

General Purposes Committee

29 September 2016

Working paper on proposed amendments to the constitution regarding Public Speaking at planning committee

1. The following motions, proposed by Councillor Mike Baldock and seconded by Councillor Monique Bonney, was submitted to the Council on 21 September 2016:
 - a) This Council agrees that all Parish Councils that register to speak on a Planning Application should be allowed to speak on that Planning Application, regardless of whether the site in question falls within their boundary or not.
 - b) This Council agrees that any organisation that registers to speak on a Planning Application be allowed to speak, and not be counted as a Residents' spokesman – i.e. that residents are still allowed to speak on the application as well.
2. As per the Council's constitution, the motion was referred without discussion to this Committee so that a full report explaining the position and implications of the motion could be considered. This report explains the background to the current constitutional position and considers the pros and cons of the two motions.
3. The Constitution sets out the current position regarding public speaking at the Planning committee.

Members of the public will have the opportunity to speak at meetings of the Planning Committee in accordance with the procedure set out below:

- *Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Planning Committee, including deferred items, are required to register with Democratic Services by noon on the day before the meeting.*
- *In the case of the Planning Committee, only one person will be allowed to speak in each of the following categories. The right to speak will be allocated within the categories on a "first come first served" basis: -*
 - (a) Parish or Town Council representative*
 - (b) Supporter*
 - (c) Objector*
 - (d) Applicant*

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers. Members of the public who have registered to speak will be invited to do so in the order set out above for each application, and will have a maximum of three minutes to make their statement. The right to speak does not give the opportunity to ask questions or participate in the Committee's decision and determination of an agenda item or Planning application.

PLEASE NOTE: *There is no right to speak on applications that are being determined under the Minutes of the Planning Working Group, as members of the public will have had the opportunity to speak on these applications at a previous meeting of the Planning Committee and at the Planning Working Group meeting.*

4. Appendix I sets out a Practice Guidance Note 1 on Public Speaking in Planning Committees published by the Planning Officers Society and provides a useful overview and guide on best practice.

Town / Parish Council Speaking at Planning Committee

5. Under the terms of the constitution, normally only the Town / Parish Council who's area encompasses the planning application site would automatically be given a right to speak at the Planning Committee. In the unusual circumstance that a planning application site straddles a parish boundary, the two Town / Parish Council's involved would be allowed to speak at the Committee.
6. It is acknowledged however, that an adjacent parish could potentially be directly affected by a planning application proposal not within their boundaries e.g. visual impact and/or traffic impacts generated by the new development. In these circumstances, it is considered appropriate to allow the adjacent Parish Council an opportunity to speak at the Committee. However, in allowing adjacent Parish Council's to speak, the constitution should make it clear that they should focus their comments purely on the direct or indirect impacts of a development on their parish area.
7. Whilst allowing the adjacent Parish Council to speak would inevitably lead to additional speaking time at a Planning Committee, it is considered that these situations do not arise so often as to have a significant regular impact on the duration of Planning Committee's. For the avoidance of doubt, should members be minded to accept an adjacent parish Council to speak, that this is only available to the nearest immediately located parish in terms of distance to the nearest boundary.

Organisations Speaking at Planning Committee

8. It should be noted that all the representations submitted with a planning application are available for the Planning Committee to view and that all the representations are summarised in the Officer report. These are available at least 5 days in advance of a Planning Committee, although late representations will be tabled or verbally presented by the planning officer at the meeting.
9. On many planning applications presented to the Planning Committee, there can be a demand for several speakers in objection (or less frequently in support) of a planning application. The constitution currently only allows one non parish council objector to speak at the Committee. The Council encourage the requesters for speaking to collaborate and agree a spokesperson to represent all their views as there are often common themes in their objections (or support).
10. One of the principles for determining a planning application is to ensure the process is fair and avoids any risk of bias by the decision making body. Authorities should ensure equal time to those speaking for or against a proposal to ensure fairness, noting that the number of representations for or against a proposal is not a material planning consideration. The basis for any decisions should be based purely on the material planning benefits or issues relating to the proposal. The current constitution allows for the applicant, the Town/Parish Council, an objector and a supporter. Whilst there is a recommendation above to allow nearest adjacent Parish Council's to speak, it remains the view that this procedure would be considered fair in enabling the opportunity for all the issues for and against to be expressed at the meeting.

11. Given the above, it is considered that any representative organisation, including resident or protest groups, can take on the mantle of representing the sector of the community that its views align to and request to speak as the objector (or supporter) to a planning application.
12. Should members be minded to allow an open opportunity for organisations to be able to speak, this could lead to a plethora of requests to speak and consequently, significantly lengthening the time that would be need to be dedicated to public speaking, particularly on significant 'major' planning applications. Currently, many Planning Committee meetings often extend well beyond a two hour duration where it could be argued that the focus, attention and efficiency of the Planning Committee members are inevitably going to wain. Allowing any organisation to speak at the Committee will further extend meetings and further add pressure on members attending and potentially lead to poor decision making. Additionally, such a move could give rise to additional meetings where it has not been possible to complete an agenda within on sitting. This adds to significant further costs to the Council and adds to additional diary pressures to Planning Committee members
13. It is therefore RECOMMENDED that the Committee:
 - I. Agree to amend the constitution to allow adjacent Parish/Town Council's to speak at Planning Committee on items within adjacent Parish/Town Council areas and to give delegated powers to the Director of Corporate Services to include detailed wording to that effect; and
 - II. Agree **not** to amend the constitution with regard to allowing additional speaking from any organisation that wishes to speak on a planning application presented to the Planning Committee.

James Freeman
Head of Planning

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