

## PROCEDURE NOTE FOR REQUESTS FOR REFERRALS OF APPLICATIONS TO PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The following sets out the procedure should an elected member wish to seek to refer an application which would otherwise be delegated to officers, to Planning Development Management Committee (PDMC) in accordance with Principle 4 of the Chief Officer of Strategic Place Planning's (Chief Officer SPP) delegated powers.

### ***How can a member seek to refer an application to PDMC?***

If a member wishes to seek to refer an application to committee, they must send an email asking for a referral. The email should be sent to the Convener, Vice Convener of PDMC the Chief Officer of SPP, the planning case officer, Development Management Manager and Committee Clerk.

Only substantive members of PDMC can seek to refer under this process.

A request for referral must be made on the basis of material planning considerations and these must be included within the member's email. The email must be received within 28 days from the date the application is validated (or if there is an alternative advert period then the email must be received within that advertisement time; whichever period is longer).

Details on the date of validation for the relevant application can be found on the Planning Portal by entering the planning application reference. Members should direct any queries to the allocated planning Case Officer if they have any queries regarding the timing of the 28-day period.

### ***How is a decision made?***

If the application is one that would be considered by PDMC in any case because of the triggers in the Scheme of Delegation the case officer, or DM Manager, will notify all parties of this fact and there will be no further action under this procedure.

If this is not the case a meeting will be convened by the Committee Clerk between the Convener, Vice Convener and Chief Officer SPP to determine whether the application will be referred to PDMC. If unable to attend the meeting, the Convener, Vice Convener and Chief Officer SPP may send a substitute in their place. A substitute for the Convenor or Vice Convener must be a member of PDMC. If the Chief Officer SPP wishes to send a substitute they may send another officer in their place. With the Code of Conduct in mind, should the Convener or Vice Convener wish to make a request to refer under this procedure they may wish to consider the use of a substitute member in their place at the relevant meeting to discuss whether the referral will be made to PDMC.

The Chief Officer of SPP will advise the planning Case Officer who has been allocated the application and Development Management Manager or relevant Team Leader that the application is being considered for referral.

The discussion on whether the application should be referred should be based around the planning reasons which were submitted with the member's request for referral.

Ultimately, in line with the Scheme of Governance, the final decision on whether an application will be referred will lie with the Chief Officer SPP (or the officer substituting for the Chief Officer SPP). However, the CO SPP understands that the discretion of the Convener and Vice Convener in terms of referral is wide and will carry due weight in the decision on whether an application should be referred. Only in very exceptional circumstances will the CO SPP use the power to overrule the Convener or Vice Convener's views.

***How will the decision be recorded?***

A note of the decision and reason for the referral or non-referral will be taken during the meeting between the Convener, Vice Convener and the CO SPP. This decision will be included in all reports of handling and will include a brief summary of the reasons for that decision. The CO SPP will advise the member who submitted the request for referral and the case officer and DM Manager whether the request was successful or not, along with a summary of the reasons for the decision. The planning Case Officer should advise the applicant and/or agent that their application is to be referred to PDMC, and the reasons for that referral, following consideration.

The decision made by the Convener, Vice Convener and Chief Officer is final and there is no right of appeal of that decision.

***When will the application be determined by PDMC if it is referred?***

As with any other application that is reported to PDMC the application will be determined by PDMC when a recommendation is ready to be made and in accordance with the Council's diary of Committee meetings.