

North East Derbyshire District Council

Standards Committee

27 September 2023

Review of the Constitution – Speaking at Planning Committee

Report of the Assistant Director Governance & Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg

Contact Officer: Assistant Director of Governance and Monitoring Officer.

PURPOSE / SUMMARY

To set out the proposed changes to the Council's Constitution relating to speaking at Planning Committee.

RECOMMENDATIONS

1. That Council be recommended to confirm a revised Section 16.1 of the Members (Councillors) Planning Rules, incorporating the following clarifications and amendments as set out in the report:
 - (a) That Local Ward Members and the Elected Member who has referred an application to Planning Committee should be able to register to speak at Planning Committee, either for or against an application.
 - (b) That a Parish or Town Council which has made a representation on an application should be able to register to speak at Planning Committee, either for or against an application.
 - (c) That a Member of Parliament for the all or part of the North East Derbyshire District should be able to register to speak at Planning Committee, either for or against an application.
 - (d) That the Applicant and the Agent for an application should be able to register to speak at Planning Committee on their application.
 - (e) That three other speakers should be able to register to speak at Planning Committee for an application and three should be able to register to speak against an application on a first come first served basis.

- (f) That the Chair of the Planning Committee be authorised to allow further speakers to address Committee if they feel that this would be appropriate, so that Members can better understand the case for supporting or objecting to the application.
- (g) That the revised Section 16 of the Members (Councillors) Planning Rules, as set out in the report be recommended to Council for its approval at its meeting on 27 November 2023.

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 Council determined at its meeting on 22 May 2023 that Section 16.1 - Public Participation at Planning Committee Meetings - of the Planning Members (Councillors) Rules should be referred to the Standards Committee for further consideration. Consequently, this provision was not approved at the Annual Council meeting.

2. **Details of Proposal or Information**

2.1 Standards Committee subsequently assessed the arrangements for public participation at Planning Committee at its meeting on 27 July 2023. As part of this assessment, it heard of the approach taken by other local authorities. In particular, Members were informed that:

- Chesterfield Borough Council and Mansfield District Council allow two speakers for and two speakers against for each application. Chesterfield sets a limit of 3 minutes per person.

- Amber Valley Borough Council, Ashfield District Council, Bassetlaw District Council, Broxtowe District Council, South Derbyshire District Council, High Peak Borough Council and Rushcliffe Borough Council all allowed one speaker for and one speaker against for each application.
- Derbyshire Dales District Council placed no limits on the number of speakers, but public participation is limited to one hour per meeting.
- Erewash and Bolsover District Councils did not place limits on the number of speakers allowed to address Planning Committee on specific applications.

2.3 Committee was informed that in those authorities where members of the public can address Planning Committee, the number who did so was ultimately at the discretion of the Chair. These authorities accepted that the Chair should be able to allow more speakers if they thought that this was necessary. Members felt that this was a sensible approach, which this Council should follow.

2.4 Committee was advised that reducing the number of those who could register to speak on Applications would not hinder Members of Planning Committee when determining on specific applications. They would still receive and take into account representations and comments from those who supported and objected to them. They would also still hear the main arguments presented to them at Committee and be able to hear from a range of speakers.

2.5 In particular, what became clear during the discussion was that Standards Committee felt that those Elected Members who represent the ward where an application was located or who had called-in the application should always be able to register to speak on it at Planning Committee.

2.6 With this in mind, Standards Committee may also wish to make provision for also ensuring that a Parish Council or Town Council as an elected body which has made a representation on an application would also be able to register to speak at Planning Committee.

2.7 Although less likely to be taken up, this right could be extended to those Members of Parliament cover the District who wish to speak on a specific application.

2.8 It was also apparent that whatever arrangements were put in place would have to allow Applicants and their Agents to speak on their applications as a matter of course.

2.9 Committee recognised the importance ensuring that local people should continue to be able to speak at Planning Committee. Members felt that the number could be safely limited to three for an application and three who objected. However, although this limit would be a general rule, Standards Committee felt that it should be applied sensitively, recognising that there may well be circumstances when it would be appropriate to allow more local people to speak on a particular application. This should be determined on a

case-by-case basis by the Chair of the Planning Committee, on the advice of the relevant Governance and Planning Officers.

2.10 The proposed revised text of Section 16.1 of the Members (Councillors) Planning Rules, based on the above, is set out below:

“The Council as Planning Authority has procedures that ensure that where they receive representations from or on behalf of the applicant or from members of the public on a particular application, there is an opportunity for advocates both for and against the proposal to be heard in a balanced manner.

In order to achieve this in an appropriate way, the following Planning Speakers Protocol will be followed.

- (a) A Local Ward Member for the ward where the application is located, the Member who has referred the application to Planning Committee for determination, the Parish or Town Council where the application is located and the Member of Parliament covering that part of the District where the application is located will be able to register to speak on the application.
- (b) The Agent and the Applicant (one applicant in the case of joint applications) will be able to register to speak on the application.
- (c) Three other people will be able to register to speak for the application and three other people will be able to speak in objection to an application. Registration will be on a first come first served basis. Those who register to speak will be asked to consult local supporters or objectors and seek to also reflect their views when they address the Planning Committee
- (d) The Chair of the Planning Committee will consider additional requests to speak on a case-by-case basis and on the advice of the relevant Governance and Planning Officers
- (e) All speakers will have three minutes in which to address the Committee.

3 Reasons for Recommendation

3.1 To propose to Council specific arrangements on Public Speaking at Planning Committee for inclusion in the Constitution.

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