

IMPORTANT NOTE

This consolidated version of the Planning Committee (Constitution) Order 2019 [SD 2019/0464] has been prepared for information purposes only. While every reasonable effort has been made to ensure the changes have been properly incorporated it cannot be guaranteed that it is free of errors.

This document includes the amendments made by –

- the Planning Committee (Constitution) (Amendment) Order 2021 [SD 2021/0024]

The amendments are in **GREEN TEXT** for ease of reference.



PLANNING COMMITTEE (CONSTITUTION) ORDER 2019

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Reference Only

Statutory Document No. 2019/0464

*Town and Country Planning Act 1999*

PLANNING COMMITTEE (CONSTITUTION) ORDER 2019

Laid before Tynwald: 10 December 2019
Coming into Operation: 1 February 2020

The Council of Ministers makes the following Order under section 39C of the Town and Country Planning Act 1999.

PART 1- INTRODUCTORY

1 Title

This Order is the Planning Committee (Constitution) Order 2019.

2 Commencement

This Order comes into operation on 1 February 2020.

3 Interpretation

(1)¹ In this Order —

“**Act**” means the Town and Country Planning Act 1999;

“**chair**” means the chair of the committee appointed under article 9 or, as the case may be, the person referred to in article 4(3);

“**committee**” means the planning committee constituted under article 4 in accordance with section 39C(1) of the Act;

“**lay member**” means a lay member of the committee appointed under article 5 or, as the case may be, a person referred to in article 4(2);

“**member**” means (unless otherwise specified) the chair or a lay member of the committee.

(2) In this Order —

(a) a reference to a meeting being “held in public” includes a meeting which is held in such a way that the public may by electronic means listen to it;

- (b) “leave the meeting”, with regard to a meeting held by electronic means, means disconnect from the meeting;
- (c) “meet” and “meeting” include —
 - (i) meeting in such a way; and
 - (ii) a meeting which is conducted in such a way,
that those who are not present together at the same place may by electronic means participate in it;
- (d) a reference to making “oral” representations or declaring an interest “orally” include making the representation or declaration orally by electronic means; and
- (e) “present”, with regard to a meeting, includes participating in the meeting by electronic means.²

PART 2 – CONSTITUTION OF THE COMMITTEE

4 Constitution of the committee

- (1) The committee shall consist of —
 - (a) a chair, and
 - (b) 6 lay members.
- (2) The first 6 lay members of the committee shall be those persons who were the lay members of the old planning committee¹ immediately before this Order comes into operation.
- (3) The first chair of the committee shall be the person who was the chair of the old planning committee immediately before this Order comes into operation.
- (4) Subject to Part 3, a person referred to in paragraph (2) continues as a lay member of the committee for the remainder of their term of appointment as a lay member of the old planning committee.
- (5) Subject to Part 4, a person referred to in paragraph (3) continues as chair of the committee for the remainder of their term of appointment as chair of the old planning committee.

¹ Section 39B of the Town and Country Planning Act 1999 defines the “old planning committee” as the body of persons known as the “Planning Committee” to which certain functions of the Department under the Act and any orders or regulations made under it were delegated immediately before the enactment of the Town and Country Planning (Amendment) Act 2019.

PART 3 – LAY MEMBERS

5 Appointment

A lay member shall be appointed by the Council of Ministers.

6 Term of office

A lay member shall hold office for a term of 5 years.

7 Reappointment

A lay member may, upon the expiry of that member's term of office, be re-appointed for a further term of 5 years.

8 Cessation of office

- (1) A lay member shall cease to hold office if –
 - (a) the member resigns, which a member may do at any time, by a notice in writing to the Department², or
 - (b) the member's term of office is terminated by the Department by 4 weeks' notice in writing.
- (2) The notice referred to in paragraph (1)(b) must give the reasons for the termination.

PART 4 – CHAIR

9 Appointing body

- (1) The Council of Ministers shall appoint one of the persons specified in paragraph (2) to be the chair of the committee.
- (2) Those persons are –
 - (a) the Department's member for Planning (howsoever described), or
 - (b) a member of the House of Keys or a member of the Legislative Council other than the Minister for the Department.

10 Term

The chair shall hold office for a term of 5 years.

² "Department" means the Department of Environment, Food and Agriculture (see section 45 of the Town and Country Planning Act 1999).

11 Reappointment

The person holding the office of chair may be reappointed to that office upon the expiry of the term referred to in article 10.

12 Cessation of office

- (1) The chair shall cease to hold office if –
 - (a) the chair resigns, which the chair may do at any time, by a notice in writing to the Department, or
 - (b) the chair's term of office is terminated by the Department by 4 weeks' notice in writing.
- (2) The notice referred to in paragraph (1)(b) must give the reasons for the termination.

13 Deputising arrangements

- (1) If for any reason the chair is absent from all, or part of, a meeting of the committee, the lay members who are present at that meeting shall nominate one of their number to serve as chair at that meeting.

This is subject to paragraph (2).

- (2) If, for any reason –
 - (a) the committee is on notice that the chair is likely to be absent for more than one meeting of the committee, or
 - (b) the office of chair is vacant,the Council of Ministers may nominate a deputy chair to serve as chair during the absence or unavailability of the chair or the vacancy.
- (3) The Council of Ministers may nominate any of the following to be deputy chair –
 - (a) a lay member of the committee, or
 - (b) a member of the House of Keys or a member of the Legislative Council other than the Minister for the Department.

PART 5 – FUNCTIONS OF THE COMMITTEE

14 General

The committee shall have the functions specified in this Part.

*Determination of Applications***15 Types of application**

The committee must, in accordance with standing orders published under article 22, determine an application under the following provisions of the Act —

- (a) section 10(1) (application for planning approval);
- (b) section 10(3) (insofar as the application is for the variation of a condition);
- (c) section 10(6)(d) (reserved matters);
- (d) section 15 (control of works affecting registered building);
- (e) section 19(3) (demolition in conservation area);
- (f) section 22(2)(b) (applications relating to the display of advertisements);
- (g) paragraph 3 of Schedule 3 (insofar as the application is for the variation of a condition of registered building consent).

PART 6 – PROCEEDINGS OF THE COMMITTEE**16 Quorum of the committee**

The quorum of the committee shall be 3.

17 Proceedings

- (1) The committee must meet no less frequently than every 6 weeks.
- (2) Meetings of the committee must be held in public.
- (3) The proceedings of a meeting of the committee must be minuted.
- (4) The following must be published, and may be published electronically —
 - (a) the agendas of meetings;
 - (b) the minutes of meetings;
 - (c) reports presented to or considered by the committee;
 - (d) reports compiled by the committee.

18 Voting

- (1) Every application of a type referred to in article 15 for consideration before the committee must be decided by a majority of the votes of the members present and voting on that application.
- (2) In the case of an equality of votes, the chair, or the person nominated to act as chair in the chair's absence, presiding at the meeting or for the relevant item, shall have a second or casting vote.

- (3) A member of the committee may abstain from voting on an application only where that member has not visited the site and accordingly considers that he does not have sufficient knowledge of the site, or the proposal, to vote.
- (4) This article is subject to article 19.

19 Declaration of Interest: members of the committee

- (1) A member of the committee must declare any interest that member has in any item of business to be considered by the committee (including an application referred to in article 15) and must not act or vote in relation to any such item.
- (2) A member may declare an interest orally or in writing, before or during any meeting of the committee and that declaration must declare the nature and extent of the interest.
- (3) Where a member has declared an interest that member –
 - (a) may, where that member is the applicant or has made written representations, make oral representations to the committee in accordance with any relevant provision of Standing Orders published under article 22;
 - (b) must, subject to sub-paragraph (a), for the duration of the determination of the item of business in respect of which the member has declared an interest, leave the meeting.
- (4) If the chair declares an interest in any planning application referred to in article 15, the chair –
 - (a) may, where the chair is the applicant or has made written representations, make oral representations to the committee in accordance with any relevant provision of Standing Orders published under article 22;
 - (b) must, subject to sub-paragraph (a), for the duration of the determination of the item of business in respect of which the chair has declared an interest, leave the meeting.
- (5) Where paragraph (4) applies, the members shall nominate one of their number to act as chair for the consideration of that item of business only.
- (6) If a declaration of interest under this article proves to be, or becomes, inaccurate or incomplete, a further declaration must be made.
- (7) An interest for the purposes of this article –
 - (a) is an interest of which the member is aware;
 - (b) can be direct or indirect, financial or personal.

20 Declaration of Interest: officers of the Planning and Building Control Directorate

- (1) An officer of the Planning and Building Control Directorate of the Department (howsoever expressed) must declare any interest that officer has in an application referred to in article 15.
- (2) An officer may declare an interest orally or in writing, before or during any meeting of the committee and that declaration must declare the nature and extent of the interest.
- (3) Where an officer has made a declaration in accordance with paragraph (2), that officer —
 - (a) may, where that officer is the applicant or has made written representations, make oral representations to the committee in accordance with any relevant provision of Standing Orders published under article 22;
 - (b) must, subject to sub-paragraph (a), for the duration of the determination of the item of business in respect of which the officer has declared an interest, leave the meeting.
- (4) If a declaration of interest under this article proves to be, or becomes, inaccurate or incomplete, a further declaration must be made.
- (5) An interest for the purposes of this article —
 - (a) is an interest of which the officer is aware, whether as the applicant or an objector to the application;
 - (b) can be direct or indirect, financial or personal.

21 Effect of vacancies etc. on the validity of proceedings

The validity of any proceedings of the committee shall not be affected by —

- (a) any vacancy among members of the committee,
- (b) any defect in the appointment of a member of the committee,
- (c) a lay member whom the Department has removed, or subsequently removes, under article 8(1)(b) having participated in the proceedings, or
- (d) the chair whom the Department has removed, or subsequently removes, under article 12(1)(b) having participated in the proceedings.

22 Standing Orders

- (1) The Department must publish electronically Standing Orders in respect of the committee.
- (2) Standing Orders must make provision about —

- (a) the circumstances in, and conditions subject to, which the committee may determine an application referred to in article 15;
- (b) processes concerning the manner in which applications are brought before, considered or deferred by, the committee;
- (c) the role of planning, and other, officers;
- (d) the making of oral representations and submissions;
- (e) site visits.

MADE 21ST NOVEMBER 2019

W GREENHOW
Chief Secretary

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order constitutes the planning committee under section 39C of the Town and Country Planning Act 1999 (article 4).

In addition to constituting the committee, the Order provides for —

- (a) the appointment and removal of members of the committee, their tenure of office and reappointment (articles 5-12);
- (b) the functions of the committee (article 15);
- (c) proceedings of the committee including voting and declarations of interest (articles 16-20);
- (d) the effect of vacancies etc. on proceedings of the committee (article 21).

The Order also provides that the Department of Environment, Food and Agriculture is under a duty to publish Standing Orders (article 22).

¹ Numbered by SD 2021/0024.

² Inserted by SD 2021/0024.