

MINUTES OF THE MEETING OF THE REGULATORY COMMITTEE HELD ON MONDAY, 31ST JULY, 2017, 18.00hrs

PRESENT:

Councillors: Natan Doron (Chair), Toni Mallett (Vice-Chair), Dhiren Basu, John Bevan, Zena Brabazon, Clive Carter, Jennifer Mann, Peter Mitchell, Reg Rice and Ann Waters

16. FILMING AT MEETINGS

The meeting was not filmed or recorded.

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beacham, B Blake and Patterson.

18. URGENT BUSINESS

None.

19. DECLARATIONS OF INTEREST

None.

20. MINUTES

RESOLVED that the minutes of the meeting held on 6 July 2017 be approved as a correct record.

21. DRAFT 2017 PLANNING PROTOCOL

Ben Burgerman, Lawyer, addressed the points raised in the minutes of the meeting held on 6 July 2017 and responded to further questions from the Committee. NOTED:

- The Members' Code of Conduct states that any Member with a prejudicial or disclosable pecuniary interest must withdraw from the meeting, so therefore if any of the Committee members expressed one of these interests then they would be required to withdraw from the meeting for that item in accordance with the relevant parts of the Members' Code of Conduct and Planning Protocol. This was supported by case law guidance. Members of the sub-committee who withdrew from the meeting could if they wished still follow the discussion online.
- In regard to the point raised by some Members in relation to a Cabinet Member addressing the committee when their portfolio covered planning and / or regeneration, and the public perception of a conflict of interest, Ben advised that the Member would still be bound by the Members' Code of Conduct and so would be able to address the Committee, as any Member was entitled to do, in

accordance with the Members' Code of Conduct and Planning Protocol e.g. unless they had a disclosable pecuniary interest. All Planning decisions would be made by Members of the Planning Committee, and not the Cabinet Member regardless of whether the Cabinet Member had made representations.

- Paragraph 2.21 was not an exhaustive list of the criteria to determine a request that an application be referred to the sub-committee. The first bullet point in the paragraph was just one of several criteria, that set guidelines for the decision maker, who would assess the context and acting reasonably would then apply them accordingly.
- Paragraph 5.48, third sentence – to remove “or if not that the divergence is made clear” from the end of the sentence.
- Paragraph 10.10 – not all circumstances would require a Member to withdraw from the room, this would only apply if the Member had declared a prejudicial or pecuniary interest.
- Paragraph 10.6 – references to ‘12pm’ should be removed and replaced with 12:00.
- Paragraph 5.59 – it was suggested that the references to meeting times and dates be removed.
- Paragraph 10.13 – this should be reworded to remove the reference to ‘act jointly to limit themselves...’ and replace with wording along the lines of ‘it is the expected that questions shall be for 30 minutes’.

The Chair thanked all for their comments and advised that the next steps would be that the protocol would be discussed at the next Standards Committee meeting and then adopted by Full Council for inclusion within the Council's Constitution.

22. DATES OF FUTURE MEETINGS

9 October 2017.

CHAIR: Councillor Natan Doron

Signed by Chair

Date