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7 July 2017

**TO: COUNCILLORS**     **N HENNESSY,   D EVANS,   M BARRON,   MRS M BLAKE,  
T BLANE,   P COTTERILL,   S CURRIE,   G HODSON,   J KAY,  
D MCKAY,   M NIXON,   N PRYCE-ROBERTS,   L SAVAGE,  
D WEST AND D WESTLEY**

Dear Councillor,

**CORPORATE AND ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE – 13  
JULY 2017**

Please find attached the report the following report, marked "to follow" on the agenda recently circulated.

- 11.     PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO     97 - 106  
SPEAK AT THE PLANNING COMMITTEE ON PLANNING  
APPLICATIONS THAT MIGHT AFFECT THEM**

To consider the report of the Borough Solicitor.

**We can provide this document, upon request, on audiotape, in large print, in Braille  
and in other languages.**

For further information, please contact:-  
Cathryn Jackson on 01695 585016  
Or email [cathryn.jackson@westlancs.gov.uk](mailto:cathryn.jackson@westlancs.gov.uk)





## CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE: 13 JULY 2017

COUNCIL: 19 July 2017

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Report of: Borough Solicitor

Contact for further information: Mrs S Griffiths(Extn. 5097)  
(E-mail: [susan.griffiths@westlancs.gov.uk](mailto:susan.griffiths@westlancs.gov.uk))

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**SUBJECT: 'PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO  
SPEAK AT THE PLANNING COMMITTEE ON PLANNING  
APPLICATIONS THAT MIGHT AFFECT THEM'**

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Wards affected: Borough wide

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider the revised protocol for public and applicants speaking at Planning Committee.

### **2.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE**

- 2.1 That the success of the current planning committee public speaking procedure be noted.
- 2.2 That in relation to paragraphs 4.7 and 4.8 below, Members consider the wording to be set out in paragraph 3 'Who can speak at meetings – and what can I say?' second bullet point, as either: "*the Clerk to **the** Parish Council for the parished area in which the application is situated.*", or "*the Clerk to **a** Parish Council.*"
- 2.3 That agreed comments in relation to the Procedure and paragraph 2.2 be submitted to Council.

### **3.0 RECOMMENDATIONS TO COUNCIL**

- 3.1 That the success of the current planning committee public speaking procedure be noted.
- 3.2 That the comments received from the Corporate Overview & Scrutiny Committee, as detailed in Appendix 2 to the report, be noted.
- 3.3 That in relation to paragraphs 4.7 and 4.8 below, Members consider the wording to be set out in paragraph 3 'Who can speak at meetings – and what can I say?',

second bullet point, as either: "*the Clerk to **the** Parish Council for the parished area in which the application is situated*", or "*the Clerk to **a** Parish Council*"

- 3.4 That the 'Procedure for the Public and Applicants Who Wish to Speak at the Planning Committee on Planning Applications that might Affect Them' be approved as amended in Appendix 1 to the report, subject to consideration of paragraph 3.2 and 3.3 above, and Section 14 of the Constitution be updated accordingly.

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## 4.0 BACKGROUND

- 4.1 The current Planning Committee public speaking procedure was introduced in May 2003. The procedure provides opportunities for members of the public to address committee where they fall into three broad categories:
- Anyone who has written objecting to a planning application and who has been consulted under the neighbour notification procedure or his/her representative.
  - Parish clerks (to represent the views of the Parish Council) or his/her representative.
  - The applicant, or his/her representative (but only where it has been agreed a third party objecting to the proposal may speak).
- 4.2 The procedure has proved very successful in engaging members of the public and has had a positive impact on the decision making process. Revised estimates indicate that since its introduction over 1000 members of the public have spoken at Planning Committee.
- 4.3 The public speaking procedure has been carefully designed around 5 core principles to ensure that it is:
- Balanced and fair to all parties concerned
  - Controllable - operating within clear guidelines
  - Proportionate in terms of the total meeting agenda
  - Not time wasting or repetitious
  - Providing a positive benefit to the decision making process.
- 4.4 At its meeting on 28 September 2015 the Public Involvement in Meetings Working Group recommended that public speaking should also be introduced at meetings of Cabinet, Executive Overview and Scrutiny Committee, Corporate and Environmental Overview and Scrutiny Committee, Audit and Governance Committee and Standards Committee. Following consideration at Cabinet and Corporate and Environmental Overview and Scrutiny Committee, Council resolved that public speaking be introduced at these meetings with effect from April 2016.

- 4.5 The Working Group considered that a review of the Planning Committee public speaking arrangements was unnecessary at that time, but as part of its on-going work programme, a review of the arrangements would take place 12 months after implementation of its proposals with regard to the meetings referred to at paragraph 4.4 above.
- 4.6 In order to feed into the process, Planning Committee considered its 'Procedure for the Public and Applicants Who Wish to Speak at the Planning Committee on Planning Applications that might Affect Them' and agreed to continue with the current arrangements, subject to some minor amendments, as detailed in Appendix 1 to this report.
- 4.7 At its meeting on 21 April 2017 the Working Group considered the amended procedure recommended by the Planning Committee and in this respect it considered the issue of Parish Councils right to speak on planning applications, which fall within another Parish area that it borders. The Working Group recommended that the original wording set out in Appendix 1, paragraph 3 'Who can speak at meetings – and what can I say?', second bullet point, should be retained as follows: "*the Clerk to a Parish Council* ", rather than "*the Clerk to **the** Parish Council for the parished area in which the application is situated*" as agreed at Planning Committee.
- 4.8 The amended wording suggested by Planning Committee reflects the long standing practice of the Committee to permit the local parish council representative to speak to the Committee (where the application lies within their parish) but not other parish council representatives from the other parished areas within West Lancashire nor to allow parish council speakers where the application site lies in an unparished area. Given that the core principles underlying the procedure concern ensuring that the procedure is controllable and operates to clear guidelines the suggested amendment attempts to strike a balance between providing opportunities to hear parish representatives in person without unduly lengthening committee meetings (which often have large numbers of applications to determine). Members of the Working Group, however, wish to retain the perceived flexibility provided by the original wording, and advise that the Chairman could use his discretion to limit the numbers of parish council speakers in the event that more than one parish council representative wishes to speak.

## **5.0 PROPOSALS AND NEXT STEPS**

- 5.1 Members are being asked to approve the amended procedure, including consideration of which wording they would prefer in the procedure in relation to Parishes. Given the success of the current public speaking procedure it is recommended that the current arrangements be continued, subject to minor amendments set out in Appendix 1. The suggested amendments are designed to provide members of the public with greater clarity as to their eligibility to speak, the notice period they need to give and the procedure that will be adopted at the meeting. Other amendments are made to reflect changes to planning terminology and to provide up to date references to how members of the public can find out the decision made by Planning Committee if they are not in attendance at the meeting.

- 5.2 The current Protocol for Public Speaking at Cabinet, Overview and Scrutiny Committees, Audit & Governance Committee and Standards Committee will be further considered at a future meeting of the Working Group and will include consideration of:
- i) publicity for the Protocol arrangements
  - ii) a revised process to facilitate public speaking at the appropriate item on the agenda rather than at the start of the meeting
  - iii) the use of webcam recording at meetings
  - iv) access arrangements for speakers

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 Public speaking at Planning Committee provides an opportunity for members of the public to engage in the planning process at the point where decisions are about to be taken. This improves transparency in the planning process and helps to ensure more effective decision making.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The current public speaking arrangements are presently accommodated within existing resources. Any extension of the current public speaking arrangements, which is not recommended at this time, would require an assessment of additional resource requirement.

## **8.1 RISK ASSESSMENT**

- 8.1 The report recommends only minor changes to the current public speaking. These changes are designed to provide greater clarity and to reflect changes to planning terminology.

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### **Background Documents**

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Article.

### **Equality Impact Assessment**

A formal quality impact assessment is attached at Appendix 3 to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. 'Procedure for the Public and Applicants Who Wish to Speak at Planning Committee on Planning Applications that Might Affect Them' showing changes.
2. Minute of the Corporate & Environmental Overview and Scrutiny Committee held on 13 July 2017 (Council only)
3. Equality Impact Assessment

## PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO SPEAK AT THE PLANNING COMMITTEE ON PLANNING APPLICATIONS THAT MIGHT AFFECT THEM

The Council wants to improve the opportunity given to people in West Lancashire to have their say about planning applications that affect them.

Writing in with your comments is still the most effective way of ensuring that your views are known and that they are considered before a decision is taken. Now the Council have decided that people should also have the opportunity to reinforce their views by talking to the Councillors who make the decision at Planning Committee. This leaflet tells you how to go about it.

### 1. **Development ManagementControl - what it is and why we need it**

Development ManagementControl is a way of facilitating keeping a check on building or other work that affects the environment. In this way we can make sure that developments are suitable for the location they are in.

The Council deals with most planning applications, but there are some - usually those involving quarrying and waste treatment and disposal, or for County Council buildings - that the County Council handles.

We have a Committee of 158 Councillors who meet approximately once a month at the Council Offices in Ormskirk to look at planning applications. Meetings -commence at 7.30 p.m.

The Planning Committee do not consider all applications – only those of wider public interest.

### 2. **How can I have my say on Planning Applications that affect me?**

#### **(a) Writing to us**

Any comments you wish to make should be sent by e-mail to [plan.apps@westlancs.gov.uk](mailto:plan.apps@westlancs.gov.uk) or can be made online at [www.westlancs.gov.uk](http://www.westlancs.gov.uk) or you can write. You should write to us informing us of your views on a planning application. Please write to the Director of Development and Regeneration, Council Offices, 52 Derby Street, Ormskirk, Lancashire, L39 2DF or e mail us on [plan.apps@westlancs.gov.uk](mailto:plan.apps@westlancs.gov.uk)

#### **(b) Informing your Borough Councillor**

You may also wish to inform your Borough Councillor.



### (c) Speaking at Committee

In those cases where applications are to be considered by the Planning Committee and, if you fall into one of the 3 categories of persons listed at paragraph 3 below you may now also request to speak to the Committee at the relevant meeting.

You will firstly need to find out whether or not the application on which you wish to speak is to be considered by the Planning Committee. You can do this by ringing the Planning Division on 01695 585115.

You will need to give at least 3 working days' notice prior to the day of the Committee meeting that you want to address the Committee (i.e. by 5pm on the Monday of the week of the Committee meeting) (contact details are at the end of this leaflet). Please also give a brief outline of the points you wish to make. A pro-forma is available for your assistance.

### 3. Who can speak at meetings - and what can I say?

The people who can request to speak at meetings are: (in this order):

- anyone who has written objecting to the planning application and who has been consulted under the neighbour notification process by the Council, or his/her representative;

**Note:** Consultees/Organisations that have been formally consulted on the application will not be invited to speak, as their views will be set out clearly in the Committee reports).

- the Clerk to the a Parish Council for the parished area in which the application is situated, (or his/her representative where the Clerk is unavailable), to express the view of the Parish Council;
- the applicant or his/her representative but only where it has been agreed that a third party objecting to the proposal may speak.

**Note:** The minimum age for people to address the Committee under this procedure is 16 years.

If there is more than one speaker in any category then the Chairman of the Committee will decide how many can speak. This will be done the day before the meeting and the Member Services Officer will notify you of the Chairman's decision. Groups (e.g. of residents) are asked to nominate one person to speak on their behalf.



Each person will be limited to three minutes. This may not seem very long, but the Chairman has to get through the whole Agenda and give everyone a fair hearing. Speakers should not circulate any supporting documentation at the Committee meeting.

What you say must be relevant to the planning application only - nothing damaging or personal. You are asked to avoid duplicating points made by other speakers. You should address the meeting, please do not enter into a debate with Councillors.

#### **4. What will happen at the meeting?**

If you feel nervous or uncomfortable at speaking in public, then you can ask someone else to do it for you. You can also bring an interpreter if you need one.

When you get to the meeting, the Member Services Officer will show you where to sit and let you know when you will be able to speak. There may be others speaking as well. Afterward you have spoken s-the Committee may ask you questions and may discuss what you have said along with all other information, and make a decision.

#### **5. General Information**

- If you have written in support of or made an objection to a planning application, and if the application is to be considered by the Planning Committee, we will write and tell you when it is likely to go before the Committee. You can also ring the "named officer" on the consultation letter to see how the application is progressing; or go to the Council's Website [www.westlancls.gov.uk](http://www.westlancls.gov.uk) and look at the Committee Agenda. This will be available five working days before the Committee sits.
- The Committee may postpone a decision to gather more information or make a site visit. No decision is taken at site visits - they are purely to help Councillors understand the issues better. If the Committee postpones a decision, you will not be allowed to address the meeting again, or address Members at their site visit, but your views will still be considered.
- In some cases planning applications are withdrawn from the Agenda on the day of the meeting. We will try to notify you as soon as possible if this happens.
- ~~After~~When a decision has been made, the Council's website will be updated. we will write to everyone who contacted us about the application to let them know what the decision is. If we have turned

down a development, the applicant can appeal against our decision. If this happens, we will tell you how you can make your view known at the appeal. If we grant planning permission, there is no right of appeal for objectors.

## 6. Who to contact

If you wish ~~are entitled to request to~~ speak to the Committee about an application, (see paragraph 3), Member Services will help you with arranging this. Don't forget you need at least 3 working days' notice. Please contact:-

**Member Services, West Lancashire Borough Council, Council  
Offices, 52 Derby Street, Ormskirk, Lancashire, L39 2DF**

**Telephone : 01695 585017**

**E Mail : [memberservices@westlancs.gov.uk](mailto:memberservices@westlancs.gov.uk)**

# Equality Impact Assessment Form



<b>Directorate: Legal and Democratic Services</b>	<b>Service: Member Services</b>
<b>Completed by: Susan Griffiths</b>	<b>Date: July 2017</b>
<b>Subject Title:</b> Procedure for the public and applicants who wish to speak at the Planning Committee on Planning Applications that might affect them	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No – minor revisions are proposed to existing procedure
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	To recommend minor revisions to existing procedure
<i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i> <i>If you answered <b>No</b> to all the above please complete Section 2</i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Members of the Public
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	n/a

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	Yes
Disability	Yes
Race and Culture	Yes
Sexual Orientation	Yes
Religion or Belief	Yes
Gender Reassignment	Yes
Marriage and Civil Partnership	Yes
Pregnancy and Maternity	Yes
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Members of the public
What will the impact of the work being carried out be on usage/the stakeholders?	No impact as only minor revisions are proposed to the existing procedure
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The existing procedure has proved popular with over 750 people speaking at planning committee since its introduction.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	n/a
If any further data/consultation is needed and is to be gathered, please specify:	n/a
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	No impact as only minor revisions are proposed to the existing procedure. The current procedure provides the same opportunities for all members of the public regardless of any protective characteristic they may have. Members of the public may ask a representative to speak on their behalf if they wish.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	None
What actions do you plan to take to address any other issues above?	No issues
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The procedure is reviewed every 12 months by officers who will recommend any necessary amendments to members.