

North East Derbyshire District Council

Standards Committee

27 July 2023

Review of the Constitution – Speaking at Planning Committee

Report of the Assistant Director Governance & Monitoring Officer

Classification: This report is public

Report By: Asher Bond

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PURPOSE / SUMMARY

To commence a review of the issue of whether the number of speakers at Planning Committee should be restricted to a maximum number.

RECOMMENDATIONS

1. That following from Annual Council's consideration of the proposed Constitution, Standards Committee reconsider section 16.1 and recommend to Full Council whether it would be appropriate to impose limits on the number of speakers at meetings of Planning Committee.
2. Should Standards Committee require more information, that the extra information required is outlined.
3. That Standards Committee decide whether they want Planning Committee's views before making a decision.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes No
Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	not applicable Details:

Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.
Delivering high quality services

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 One of the main functions of the Standards Committee is to undertake an annual review of the Council's Constitution. Standards Committee is then responsible for highlighting any areas of concern and agreeing specific changes to Annual Council for adoption.
- 1.2 The proposed Constitution of the Council was brought to Annual Council on 22 May 2023 for approval. Council raised concerns over the proposed changes to 16.1 of the Constitution, which would limit the number of speakers at Planning Committee.

1.3 Annual Council voted to refer Section 16.1 of the Constitution back to Standards Committee for a review of the issue.

2. Details of Proposal or Information

2.1 A number of local authorities impose some form of limit on the number of speakers allowed at Planning Committee meetings, this ranges from one or two in support and one or two against, to imposing a time limit for public participation at the meeting.

2.2 Details on the restrictions imposed by other authorities is included below:

- Chesterfield Borough Council, Mansfield District Council: Two speakers for and two speakers against for each application. Chesterfield sets a limit of 3 minutes per person. The limit at Mansfield is 4 minutes;
- Amber Valley Borough Council, Ashfield District Council, Bassetlaw District Council, Broxtowe District Council, South Derbyshire District Council, High Peak Borough Council and Ruschcliffe Borough Council: One speaker for and one speaker against for each application – all allow 3 minutes per speaker except Ashfield and Ruschcliffe which allow 5 minutes per speaker;
- Derbyshire Dales District Council: No limit on the number of speakers, but public participation is limited to one hour per meeting. This often means that they have to impose limits on the number of speakers or the length each person can speak for;
- Erewash and Bolsover: No limit;
- Gedling: 3 minutes per speaker and if more than 1 objector or supporter then that 3 minutes divided between them (Chair's discretion to extend);
- Newark and Sherwood – no speakers either for or against- local Member and Parish rep only

2.3 In those cases where members of the public can address the committee, often the number of speakers is ultimately in the discretion of the Chair, who can override limits and allow more speakers if they feel it was necessary.

2.4 Other local authorities that are not currently imposing limits, such as Derbyshire Dales District Council, were considering introducing them as meetings featuring a large quantity of speakers had led to lengthy meetings.

2.5 Imposing limitations on the number of speakers would prevent lengthy meetings and would decrease the likelihood of speakers repeating the same arguments multiple times. However, it would also decrease public representation and limit public participation in Council business at the Planning Committee meeting. There is and cannot be any restriction on the number of written representations

submitted. All the material Planning considerations made in these submissions must be dealt with in the Planning Officer's report on the application.

- 2.6 Imposing a limit on the number of speakers does not breach the rules of Natural Justice or Human Rights legislation. This may well be argued by anyone who is dissatisfied with the approach. However, everyone has the right to submit formal written comments and objections on a planning application and so everyone gets an opportunity to make their points without restriction. Speaking at Planning Committee is not for introducing new points over and above what has been put in written comments.
- 2.7 The Council could extend the time allotted to individual speakers to 5 minutes from the current 3. This means we would still be allowing more people to speak than the majority of Councils in Notts and Derbyshire and also for longer.

3 Reasons for Recommendation

- 3.1 So that the Council is in a position to carry out its Planning role in relation to planning applications efficiently but fairly.

4 Alternative Options and Reasons for Rejection

- 4.1 None. The alternative is not to review this which would be against the Council's decision.

DOCUMENT INFORMATION

Appendix No	Title
None	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
	The Speaking at Planning Committee guidance