

Committee: FULL COUNCIL

Agenda Item

Date: 28 February 2013

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Title: AMENDMENT TO PART 5 OF THE
CONSTITUTION

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Item for decision

Summary

1. This report is to draw members' attention to an omission from the Constitution which therefore needs to be amended.

Recommendations

2. That members approve an amendment to the procedure for Parish/Town Council Representatives/Members of the Public Attending Meetings of the Planning Committee (which appears at page 231 of the Members' Handbook) by deleting paragraph 2.3 and substituting the following:

"2.3 A town or parish council representative, an applicant for planning permission or his or her representative and (subject to the limitation below) members of the public may speak for up to 3 minutes. In addition to the town or parish council representative and the applicant or his or her representative no more than one member of the public may speak in favour of a planning application and no more than one member of the public may speak against. Persons wishing to speak must contact the committee officer at Uttlesford District Council (telephone 01799 510369) or email mcox@uttlesford.gov.uk by 2pm on the day before the meeting to advise that they wish to speak".

Financial Implications

3. None

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.

Health and Safety	None.
Human Rights/Legal Implications	There is no statutory right for anyone other than councillors to speak at meetings of the Planning Committee. Public speaking is allowed with the permission of the council.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Prior to July 2002 members of the public were not permitted to speak at meetings of the then Development Control Committee. In 2002 members of the committee agreed to allow public speaking for a trial period. Following the success of that trial the arrangement was made permanent.
7. Whilst public participation in meetings is desirable this needs to be balanced against the need to keep meetings within manageable timescales and to allow ample time for members who are taking the decision to debate the issues. Participation by those who are not members of the district council was therefore limited as follows:
 - i. a representative of the relevant town or parish council.
 - ii. one member of the public speaking for the application.
 - iii. one member of the public speaking against the application.
 - iv. the applicant.

Such persons were limited to 3 minutes within which to address the committee.
8. These provisions do not affect district councillors who have a right to attend any committee meetings of the council and to address the meeting having notified the chairman of the committee of his or her intention to do so.
9. Since public speaking has been allowed this procedure has been followed although it appears it was inadvertently omitted from the Constitution.
10. As the suggested amendment to the Constitution is in effect nothing more than the correction of a clerical error and reflects the practice that has been adopted by the council for in excess of 10 years, this is not a matter which requires consideration by the Constitution Working Group. This amendment also is not one which is required by the Constitution to lay on the table until the next meeting of the council.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The Constitution is unamended	1, the suggested amendment merely reflects long established practice.	3, if all members of the public with an interest in the planning application were permitted to speak with regard thereto the business of the Planning Committee would be significantly disrupted and meetings would take considerably longer than they do at present.	Members approve the amendment to the Constitution.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.