-profile applications. For applications affecting multiple local authorities, seating is equitably allocated among affected residents. Speakers are positioned prominently within the chamber for ease of interaction. Disruptive behavior, whether in-person or online, will prompt removal to maintain the meeting's integrity, with potential adjournment to safeguard all participants.

Agenda item order

The Chair will determine the sequence of planning items, which will be announced at the meeting's commencement, adhering to the Chair's standing order outlined in Appendix 1. Precise timing for each item cannot be guaranteed. Efforts will be made to address all agenda items, with any unresolved matters prioritized for the subsequent meeting.

Process for Consideration of Items

Items will be considered in the following order:

- Step one: Introduction to the Application by Planning Officer
- Step two: Registered Speakers in the following order: residents, ward councillors, MP, Applicant and cabinet member. If there are no speakers, proceed directly to step 4
- Step three: Points of clarification or response from Planning Officers following speeches
- Step four: Questions from the Committee to Planning Officers and at the discretion of the Chair to applicants, Councillors and residents.
- Step five: Comments or observations from Committee members on the application. This may include suggestions for conditions.
- Step six: Vote on the application in the following order: Voting against the recommendation, not voting on the recommendation; voting in favour of the recommendation

Members must be present for the entirety of an item to be able to vote on it. The Chair and officers will check which members are present before starting each item.

Conditions and amendments to draft section 106 agreements

Prior to voting, the Committee may propose to add or remove conditions, or modify draft section 106 agreements to better serve community interests. These adjustments require a majority consensus and are incorporated into the final vote.

Voting

The Chair will call a vote on the recommendation within the officer report noting any changes to conditions. These conditions will be included in a separate log. An officer or the Chair will verbally announce the result of the vote. The numbers of votes will be recorded in the minutes. Vote are not by roll call.

All votes will need to be in person. Only committee members who have been in the chamber for the entirely of the item may cast a vote.

The Chair can vote on applications, entitled to a casting vote, or call a second vote in the event of the committee is unable to come to a clear decision.

If a vote on the recommendation falls, a further vote will be required to agree a planning basis for the refusal or granting of an application in contradiction to Officer recommendation. If the committee is unable to agree a reason the committee will vote again on the original recommendation.

If the majority of members do not vote on the item the application will be deferred to the next meeting. Similarly, to a vote on the recommendation falling, a further vote will be required to agree why the majority of the committee decided not to vote on the application.

Approved applications will require a discharge of condition notice circulated to the Chair for sign off. This ensures the committee's intent is translated accurately into action. Appropriate amendments maybe made with the agreement of the Chair to the decision notice as required to provide an informative and accurate response referencing appropriate policies

Deferring a vote on an item of business

The Chair possesses the authority to defer a vote at any point, primarily when unforeseen information emerges or further analysis is required due to insufficient data. This ensures decisions are made with comprehensive understanding and due diligence.

Supporting effective decision making

Recognisiing the cognitive demands of evaluating planning applications, the Chair will introduce breaks to maintain sharp decision-making capabilities. The protocol includes a pause after 1.5 to 2 hours and aims to conclude proceedings within 4 hours from the start. This approach balances thorough deliberation with efficiency,

ensuring that all decisions are informed and that the well-being of the committee members is considered.

Declarations of Interests

Members need to have regard to the items published with the agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared, they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest, including other registrable interests or other matters which may give rise to a perception of bias, they should declare this, withdraw and be replaced by a substitute for the consideration of the item. Members should have regard to the Code of conduct for members and for further advice speak with the Council's Monitoring Officer (John.Scarborough@merton.gov.uk) or deputy (Fabiola.hickson@merton.gov.uk).

FOR ANY QUERIES ON THIS INFORMATION AND OTHER COMMITTEE PROCEDURES please contact Democratic Services.

Phone – 020 8545 3356 e-mail – democratic.services@merton.gov.uk

Post Committee

Forward agenda

Annually, the committee will convene to strategise and recommend initiatives for commissioning. These proposals are forwarded to the Cabinet Member for Housing and Development and other relevant Cabinet members for endorsement. Supported initiatives will be integrated into the committee's forward agenda, ensuring a structured and strategic approach to future activities.

Actions and condition review

Actions arising from committee decisions will be communicated within 72 hours post-meeting, aiming for prompt dissemination. The Chair, with officer assistance, will engage with responsible parties to ensure actions are completed. The committee will be updated on any deviations from planned deliverables, ensuring transparency and accountability in the execution of committee resolutions.

Appendix one
- Forward planning meetings & 1:1s

- Notification to Chair & Vice Chair of potential applications
- Chair & Vice Chair with officers
- Chair's email to committee
- Draft agenda published internally
- Papers available for sign off
- Papers delivered
- Pack published
- Potential site visit
- Deadline for applicants to register attendees
- Technical briefing
- Applicant panel details circulated to committee. Committee asked to flag conflicts of interest with Chair and Monitoring Officer
- Deadline for comments and questions by committee and any known conflicts of interest registration (12pm)
- Deadline for comments on BPAC papers electronically
- Last date for speakers to register (by 12pm)
- Inform public speakers
- Mod sheet Planning
- Mod sheet BPAC
- Washup
- Conditions and decision notice drafted for Chair's review
- Minutes written up and circulated to Chair review and sign off
- Minutes signed off by Chair and returned to officers
- Actions, conditions, risks and lessons logged

Appendix two: Standard order of business

The items for consideration will normally be taken in the order below. In the case of a tie, the application which has received the highest number of representations will be taken first:

- **Housing (Organised by number of units)**
  - Applications with credible social housing
  - Proportion of significant proposed affordable housing
  - Private sale
  - HMOs
  - Alterations, extensions to existing
  - Other housing applications

- **Commercial (Organised by estimated number of jobs created or maintained, or the capital cost of the development)**
  - Square footage
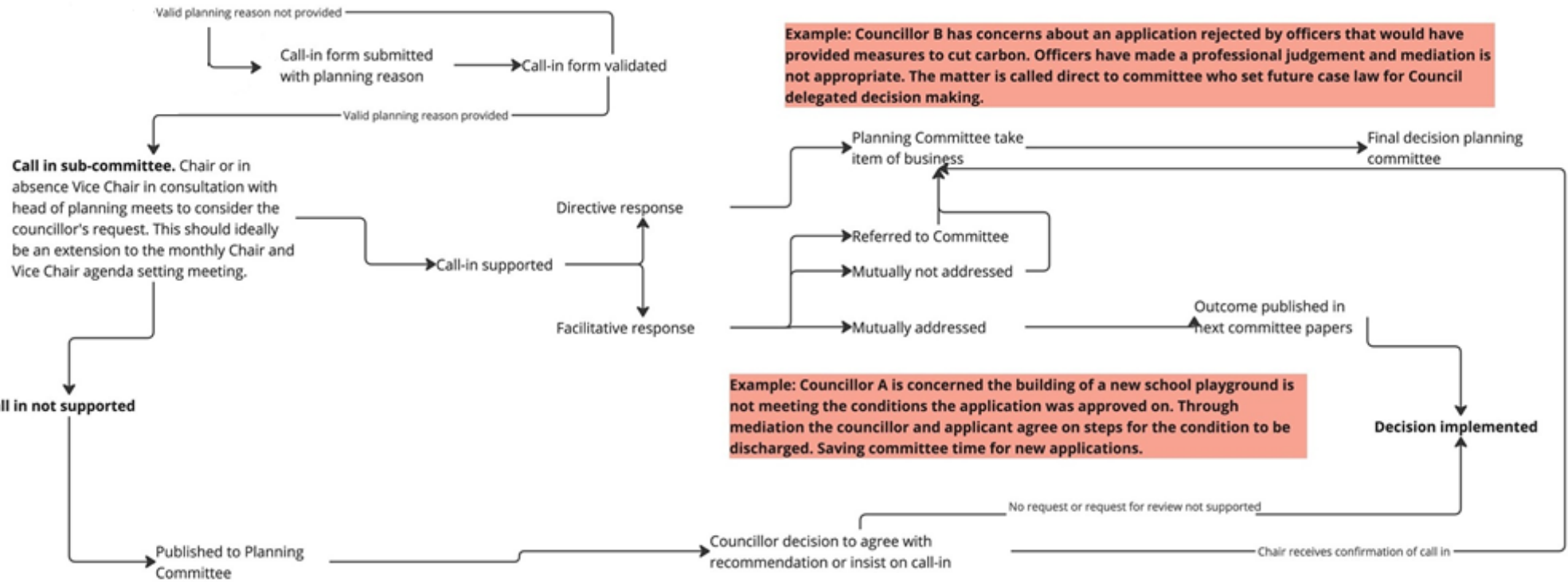
- High jobs/capital cost
- Low number jobs/capital cost

o **Parks, allotments, street scene**
o **Trees Protection Orders**
o **Advertising boards**
o **Reports from third party**
o **Reports as part of conditions**

Call-in items will be taken in the priority listed above.

Appendix three: Call in process

Valid planning reason not provided

Call-in form submitted with planning reason → Call-in form validated

Valid planning reason provided

Call in sub-committee. Chair or in absence Vice Chair in consultation with head of planning meets to consider the councillor's request. This should ideally be an extension to the monthly Chair and Vice Chair agenda setting meeting.

Call-in supported

Directive response

Facilitative response

Call in not supported

Published to Planning Committee

Example: Councillor B has concerns about an application rejected by officers that would have provided measures to cut carbon. Officers have made a professional judgement and mediation is not appropriate. The matter is called direct to committee who set future case law for Council delegated decision making.

Planning Committee take item of business → Final decision planning committee

Referred to Committee

Mutually not addressed

Mutually addressed → Outcome published in next committee papers

Example: Councillor A is concerned the building of a new school playground is not meeting the conditions the application was approved on. Through mediation the councillor and applicant agree on steps for the condition to be discharged. Saving committee time for new applications.

Decision implemented

No request or request for review not supported

Councillor decision to agree with recommendation or insist on call-in

Chair receives confirmation of call in

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