



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

COUNCIL: 19 July 2017

Report of: Borough Solicitor

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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'**

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.

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.

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