

## GOVERNANCE COMMITTEE

20<sup>th</sup> NOVEMBER 2012

### REPORT OF HEAD OF REGULATORY SERVICES

#### ARRANGEMENT FOR SPEAKING AT DEVELOPMENT COMMITTEE

#### 1.0 PURPOSE OF THE REPORT

- 1.1 To invite the Committee to consider issues that have emerged in relation to the procedures for public speakers at Development Committee and recommend amendments to Full Council. The arrangements form part of the Constitution and authority to amend those lies with Full Council.

#### 2.0 RECOMMENDATIONS

**It is recommended that:-**

- 2.1 **The Committee approves for consideration of amendment to Part 4 of the Constitution as set out in Para 22.2 of Appendix A attached.**

#### 3.0 KEY ISSUES

- 3.1 Concern has been expressed that the arrangements for parties to address the Development Committee on planning applications could be improved. The current arrangements have led to a succession of requests that the Committee departs from the procedures, many of which the Committee has agreed to in the interest of seeking inclusive decision making.
- 3.2 Provisions relating to Parish Councils
- 3.3 At present, the wording of the Constitution is not clear that the provision for Parish Councils to address the Committee should relate to the Parish Council in whose area the proposed development lies. The wording at present states "a Parish Council may speak.....etc", which has been interpreted as providing no definition to the number or the identity of the Parish Council concerned.
- 3.4 Members of the Development Committee understand that the intention was for this to relate to the PC in whose area a development lies but without this being explicit there have been a number of requests from other (more distant) PC's to speak.
- 3.5 The proposed amendments for consideration are attached in Appendix A at Para 22.2.
- 3.6 Questions to Speakers
- 3.7 Concerns have been raised that there is no opportunity for questions to be put to speakers. There have been occasions when the Members have sought a piece of information from a speaker or sought clarification of a point made, but there is no opportunity to do so. It is considered it would be to the advantage of the Committee's business to enable questions for clarification.
- 3.8 There is a danger that such opportunities could be perceived to be exploited by Members as a means to strengthen or develop a particular view on an application. For example, if a member was seen to question an applicant but not an objector or vice-versa (even if fully justified in terms of clarification) it could be perceived as biased or prejudiced by the

party concerned, particularly if the decision subsequently made was contrary to their wishes. It will therefore be important that questions are genuinely posed for clarification purposes only and Members would need to strictly adhere to this purpose.

### 3.9 Numbers of Speakers

- 3.10 It has been suggested that instead of a single representative of supporters/objectors, the invitation to speak should be extended to all those expressing a view. Whilst this would maximise opportunities for participation, under our current arrangements it is rare we have received complaints about the 'representative' approach. Furthermore, if it remains open to us to suspend standing orders when a case has genuinely special circumstances to justify more than a single representative. Multiple speakers rarely contribute considerations that are not already before the Committee, bearing in mind that they have already made their views known in writing and earlier speakers can cover most considerations. Additional/unlimited speakers would inevitably extend the length of meetings and raise issues of fatigue amongst Members and Officers and the expense associated with premises and staff. It is considered that these interests should be balanced and that the system we have at present strikes an appropriate balance between, on the one hand, accessibility and even handedness and on the other, practicality and efficiency.

## 4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 It is considered that there are implications in terms of the inclusiveness of the Council and the corporate priority of encouraging people to take an active role in their community.

## 5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 It is anticipated that of the issues covered by this report, the extension of public speaking would have a financial and resource impact through the extension of the time of meetings and the resultant costs in terms of staff overtime and premises costs.

## 6.0 LEGAL IMPLICATIONS

- 6.1 The legal implications arising from this report relate to the procedural and propriety requirements of decision making. It is vital that Members are seen to be impartial and comprehensive in their consideration of the issues presented by planning applications and that there is no deviation from this. Perceptions of bias, selectivity and pre-determination can result in avenues for legal challenge and complaints.

## 7.0 COMMUNITY SAFETY


- 7.1 There are no community safety issues arising from this report.

## 8.0 EQUALITIES

- 8.1 There are no equalities issues arising from this report. Reasonable adjustments are available to facilitate participation by those who may find it difficult, through other Council assessments.

## 9.0 RISKS

Very High A				
High B				
Significant C				
Low D		1.		
Very Low E				
Almost Impossible F				
	IV Negligible	III Marginal	II Critical	I Catastrophic


  
**Impact**

Risk No.	Description
1.	Expectations of wider opportunities to address the Committee

## 10.0 CLIMATE CHANGE

10.1 There are no climate change issues arising from this report.

## 11.0 CONSULTATION

11.1 No consultation has been carried out to date.

## 12.0 WARDS AFFECTED

12.1 To varying degrees all wards are affected

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Date: 4<sup>th</sup> Nov 2012

Appendices: A: Sample of consolidated constitution.

Background Papers:

Reference: C'tee, Council & Sub-C'tees/Governance/2012-13/20-11-12/Arrangements for Speaking at Development Committee