

# **COUNCIL BUSINESS COMMITTEE**

## **Speaking at Planning and Highways Regulatory Committee Meetings 16 January 2014**

### **Report of the Monitoring Officer**

#### **PURPOSE OF REPORT**

For the Committee to consider approving new Procedure Rules regarding the public participation scheme for inclusion in the Council's Constitution and revised wording for the Constitution regarding Ward Councillors speaking at meetings.

**This report is public**

#### **RECOMMENDATIONS**

- (1) That the Committee approves a new Part 4, Section 9 for the Council's Constitution, as shown at Appendix B, setting out procedure rules for the Public Participation Scheme at Planning and Highways Regulatory Committee meetings.**
- (2) That officers be asked to replace the current guidance for the public on the Council's website with the revised document, shown at Appendix A.**
- (3) That the Committee approves a change to Council procedure Rule 27.2 as set out in paragraph 2 and Appendix C of this report.**

#### **1.0 Introduction**

- 1.1 A public participation scheme for the Planning and Highways Regulatory Committee has been running successfully for some time. The scheme has never been incorporated into the Council's Constitution but has been set out in guidelines on the Council's website and in a leaflet distributed by Democratic Services. Public participation schemes for other Council bodies (Council, Cabinet and Licensing Regulatory) are all set out in the Council's Constitution and it would seem appropriate to also include the scheme for Planning and Highways.
- 1.2 On 9 December 2013 the Planning and Highways Regulatory Committee considered a revised guidance document for the public explaining the public participation scheme. The Committee asked for some minor amendments to be made to the document before recommending to this Committee that the guidance be adapted for inclusion in the procedure rules in Part 4 of the Council's Constitution. The guidance document, revised in line with the

comments of the Planning and Highways Regulatory Committee, is attached at Appendix A for Members' information.

1.3 The Committee also recommended that Council procedure rule 27.2 be amended as set out in Appendix C of this report for the reasons explained in paragraph 2, below.

1.4 Since the guidance leaflet was considered by the Planning and Highways Regulatory Committee one further minor change has been made to the last paragraph on page 2. This is to make clear to the public that they must inform Democratic Services of their intention to speak for or against an application, to reflect and clarify current practice.

## 2.0 Ward Members Registering to Speak

2.1 The Constitution currently requires Ward Members wishing to speak about a planning application to give notice but it does not require them to state whether they wish to speak for or against the application. Applicants are only entitled to speak if there is a speaker registered to speak against their application; therefore officers need to know in advance of the meeting who will be speaking and whether they intend to speak for or against, or to make points which are neutral.

2.2 It is proposed that paragraph 27.2 of the Council Procedure Rules be amended to address this issue and for Ward Members to declare whether they intend to speak for or against an application at the time of registering to speak. The current and proposed wording is shown at Appendix C.

## 3.0 Proposal Details

3.1 It is proposed to insert a new section into the Council's Constitution setting out the procedure rules for public participation at Planning and Highways Regulatory Committee meeting. A draft of the new Part 4, Section 9 is shown at Appendix B.

3.2 It is further proposed to amend paragraph 27.2 of the Council Procedure Rules as shown at appendix C.

## 4.0 Options analysis

	<b>Option 1:</b> To approve the change to the Constitution detailed in this report and at Appendices B and C.	<b>Option 2:</b> Not to approve the change to the Constitution detailed in this report and at Appendices B and C.
Advantages	(Re: Appendix B) Would record the procedures for public participation in the Council's Constitution, bring the Planning and Highways Regulatory Committee's scheme in line with other bodies of Council. (Re: Appendix C) Would assist Democratic Services to advise applicants of their right to speak when a Ward Member has registered to speak against their application.	None identified.

	Would also apply the same rules to Ward Members as to the public, in the interests of fairness.	
Dis-advantages	None identified.	(Re: Appendix B) Would not clarify the procedure for officers and Members to refer to in case of query. (Re: Appendix C) The status quo allows Ward Members to register to speak without stating whether they intend to speak for or against. This is unfair to applicants.
Risks	None identified.	Reputational – feedback shows that the public expect the rules of any public speaking scheme to be clear and fair.

#### 4.0 Conclusion

4.1 The Committee is asked to approve the changes set out in this report and recommended by the Planning and Highways Regulatory Committee.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
<b>LEGAL IMPLICATIONS</b>	
There are no legal implications as a result of this report. It would be appropriate to insert a section into the Council's Constitution setting out the rules of public participation at Planning meetings, in line with the rules already in the Constitution about public participation at other Council bodies.	
<b>FINANCIAL IMPLICATIONS</b>	
There are no financial implications as a result of this report. Democratic Services print the public guidance leaflet as and when required and from within existing printing budgets; there are no stocks of the current leaflet held that would need to be discarded.	
<b>OTHER RESOURCE IMPLICATIONS</b>	
Human Resources; Information Services; Property; Open Spaces: None	
<b>SECTION 151 OFFICER'S COMMENTS</b>	
The Section 151 Officer has been consulted and has no further comments.	
<b>MONITORING OFFICER'S COMMENTS</b>	
The Monitoring Officer has been consulted and has no further comments.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Debbie Chambers <b>Telephone:</b> 01524582057 <b>E-mail:</b> dchambers@lancaster.gov.uk
None	