

COUNCIL BUSINESS COMMITTEE

Ward Councillors Speaking at Planning 2 November 2017

Report of the Democratic Services Manager

PURPOSE OF REPORT

To consider the time allotted to Ward Councillors to speak at meetings of the Planning and Highways Regulatory Committee.

This report is public.

RECOMMENDATION

- (1) That, in view of the unanimous decision of the Planning and Highways Regulatory Committee, no change is made to the current time limit of three minutes.**
- (2) That, in the event that the Committee does not agree with recommendation (1), the matter be referred to Council.**

1.0 Introduction

- 1.1 The Chairman of Council Business Committee (CBC) was approached earlier this year by Councillors, who are not members of the Planning and Highways Regulatory Committee (P&HRC), asking if there could be a discussion regarding increasing the time limit for Ward Councillors to speak at P&HRC meetings. He asked the Democratic Services Manager to place this on the agenda for the next meeting of CBC.
- 1.2 In view of this request, the Democratic Services Manager drafted a report for P&HRC members to consider at their meeting on 18 September 2017, to allow the Committee to express its view. That report is appended. It sets out the relevant issues to take into account when considering any revision to the time limits for speakers.

2.0 Proposal Details

- 2.1 This Committee has delegated authority to amend procedure rules within the Council's Constitution. The Procedure Rules regarding Ward Councillors speaking at P&HRC meetings are set out in Council Procedure Rule 26.2. Ward Members may speak "for a maximum of three minutes".
- 2.2 When the P&HRC considered the report on 18 September 2017 there was a unanimous decision to recommend to this Committee:-

That the time limit for Ward Councillors to speak at Planning Committee remain at three minutes.

2.3 It is therefore recommended that this Committee take the views of the Planning Committee into account and do not propose any alteration to the three minute time limit for Ward Councillors to speak. Whilst, as noted above, this Committee has delegated authority to amend procedure rules, it is strongly recommended that any proposal to go against the views of the Planning Committee be referred to Council for a final decision.

3.0 Conclusion

3.1 The Committee is asked to have regard to the view of the P&HRC when considering this issue.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None.	
LEGAL IMPLICATIONS As per the report attached.	
FINANCIAL IMPLICATIONS As per the report attached.	
OTHER RESOURCE IMPLICATIONS, such as Human Resources; Information Services; Property; Open Spaces: None.	
SECTION 151 OFFICER'S COMMENTS The Section 151 Officer has been consulted and has no further comments.	
MONITORING OFFICER'S COMMENTS The Monitoring Officer has been consulted and has no further comments.	
BACKGROUND PAPERS None.	Contact Officer: Debbie Chambers Telephone: 01524 582057 E-mail: dchambers@lancaster.gov.uk

PLANNING AND HIGHWAYS REGULATORY

COMMITTEE

Ward Councillors Speaking at Planning Committee 18 September 2017

Report of Democratic Services Manager

PURPOSE OF REPORT

To enable the Committee to express a view on increasing the time limit for Ward Councillors to address the Committee.

This report is public.

RECOMMENDATIONS

- (1) **That the Committee considers whether or not it would be in favour of increasing the time limit for Ward Councillors to address the committee from three minutes to five minutes.**

1.0 Introduction

- 1.1 Members will be aware of the public participation scheme set out in Part 4, Section 9 of the Council's Constitution (Planning and Highways Regulatory Committee Procedure Rules). The rules set out the process to follow for members of the public, applicants and Ward Councillors wishing to speak at meetings of this Committee. There is a three minute time limit which each speaker must adhere to.
- 1.2 The Chairman of Council Business Committee (CBC) has been approached by other Councillors and has asked if there could be a discussion regarding increasing the time limit for Ward Councillors at the next meeting of CBC. Hence this report has been drafted for Planning Committee members to consider in advance of the CBC meeting on 2 November 2017. It is important that consultation takes place with Planning Committee Members and a view is formed which can be reported to CBC by the Democratic Services Manager.
- 1.3 For Members' information the matter of Ward Councillors speaking at Planning Committee was last discussed at the 8 April 2013 Planning Committee, in relation to a request to remove the time limit for Ward Councillors only. Members of the Planning Committee voted to retain the three-minute speaking time limit, because this "mirrored the time allowed for a member of the public to speak". (11 in favour, 3 against, 1 abstention).

2.0 The Rules Currently

- 2.1 The current rules allow Ward Councillors the same speaking rights as members of the public, no more, no less. Each is allowed to speak for three minutes. This is in line with the advice from the Planning Advisory Service (part of the Local Government Association), set out in its document *"Probity in Planning – for Councillors and Officers"* (April 2013). The relevant part is shown in bold type, below:-

*"Where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, **ward councillors**, parish councils and third-party objectors. **In the interests of equity, the time allowed for presentations for and against the development should be the same**, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the council in writing".*

3.0 Time Limit Issues

- 3.1 Arguments which have been put forward to the Chairman of the CBC and to Democratic Services are:-

- Ward Councillors do not often speak at Planning Committee meetings, so it would not increase the length of the meetings very much if Ward Councillors were allowed to speak for two minutes more than other speakers.
- Ward Councillors addressing the meeting on behalf of residents may encompass views of several people who for a variety of reasons, do not wish to speak in person. This saves the Committee time and lets local people feel that the democratic process is being served.
- The 3-minute time limit is too short to present the views of the Community adequately and cover the reasons why they support acceptance or rejection.
- Planners have unrestricted time in which to present an application and answer questions.
- The Planning Committee carries out a quasi-judicial process, whatever time is given to witnesses should not be equated with the time given to the Advocates, as on the one hand the Planning Officer and on the other a Ward Councillor speaking on behalf of the community are.

- 3.2 Reasons why increasing the time limit to five minutes would not be desirable are:-

- PAS advice (see para 2.1) is for protocols to allow equal speaking times. If the time limit for Ward Councillors were to be increased to five minutes, then the limit for all speakers should be increased to five minutes which would considerably lengthen busy meetings of the Planning Committee. Lancaster already has one of the most generous public speaking schemes in operation, with no limit on the total number of speakers on any individual item.

- It is recognised that some people would not wish to address the Committee themselves and would prefer their Ward Councillor to speak for them. However, the expectation is that they would have submitted written representations. The Ward Councillor should direct their presentation to reinforcing and amplifying those written representations within the three minutes, in accordance with the advice given by the Planning Advisory Service.
- The role of Planners at the Committee is to provide professional advice, which cannot and should not be subject to any time limit.
- Allowing any group or individual longer to speak than other registered speakers risks exposing the Council to allegations that it disproportionately allowed one side of the debate to be aired for longer than the other.

3.3 In considering this proposal, it is also prudent to recall the findings of the Local Government Association/Planning Advisory Service when they carried out a 'Planning Peer Challenge' of the City Council's Planning Service in April 2014. Some Members will recall being interviewed as part of the Peer Challenge process. The final report was complimentary about the Planning Service and noted that it was delivering significant outcomes. In relation to the issue of public speaking at Planning Committee, the Local Government Association/Planning Advisory Service report concluded:

"The Council allows up to three minutes for anyone who wishes to speak on an individual planning application. This can also take up a lot of time and the Council may wish to continue monitoring the situation to determine whether it would like to make any changes to these arrangements in the future".

4.0 Details of Consultation

4.1 This report is presented today to consult with Planning Members so that the view of the Planning Committee can be reported to Members of the CBC when it meets on 2 November 2017.

5.0 Conclusion

5.1 Members are asked whether they would support an increase in the time limit for Ward Councillors speaking at Planning Committee from three minutes, to five minutes.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

LEGAL IMPLICATIONS

Whilst it is not a legal requirement, Members are strongly encouraged to have regard to the Planning Advisory Service guidance quoted in paragraph 2.1 and ensure that the time limits for all speakers is the same. If the Committee is minded to increase the time limit for Ward Councillors, it would be best practice to increase the time limit for all speakers.

FINANCIAL IMPLICATIONS

None identified.

OTHER RESOURCE IMPLICATIONS

Human Resources: None

Information Services: None

Property: None

Open Spaces: None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

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