

Red Card Procedure – Code of Practice

[Revised July 2013]

Principles of Red Card Use

1. Under the Council's delegated powers arrangements the Executive Director of Environment has delegated power to determine applications except in specified circumstances including 'Where a Member of the Council makes a request to the appropriate employee, in accordance with the procedure prescribed for that purpose, that an application should be determined by the [Planning] Committee'. The prescribed procedure is known as the red card procedure. The objective is to ensure that the decision on a particular application is taken by the Planning Committee not an officer. Since decisions at committee-level are appreciably more expensive than officer-level ones and inevitably result in a delay to the application the following principles apply.
2. Members should only submit red cards when there is a sound reason why an officer-level decision is insufficient. This would normally arise when the proposal is for a major development, when there is an exceptional level of public interest or when the member has information or an opinion which s/he wishes to raise in debate. The red card procedure allows the member to require an application to be reported to the Planning Committee for determination.
3. The red card includes a space for the member to indicate why a committee decision is necessary. This will be based on his or her preliminary view of the application and will not be treated as an indication of the member's final view. Members should always complete this section, bearing in mind that the document will become public and the reason reported to the Planning Committee.
4. Members should limit to the absolute minimum the number of red cards submitted.
5. Members should consider carefully whether it is appropriate to submit a red card in respect of householder applications (suffix DOM), having regard to the advice in paragraph 2 and should be satisfied that it is justified on the basis of the particular circumstances of the case.
6. Where a member does decide that s/he wishes the application to come to committee, then a red card should always be submitted. S/he should not rely on a telephone conversation with the officer, although such conversations are often helpful to both members and officers and are to be encouraged where necessary in the interests of good member-officer relations
7. Requests for a committee-level determination may be made by applicants, objectors, agents and parish councils. Members should not accede to such requests solely because they have been asked to do so. Members should not, under any circumstances, forward red cards to another party e.g. a

parish council or an agent. Indeed such an event is an abuse of the procedure and can introduce uncertainty as to whether powers remain delegated to the officers.

8. If circumstances change after a red card has been submitted the member should withdraw the card either in writing or by phoning the relevant Development Manager or the Assistant Director of Development Management and Building Control (not the case officer), who will then note the file accordingly.
9. A member who has submitted a red card should normally be present at the committee meeting when the item is discussed and be prepared to explain the reasons for requiring a committee decision (with the chairman's consent if appropriate).
10. The red card should not contain any comment, representation or other communication other than the instruction as to the procedure for determining the application together with the reason.
11. Red cards may be sent for any application but members should note the caveat in the delegated powers arrangements to the effect that the red card procedure will not apply where there are statutory periods for determination of prior approval and similar applications and there is no Planning Committee meeting available within this period. Under such circumstances where a red card is submitted and there is insufficient time for determination by committee, the officers will seek to contact the member by telephone to discuss the scheme.

Administrative Procedures for Red Cards

1. A red card may be submitted by any member of the Council; members do not have to sit on the Planning Committee. Council members who are not on the Planning Committee would normally be expected to attend the Planning Committee meeting to speak (with the chairman's agreement) on an application they had red-carded, in accordance with principle 9 above.
2. The red card may be submitted at any time before the determination of the application by the authorised officer i.e. before the officer signs the decision preview sheet. It is, however, administratively convenient if the red card is submitted early in the application cycle, normally within the first 21 days.
3. A separate red card should be submitted for each application. If the application number is not known, then a description of the development as well as the address of the site should be written on the red card.
4. Red cards should be submitted electronically via the Members Desktop within the VPN.
5. The red card will become a public document and will appear on the electronic file. Reference to it will be made in the officer's report.