

Ward Councillors Speaking at Planning

31 January 2018

Report of the Monitoring Officer

PURPOSE OF REPORT

To consider the recommendation of Council Business Committee, to increase the time limit for Ward Members speaking at Planning and Highways and Regulatory Committee from three to five minutes.

This report is public

RECOMMENDATIONS

- (1) **That Council considers the recommendation of Council Business Committee, which is: "That Council be asked to consider increasing the time limit for Ward Members speaking at Planning and Highways and Regulatory Committee from three to five minutes."**
- (2) **That, in considering recommendation (1), Council takes into account the views of the Planning and Highways Regulatory Committee confirmed in the decision of its meeting on 18 September 2017.**
- (3) **That, if any change is made to the speaking time limit, the Monitoring Officer be authorised to make the appropriate amendments to the Constitution.**

1.0 Introduction

- 1.1 Members will be aware of the public participation scheme which allows Members of the public to register to speak regarding applications considered at Planning and Highways Regulatory Committee (P&HRC). Ward Members are also permitted to register to speak and are subject to the three-minute time limit, which is the same time limit that applies to members of the public.

2.0 Background

- 2.1 The Chairman of Council Business Committee was approached by other Councillors some time ago, asking if there could be an agenda item for the Committee to discuss increasing the speaking time limit for Ward Members from three to five minutes. The Democratic Services Manager submitted a report to P&HRC, setting out the relevant issues, to seek the Committee's views on the matter in the first instance. At its meeting on 18 September 2017, P&HRC voted unanimously in favour that the three-minute time limit should not be increased.

- 2.2 Council Business Committee met on 2 November and considered the view of the P&HRC. Some of the Committee Members felt that Ward Councillors should have more time to speak at P&HRC than members of the public, because they were elected representatives who could use their speaking time to express the views of a number of people. The decision of the committee was: "That Council be asked to consider increasing the time limit for Ward Members speaking at Planning and Highways and Regulatory Committee from three to five minutes."

3.0 Time Limit Issues

- 3.1 A number of arguments have been put forward to increase the time limits, including:

- Ward Councillors do not often speak at P&HRC meetings, so it would not increase the length of the meetings very much if Ward Councillors were allowed two minutes more.
- 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 three 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.

- 3.2 The reasons against increasing the time limit to five minutes for Ward Councillors include the following:-

- The Planning Advisory Service (PAS) is part of the Local Government Association and is part-funded by the Department of Communities and Local Government. Their role is to support Councils with planning advice and training. With regard to the issue of public speaking, PAS advice is 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 P&HRC (for example, there were 24 speakers at the meeting on 13 November 2017 which lasted from 10.30am to 3.45pm with a half-hour lunch break). Lancaster City Council 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 PAS.
- Allowing any group or individual longer to speak than any 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. This is important in light of the Council's Protocol on Planning, which emphasises fairness, the rules of natural justice and the necessity of avoiding bias and appearance of bias.
- The role of planning officers at committee meetings is to provide

professional advice, which should not be subject to any time limit.

- 3.3 Members are reminded of the findings of the Local Government Association/PAS when they carried out a 'Planning Peer Challenge' of the City Council's Planning Service in April 2014. Some Members may 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 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 Conclusion

- 4.1 Council is asked to consider the recommendation of Council Business Committee regarding increasing the time limit for Ward Councillors speaking at P&HRC, taking into account P&HRC opposition to this course of action, and the points made in paragraph 3 of this report.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None directly arising from this report.	
LEGAL IMPLICATIONS None directly arising from this report.	
FINANCIAL IMPLICATIONS None directly arising from this report.	
OTHER RESOURCE IMPLICATIONS None	
SECTION 151 OFFICER'S COMMENTS The s151 Officer has been consulted and has no further comments.	
MONITORING OFFICER'S COMMENTS The Monitoring Officer has been consulted in writing this report.	
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