

COUNCIL BUSINESS COMMITTEE

Speaking at Planning and Highways Regulatory Committee Meetings 1 May 2014

Report of the Planning and Highways Regulatory Committee

PURPOSE OF REPORT

For Members to consider the comments of the Planning and Highways Regulatory Committee regarding Council Business Committee's

- recommendation to extend speaking times for members of the public and Ward Councillors; and
- suggested changes to the Guidance document *Participation at Planning and Highways Regulatory Committee*.

This report is public

RECOMMENDATIONS

- (1) That the Committee notes the Planning and Highways Regulatory Committee's resolution not to extend the speaking times for members of the public and Ward Councillors.
- (2) That the Committee be requested to reconsider the wording of Council Procedure Rule 27.2 in line with the Guidance document *Participation at Planning and Highways Regulatory Committee* approved by the Planning and Highways Regulatory Committee (the various wordings are shown at Appendices 1 and 2).

1.0 Introduction

- 1.1 On 16 January 2014, Council Business Committee received a report from the Monitoring Officer to consider new draft wording for Council Procedure Rule 27.2, and a new Part 4, Section 9 for the Constitution setting out the Procedure Rules for speaking at the Planning and Highways Regulatory Committee. The rules were based on a review of the participation scheme and accompanying draft guidance document *Participation at Planning and Highways Regulatory Committee*, which was considered by the Planning and Highways Regulatory Committee at its meeting on 9 December 2013.
- 1.2 At the January meeting, Council Business Committee resolved to change the draft wording of Council Procedure Rule 27.2, and asked that the draft guidance document be amended to reflect the new wording. Members also

discussed the speaking time limits, currently 3 minutes per speaker, and felt these should be increased to allow members of the public to speak for 4 minutes and Ward Councillors to speak for 5 minutes.

2.0 Comments from Planning and Highways Regulatory Committee

2.1 On 3 March 2014, Planning and Highways Regulatory Members considered the referral report from Council Business Committee. Members felt strongly that increasing the speaking time limits would be unnecessary and would lengthen the meetings considerably. They also felt that the time limits should be the same for members of the public as for Ward Members. In addition, the Committee was not willing to accept any amendments to the guidance document, having considered and debated the document at length in December. Members particularly felt that it was reasonable to expect a Ward Member to state whether he or she wished to speak for or against an application at the time of registering and that this should be reflected both in the procedure rules in the Constitution and the guidance document.

2.2 Guidance on speaking should, of course, reflect the content of the Procedure Rules in the Constitution. Planning and Highways Regulatory Committee has therefore asked this Committee to reconsider Procedure Rule 27.2, resolving:-

(1) That Planning and Highways Regulatory Committee rejects Council Business Committee's suggestion to increase time limits for speakers

(2) That Planning and Highways Regulatory Committee does not approve the revision to the wording of the guidance document as a consequence of the change to Council Procedure Rule 27.2. Instead, that Planning and Highways Regulatory Committee requests Council Business Committee to reconsider the wording of Council Procedure Rule 27.2 to reflect the guidance document.

3.0 Proposal Details

3.1 Members are asked to reconsider the wording of Council Procedure Rule 27.2 shown at appendix 2(a) and accept the draft wording in the Monitoring Officer's original report to the Committees meeting on 16 January meeting shown at appendix 1(a) which reflects the guidance document approved by Planning Members.

3.2 Should Council Business Committee decide not to change the wording of Council Procedure Rule 27.2 to reflect the guidance document, the wording of both the Rule and the guidance will be referred to Council for a decision, to ensure consistency between the two documents.

4.0 Conclusion

4.1 The Committee is asked to note the Planning and Highways Regulatory Committee's decision not to increase the speaking limits on planning applications and to reconsider the wording of Council Procedure Rule 27.2

CONCLUSION OF IMPACT ASSESSMENT

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

LEGAL IMPLICATIONS

There are no legal implications as a result of this report.

FINANCIAL IMPLICATIONS

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.

OTHER RESOURCE IMPLICATIONS

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

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Appendix 1 (a)

Proposed draft wording in the Monitoring Officer's report to Council Business Committee on 16 January 2014, which the Planning and Highways Regulatory Committee supports

Council Procedure Rule 27.2 :-

27.2 *Where the Planning and Highways Regulatory Committee or the Licensing Regulatory Committee is considering an individual application, any Member who represents the ward to which the application relates may address the relevant Committee to express views in favour or against the application; for a maximum of three minutes in the case of the Planning and Highways Regulatory Committee. Ward Members wishing to speak at Planning and Highways Regulatory Committee must register with Democratic Services before noon on the Thursday before the Committee meets and must state on whose behalf they are speaking (i.e. their own; on behalf of their ward or on behalf of residents) and whether they intend to speak in opposition or support or are neutral to the planning application.*

Appendix 1 (b)

Extract from the *Participation at Planning and Highways Regulatory Committee* draft guidance document which the Planning and Highways Regulatory Committee supports :-

“Ward Councillors are also subject to the same registration requirements and speaking timescale. This is in the interests of fairness to all parties involved in the planning application and to avoid undue influence on the Committee. At the registration stage, Ward Councillors should declare on whose behalf they are speaking (i.e. their own, on behalf of their Ward; or on behalf of residents) and whether they are speaking in opposition, in support, or are neutral to the planning application.”

Appendix 2 (a)

Wording agreed by Council Business Committee on 16 January 2014 for Council Procedure Rule 27.2 which is now in the Constitution. Planning and Highways Regulatory Committee has requested that Council Business Committee reconsider this wording:-

27.2 *Where the Planning and Highways Regulatory is considering an individual application, any member who represents the ward to which the application relates may address the relevant committee to express views in favour or against the application for a maximum of three minutes. Ward members wishing to speak to Planning and Highways Regulatory Committee must register with Democratic Services before noon on the Thursday before the*

committee meets, and must indicate their position in relation to the application in order to be fair to the applicant.

Appendix 2 (b)

Wording for the *Participation at Planning and Highways Regulatory Committee* draft guidance document to reflect Council Procedure Rule 27.2. The Planning and Highways Regulatory Committee does not accept this wording:-

Any Councillor, who represents the ward to which an application relates, may address the Planning and Highways Regulatory Committee to express views in favour or against the application for a maximum of three minutes. Ward members wishing to speak to the Committee must, like members of the public, register with Democratic Services before noon on the Thursday before the committee meets, and must indicate their position in relation to the application in order to be fair to the applicant.