

# National Park Authority Planning and Access Committee Standing Orders

June 2018



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## Definitions Section

Applications	As defined in Section 2, paragraph 6 of the Scheme of Officer Delegation relative to planning.
Chair	The person appointed by the Park Authority to preside at the Committee
Clear working days	When referring to service of notices, the term “clear working days” refers to weekdays, excluding weekends, Bank Holidays, local or national holidays, the day the Notice is posted and the day the meeting is held.
Committee	The Loch Lomond and the Trossachs National Park Authority Planning & Access Committee
Depute Chair	The person appointed by the Authority to preside at the Committee in the absence of the Chair
Member	A Park Authority Board Member appointed to serve on the Committee
Park Authority	The Loch Lomond and the Trossachs National Park Authority

## Remit

1. These Standing Orders govern the procedure of meetings of the Committee. In addition to these Standing Orders, the Park Authority Standing Orders also apply. In the case of conflict between the two sets of Standing Orders, the Committee Standing Orders take precedence.

## Frequency of Meetings and Procedural Matters

2. The Committee will meet on a monthly basis or at such other frequency as is required to consider Planning and Access Committee business. Additional meetings can be called at the Chair’s discretion by giving notice of seven clear working days. The meeting venue may be varied and this will be notified with the agenda papers. Meetings may be cancelled at the Chair’s discretion where there is no business to be considered. Notice of such cancellations will be given seven clear working days in advance of the previously agreed date.
3. The Committee may adjourn any meeting for a reasonable interval or to another date as they may agree then, or failing agreement as to a date, the Chair may decide a date at her/his discretion. The vote on a motion to adjourn, on being seconded, will be taken without amendment or discussion and by a show of hands. If a motion is made to adjourn and is not carried, a similar motion will not be competent within an hour of the previous motion having been made.

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4. The Chair may, without a vote, adjourn any Committee meeting for a reasonable interval, to a time he/she may then or afterwards fix, in the event of disorder arising.

### Notice of Meetings

5. Notice of the Committee meeting will be placed at the Park Authority Headquarters, on their website and may be displayed at the headquarters of each of the local authorities within the Park area (namely West Dunbartonshire Council, Stirling Council, Argyll and Bute Council and Perth and Kinross Council). For each planning application included on an agenda, notification will be sent to both the applicants and all relevant parties (those who have made a representation) at the same time as the papers are issued, confirming the date, time and location of the Committee meeting.

### Agenda Papers/Applications

6. The agenda and papers will be circulated in accordance with the Standing Orders of the Park Authority.
7. The Committee will consider all applications except:
  - a. Applications delegated to officers for decision as set out in Appendices 1 and 2 to these Standing Orders and as noted in paragraphs 50 and 51 below;
  - b. Applications as defined under the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2009 which shall be determined by the National Park Authority Board as:
    - i. 'National' applications (including Pre-Determination Hearings)
    - ii. 'Major' applications (including Pre-Determination Hearings) where there would be a significant departure from the Development Plan were the application to be approved;
  - c. Applications for 'local developments' which are considered by the Director of Rural Development and Planning, if approved, to represent a major departure from planning policies as set out in the Development Plan. In such occasions, the application will be referred to the next available meeting of the full Board for decision;
  - d. Where the Director of Rural Development and Planning in consultation with the Chair of the Planning and Access Committee consider that it would be appropriate for the Board to take the decision on the application for reasons, including the application raising significant issues or public interest meriting determination at Board.

### Membership and Quorum

8. The membership of the Committee is up to twelve Members. The quorum of the Committee is five Members. No business will be transacted at a Committee meeting unless a quorum is present. If the Chair finds during a Committee meeting that the number of Members present has fallen below the quorum (for example because one or more Members has declared an interest and cannot participate in an item), the Committee meeting shall end at that point. It will be recorded that no further business was considered because there was no quorum. All attendance and absences shall be recorded in the minutes of the Committee meeting.

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9. If, ten minutes after the time set for the start of a meeting of the Committee, a quorum is not present, the meeting will be abandoned and it will be recorded that no business was considered because there was no quorum. In those circumstances, the meeting will be adjourned to another time on the same day, or to another date and time at the Chair's discretion.
10. Members will be expected to attend Committee meetings regularly.
11. People who are not members of the Committee may be invited by the Chair to attend for all or part of the Committee meeting, but they will not be entitled to vote.
12. Any Member wishing to leave during the course of the Committee meeting must indicate their departure to the Chair, prior to leaving.
13. Members must be present at the start of an item in order to participate. An item starts when the officer starts their presentation of an item. If a Member arrives after an officer begins their presentation, they should not participate in either the debate or any vote relative to that item.
14. All Committee members shall be eligible to sit on the Local Review Body of the Park Authority.

### **Declarations of Interest**

15. At the start of every meeting of the Committee, members should declare if they have any interest in any item on the agenda. If such an occasion arises, the Committee Member should decide if in the context of the matter being considered, and having regard to the terms of the Code of Conduct for Members, if they should continue to attend the meeting and participate in the discussion and voting or, take no part in the discussion and voting of the Committee in relation to that item and withdraw fully from the room. Members should refer to the Board Standing Orders and the Code of Conduct for Members for further guidance.

### **Written and Oral Representations**

16. All relevant parties who have made a written representation (or any spokesperson representing them) and who wish to make an oral representation to the Committee must submit a public participation form in writing or by electronic mail to the Committee Clerk no later than 12 noon two and a half clear working days prior to the designated Committee meeting. Any requests received after this deadline will only be considered in exceptional circumstances and at the discretion of the Committee. The Committee Clerk will confirm receipt of all requests.
17. The Committee will hear a maximum number of oral representations as set out in these Standing Orders. In the event of more persons wishing to make representations than permitted in terms of these Standing Orders, objectors will be asked to decide amongst themselves who will speak. In the event of the objectors failing to reach agreement amongst themselves the Chair may use her/his discretion to nominate someone to speak or decline to hear from objectors (other than the Community Council).

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18. Up to two parties may be heard in support of an application. Priority will be given to representations from the applicant (or their nominated representative), a Community Council, and thereafter any other party. Parties will be permitted to speak so long as they have submitted the form as outlined in Standing Order 16.
19. In the event of the applicant (or their nominated representative) and/or the Community Council not wishing to make verbal representations in support of an application, up to two supporters will be allowed to speak in accordance with Standing Order 16. In the event of more than two supporters wishing to speak, Standing Order 17 applies.
20. Up to two parties may be heard in opposition to an application. If the Community Council are in opposition to an application, and have made a request to make representations in terms of Standing Order 16, they will be permitted to speak. In that case, all other objectors who have made a request to speak in terms of Standing Order 16 will be asked to nominate one objector amongst their number to speak on behalf of all.
21. In the event of the Community Council not wishing to make verbal representations in opposition to an application, up to two objectors will be allowed to speak in accordance with Standing Order 16. In the event of more than two objectors wishing to speak, Standing Order 17 applies.
22. Each party shall be allowed five minutes in which to present their case.
23. Only relevant parties who arrive before the meeting has started will be allowed to make a representation. If any party has requested to make an oral representation and does not attend the meeting, the Committee will proceed to determine the application.
24. Requests from relevant parties to continue applications to another date to allow them to attend will not be considered.
25. After each party has made their representation, Members of the Committee may put any relevant questions to the speaker. There will be no opportunity for any speakers to question other speakers, planning officers or Members directly.

### **Public Attendance At Meetings**

26. Meetings of the Committee will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at meetings or in accordance with statutory provisions.
27. Members of the public present at Committee meetings (including speakers invited to make representations) will only be entitled to address the Committee when invited to do so by the Chair.
28. If, in the opinion of the Chair of a meeting, any member of the Committee, member of Park Authority staff, or member of the public present at that meeting is incapacitated or not showing proper behaviour, or is behaving in an inconsiderate manner to other

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members, Park Authority staff or members of the public, it shall be in the power of the Chair of that meeting to require that person to leave the meeting.

### Late Submission of Written Representations

29. Where relevant parties have made further written representations following circulation of the agenda papers, these will be orally reported in summary form in the officer's presentation at Committee and held on the file. Written representations which have been submitted later than two clear working days prior to the Committee meeting will not be reported or circulated to the Committee.

### Member Representation

30. No Park Authority Board Member will be entitled to make a representation on behalf of others. A local Councillor (who is not a Park Authority Board Member), a Member of the Scottish Parliament, a Member of the UK Parliament or a Member of the European Parliament who wishes to make an oral representation will be required to complete the public participation form and their request will be dealt with under Standing Order 16.

### Site Visits

31. During the course of a Committee meeting, members may decide to hold a site visit in relation to a particular application. Members will vote by a show of hands and decide by majority to arrange a site visit.
32. Where the Committee considers it necessary to continue the determination of a particular application to carry out a formal site visit by Committee Members, the visit will be arranged prior to the following month's Committee meeting. When a suitable time has been arranged officers will formally notify all Committee Members, and the relevant parties in writing. Further consideration of the application after the site visit will be made at the next available Committee meeting, unless the Chair otherwise directs.
33. Only Members who attended the site visit may participate in any debate and/or vote relative to that item. A member who attends the site visit, but did not attend the Committee meeting where the decision to hold a site visit was taken, may participate in any subsequent debate and/or vote relevant to that item. If a further item of business is considered by the Committee relative to the same site not involving a separate site visit, Members will be able to participate in consideration of that item of business unless the Chair otherwise directs.
34. No oral representations will be permitted at a site visit. Members of the public may observe a site visit, but may not participate other than if invited by the Chair to provide clarification.

### Committee Decisions

35. A member departing early will be treated as a non-attending member for the purpose of any decision taken after the time of departure.

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36. Written comments on agenda items submitted by members who are not attending will be circulated to members. All written comments must be received by the Committee Clerk, no later than two clear working days prior to the Committee meeting.
  37. In the event of members wishing to make a decision at a meeting contrary to officer recommendation, the reasons must be given and will be minuted.
  38. In the event that the Committee considers that an application falls within paragraph 7(c) above, that it is an application for 'local development' which if approved will represent a major departure from planning policies as set out in the Development Plan, such application shall be referred to the next meeting of the full Park Authority Board for determination. In the event of such a decision being taken, it must be supported by a clear statement of reasons as to why such a decision has been made.
  39. Decisions of the Committee will be by majority of attending members. The matter will be decided on by vote of members. Only attending members will be able to vote. The voting procedure is described below.

### Voting Procedure and Motions

40. A motion for the approval of a report, or a minute, of the Committee will be considered as an original motion and any proposal involving alteration or rejection of the report or minute will be dealt with as an amendment.
41. The Chair has the right to move approval of the report, or minute, of the Committee.
42. The structure of the debate will be as follows. The mover of the original motion shall speak first. The mover of an amendment has a right of reply. The mover of the original motion may then reply. After the mover of the original motion has replied, the Chair will close the debate, and no other Member will be allowed to speak. The Committee Clerk will announce the terms of the motion and amendment(s) and take the vote.
43. Every motion or amendment must be moved and seconded. The terms of all motions and amendments must be clearly stated prior to the member speaking to the motion or amendment. If the Chair decides, a meeting can be adjourned in order to allow a motion or amendment to be written down, signed by the mover and seconder, and given to the Committee Clerk to read it to the meeting.
44. Where an officer's recommendation is moved and seconded and no competent amendment has been tabled, this motion (the officer's recommendation) will become the decision of the Committee.
45. Where the officer's recommendation has been moved and seconded, any amendment to this motion from a member must be competent and based on planning grounds. When required, officers will provide advice to the Chair on the competency of any motion or amendment moved by a member. The Chair's ruling on the competency of any motion or amendment will be final.
46. Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment last proposed will be put against that immediately preceding and the amendment then carried against

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- the next preceding and so on until there remains only one amendment, between which and the original motion the vote will be taken.
47. Where a vote is taken all business will be decided by a majority vote of those present and voting, except in circumstances where these Standing Orders specify that a two-thirds majority is required. A vote will normally be taken by a show of hands.
48. In the case of an equality of votes, the Chair will have a second or casting vote.
49. Motions or amendments which are not seconded will not be discussed or recorded in the minutes. Except when the vote is taken by roll call, any member who has moved a motion or amendment and who is in a minority of one will, if she/he asks, have her/his dissent from the eventual decision recorded in the minutes. Dissent cannot be recorded in the minutes unless the member has moved a motion or amendment.
50. A motion or amendment may be withdrawn by the mover if her/his seconder agrees. Such a motion or amendment will not be inserted in the minutes.

### **Scheme of Delegation**

51. The approved Scheme of Officer Delegation for the purposes of discharging the Planning functions of the Authority will form part of these Standing Orders attached as Appendix 1.
52. The approved Scheme of Officer Delegation for the purposes of discharging the Access functions of the Authority will form part of these Standing Orders attached as Appendix 2.
53. If an application is considered and refused under delegated powers, an unsuccessful applicant may submit an appeal against the decision to the Local Review Body (LRB). The LRB will be the subject of separate Standing Orders.

### **Suspension of Standing Orders**

54. Providing it is consistent with any statutory provisions, these Standing Orders can be suspended at any meeting provided that two-thirds of those Members present agree.