

North East Derbyshire District Council

Council

27 November 2023

Review of the Constitution – Speaking at Planning Committee

Report of the Assistant Director Governance and 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 endorses the recommendations of Standards Committee on the arrangements for speaking at Planning Committee meetings.
2. 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 Section 3.6 of this 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 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 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 either for or against an application.
 - (d) That the Applicant and the Agent for an application should be able to register to speak on their application.
 - (e) That three other speakers should be able to register to speak either for or 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.

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.

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REPORT DETAILS

1 Background

- 1.1 Council determined at its Annual meeting on 22 May 2023 that the proposed 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 as part of the Constitution at the Annual Council meeting.
- 1.2 Following on from this, Standards Committee subsequently assessed the arrangements for public participation at Planning Committee. It did this initially at its meeting on 27 July 2023. During this meeting 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 limit on the number of speakers, but public participation is limited to one hour per meeting. And
 - Erewash and Bolsover District Councils both did not place limit on the number of speakers.
- 1.3 Standards Committee was informed that in those authorities where members of the public can address the committee, the number of speakers to do so was ultimately in the discretion of the Chair, who could override limits and allow more speakers if they thought that this was necessary. Members felt that this was appropriate.
- 1.4 The Committee was advised that reducing the number of those who could register to speak on Applications would not hinder Members of Planning Committee in determining on Applications. They would still receive and take into account written representations and comments from those who supported Applications and those who objected to them. They would also still hear the main arguments presented to them at Committee.

2. Specific Proposals

- 2.1 Standards Committee considered specific proposals to revise the speaking arrangements at Planning Committee at its meeting on 27 September 2023. These proposals reflected the views expressed by Members at the previous meeting. In particular, it had become clear from this earlier discussion, that Standards Committee felt that those Elected Members who represent the ward where an application site is located or who had called-in the Application should always be able to register to speak on it at Planning Committee. The Committee agreed that this ought to be a specific recommendation to Council.
- 2.2 In addition, Standards Committee agreed that provision should also be made for a Parish Council or Town Council, as an elected body which has made a representation on an application to be able to register to speak.
- 2.3 Although the Committee Members recognised that this right would be less likely to be taken up, they felt that the right to speak ought to be extended to those Members of Parliament who cover the District who wish to speak on a specific application.
- 2.4 Standards Committee also felt that Applicants and their Agents should be able to speak on their applications as a matter of course.
- 2.5 The Committee recognised the importance of ensuring that local people could continue 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, it would need to be applied appropriately and 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 Committee, on the advice of the relevant Governance, Legal and Planning Officers.
- 2.6 At the conclusion of its discussion, Standards agreed to propose a revised text of Section 16.1 of the Members (Councillors) Planning Rules, based on the above conclusions, to Council for approval. The proposed revised text 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, Legal 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 as agreed by Standards Committee for inclusion in the Constitution in order that the Planning Committee may control the conduct of its business fairly and efficiently.

4. Alternative Options and Reasons for Rejection

- 4.1 The approaches taken by the other Councils specified in 1.2 of the report were considered but rejected as they would not enable the limits on the number of speakers addressing Planning Committee to implemented in the flexible and appropriate way that this option is intended to achieve.

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	