

## **Recommendation from the Standards Committee 14 March 2018- Planning Procedures Minute 70**

The Committee had before it a Motion from Cllr Mrs J Roach which had been forwarded from Council to the Standards Committee for consideration along with a report \* from the Monitoring Officer in connection with the motion and other issues.

### **Motion 541 (Councillor Mrs J Roach – 30 November 2017)**

This Council reconsiders the time and times that it allows ward members to speak at the planning committee. The present system gives many opportunities to speak but allows the local member only one opportunity. At the very least Council should give elected Councillors the opportunity to correct incorrect statements, something that exists within standing orders but not allowed at the planning committee. At the last planning committee the situation that exists at the moment prevented me as the elected Councillor for Silverton for pointing out that the Highways advice was inconsistent with previous advice given on the same site.

Cllr Roach introduced her Motion, explaining that it was not an attack on Planning Chairmen and put on record that she appreciated that it was a difficult job. She was critical of events but did not put blame on anyone. The context of her Motion was that people attending Planning Committee had often spent time researching and were often nervous with a lot invested in what was going to happen. It could be an emotional and scary experience. The whole system was stacked in favour of the developer, the Planning Framework did that, reports from officers did that and if rejected there was a right to appeal. It was therefore important that we did not restrict the rights of objectors who had nowhere else to go other than judicial review which was very expensive. She concluded that objectors were at an extreme disadvantage along with local Members. She continued by stating that prior to last year Ward Members could speak at any point but that was stopped and she regretted that, she considered it sad that local Members were restricted. She also pointed out that if the local Member was on the Planning Committee they could speak to the item which was an unfair advantage if other Ward Members were restricted. She further explained that the particular application she was referring to had included a report from Highways. There were some issues with the accuracy of information given but she had been unable to speak to correct this. She considered that objectors were hampered by the time they had to speak and that Planning Officers could counter every point made by a Member. The whole process was heavily biased to the officer's report.

The Monitoring Officer outlined the contents of her report and provided a short power point presentation highlighting some areas for conversation. She explained that when she was asked to look at public speaking rights she felt it would be remiss not to look at the whole section in the protocol as there was a thread that ran through the process that needed to be considered.

The officer explained that the points she made were not to undermine or blame public speaking but there to provoke discussion and help to tease out changes to be made.

Referring to questions asked during Public Question Time the Monitoring Officer responded that:

- She offered to investigate what neighbouring authorities set as limits if the Committee wished her to;
- She did not have answers to hand regarding the Peer Review and would respond in writing to that question;
- With regard to having raised questions with her counterparts nationally the officer explained that she had access to various websites and for this issue had referred to the forum on a Local Government Lawyers site. She had asked a question regarding procedures, an open question asking how other authorities operated. She had provided the responses within her report but had not identified the authorities as they had responded on a private site and she did not consider it appropriate to put this in a public domain. She could however confirm that they were trusted sources. However, there were no rules regarding public speaking and it was up to each authority to make their own protocol.

The current Chair of Planning responded by saying that chairing Planning Committee was not an easy job to do at any time because at least 50% of the people that came were going to go away disappointed because the outcome of planning applications would always upset somebody. When she had first joined the Planning Committee scarcely anyone had used public question time. Odd visitors attended but it was not used as it was now as a forum for those that were unable to speak at an item, because of the way we currently ran meetings. It used to be that the applicant followed after the officer's report and was able to add anything he felt the officer had overlooked. This had been recently changed so that the objector spoke after the officer's report as objectors felt they should have that opportunity. She had no preference but that was the way it was currently run. Cllr Colthorpe explained that she had on occasion allowed more than one objector to speak to large applications and was quite relaxed about that but even with two there was a limit to what the Committee could take in and there was a limit to the number of new matters that could be raised.

The current Chair of Planning then informed the Committee that she often asked the public to make sure that they were not all repeating the same questions. She added that she was very happy for public question time to be used to make objection or give a statement and had previously discussed whether its title could be changed to allow for this. Cllr Colthorpe said that she had been known to take hands from the floor using Chairman's discretion, but was less comfortable with the idea of having a formal position for people to come back as it could become a dialogue. That was not what the Planning Committee was about, the protocol was there to allow people on all sides, for and against, Ward Members and Parish Councillors and this was covered reasonably well by the protocol. Cllr Colthorpe was personally happy with having Chairman's discretion, but considered it would be very difficult to cope if the right to reply was formalised.

The Monitoring Officer confirmed that the Chairman had a common law discretion in managing meetings, but the public might not be aware of this - so it would be better to ensure it was clear in the protocol.

A previous Chair of Planning agreed with Cllr Colthorpe and explained that she often spoke to the public about how best to get their points across by identifying a spokesperson and sending in comments in advance to be forwarded to the Committee. She agreed with Cllr Colthorpe that Chairman's discretion could be used.

Discussion took place regarding:

- Point of Order was not currently allowed at Planning Committee in the way that it was at other Committees;
- Members considered it acceptable for the public to make statements rather than a question;
- The Chairman could allow a Ward Member or member of the public to speak again using Chairman's discretion;
- The difficulty in demonstrating the fair or consistent use of discretion;
- The length of officer presentations and whether time could be saved at Committee if these were shortened;
- Whether adjacent parishes/Ward Members should be allowed to speak at an item if the agenda item had a clear and material impact on them;
- The level of information that Committee Members were expected to take on board;
- The need for the Chairman to take into consideration matters such as the size of the agenda and length of meeting when using discretion;
- Summaries of public comments within officer reports were not always complete and Members could look on the Planning Portal for the full versions;
- The Clerk circulated information that she received from objectors or supporters to the Committee in advance of the meeting;
- A guide to meeting procedures was available on the website.

Having given consideration to the above points it was **RECOMMENDED** to the Planning Committee that the Planning Protocol be amended to the following:

- a) 9.1 Public Question Time is available at the beginning of the meeting for those present to ask questions about, or to speak on, any item on the agenda, including planning applications.

(Proposed by Cllr C R Slade and seconded by Cllr F J Rosamond)

- b) 9.2 For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), parish council (3 minutes) and ward member(s) (5 minutes each). For the avoidance of doubt, the Chairman has the discretion to vary the number and order of speakers, including the amount of time for which they may speak. In some circumstances, it may also be appropriate to hear from the County Councillor.

(Proposed by Cllr C R Slade and seconded by Cllr F J Rosamond)

- c) 9.3 Through the Chairman, members of the Planning Committee may ask questions of any person who has spoken under paragraph 9.2 of this Protocol. Further, a ward member who has spoken under 9.2 may raise through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

(Proposed by Cllr C R Slade and seconded by Cllr F J Rosamond)

Discussion took place regarding Motion 541.

It was **RECOMMENDED** to Council that Motion 537 not be supported as the matters raised within the Motion had been adequately covered and surpassed by the above recommendation to the Planning Committee

(Proposed by Cllr C R Slade and seconded by Cllr F J Rosamond)

- Notes:
- i) Report previously circulated and attached to Minutes.
  - ii) Cllr Mrs F J Colthorpe declared a personal interest as Chairman of the Planning Committee