



Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee Working Group

Date: Wednesday, 29th November, 2023

Time: 2.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chairman: Councillor R Freeman

Members: Councillors J Emanuel, M Lemon, J Loughlin, R Pavitt and M Sutton

AGENDA

1 Apologies for absence and declarations of interest

To receive any apologies and declarations of interest.

2 Minutes of the previous meeting

4 - 6

To consider the minutes of the previous meeting.

3 Training for Planning Committee members - verbal update

To receive a verbal update on training for Planning Committee members.

4 Professional Representation at Planning Appeals - discussion point

To discuss Professional Representation at Planning Appeals.

5 Pre-application advice: consistency when the case comes to Committee - discussion point

To discuss pre-application advice.

6 Actions following Govt Peer Review - Note to follow

To consider the paper on Actions following the Government Peer Review (to follow).

7 Member speaking protocol - Planning Committee 7 - 14

To consider the report on the the Member speaking protocol at Planning Committee.

8 Public speaking protocol - Planning Committee 15 - 18

To consider the report on the public speaking protocol at Planning Committee.

9 Future Membership of PCWG

To discuss future membership of PCWG.

For information about this meeting please contact Democratic Services

Telephone: 01799 510410, 510369, 510460 or 510548

Email: Committee@uttlesford.gov.uk

General Enquiries

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Agenda Item 2

PLANNING COMMITTEE WORKING GROUP held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 13 SEPTEMBER 2023 at 1.20 pm

Present: Councillor R Freeman (Chair)
Councillors J Emanuel, M Lemon, J Loughlin and M Sutton

Officers in attendance: N Brown (Head of Development Management and Enforcement), B Ferguson (Democratic Services Manager) and C Gibson (Democratic Services Officer)

Also present: Councillors N Church and J Evans.

1. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Pavitt.

There were no declarations of interest.

2. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 18 January 2023 were approved as an accurate record.

3. **MEMBERS' TRAINING PROGRAMME**

- **Enforcement Training-** to double up with Parishes. Consider running two sessions, one at Saffron Walden and one at Little Canfield. The need was stressed for all Members to attend. Nigel Brown to action.
- **Viability Training-** to run session before Christmas. Nigel Brown to action.
- **Appeals Workshop-** pick up heritage harm issues and interesting cases. Perhaps utilise Thomas Muston (Place Services) and get legal input from barristers. Nigel Brown to action.
- **General –** For consideration: under previous Administration training sessions were held at lunchtimes. Need to demonstrate on-going training arrangements in place to DLUHC. Utilise professional experts and ensure interactivity. Some Parish Councils already very switched on- look for possible cluster groups for training purposes. Drainage training to be picked up as a future item. Members need to be kept informed of any changes to NPPF. Some discussion about the involvement of substitutes took place. Nigel Brown to action.

4. **TRANSPORT TO SITE VISITS**

Discussion took place around the merits of bringing back the coach. General agreement to arrange for a coach prior to 27th September meeting that would pick up from Little Canfield and Saffron Walden. Nigel Brown to take forward with provider.

5. **SPEAKING PROTOCOL AT PLANNING COMMITTEE**

- Discussion took place around reviewing the current allocation of up to 10 public speakers + Ward Councillor + Parish Council (PC) + Applicant/Agent. Need to encourage democracy and representations but members of the public could feed into the process through their PC's. Idea put forward of maximum of 5 public speakers. Current time allowances were considered reasonable. Members to re-consider whether Applicants/Agents have a right to speak in cases recommended for approval where no other speakers have registered. Ben Ferguson to bring back a written report.
- Discussion about Rules of Debate (Specifically Rule 12 and how it should apply to Planning Committee). Current rules state that there should be a motion (proposed and seconded) on the table before any debate takes place. This does not happen. The system of asking questions of officers first is working well. Members considered that they wanted to hear discussion points raised prior to making any proposals. This would still be possible if a motion was on the table as it could always be withdrawn or amended. Concerns expressed as to how this would look to the public. Consideration also to be given as to how many times Members could speak during a debate to stop the ping-pong effect. This was in the hands of the Chair. Ben Ferguson to bring back a written report.

6. **SCHEME OF DELEGATION**

The Strategic Director of Planning is working on this. Council looking to get re-designated first by DLUHC. Need to reduce business. Call-in works well. Possibility discussed of taking away some of the smaller items and matters such as Section 73A planning applications and deeds of variations with the agreement of the Chair and Vice-Chair; the need to take the views of Parish Councils into consideration was stressed. Dean Hermitage and Nigel Brown to take forward.

7. **FUTURE REPORTS TO PLANNING COMMITTEE WORKING GROUP**

- Revised Speaking Protocol – Ben Ferguson.
- Revised Scheme of Delegation – Dean Hermitage and Nigel Brown.
- Revision to Constitution (including pre-application involvement and appeals) – need to look to be crisper moving forward with a better protocol and improve levels of material. Further data in respect of the outcomes of appeals to be included in future monthly report to Committee. Nigel Brown to action.
- Date of Next Meeting – late October 2023- Democratic Services.

The meeting ended at 3.20 pm.

Agenda Item 7

Committee: Planning Committee Working Group **Date:**
Title: Planning Committee Speaking Procedure 29 November 2023
Report Author: Ben Ferguson, Democratic Services Manager
bferguson@uttlesford.gov.uk

Summary

1. This report asks members to consider the speaking arrangements for Planning Committee meetings.

Recommendations

2. To consider the application of Rule 12 (Rules of Debate – Appendix 1) in the context of Planning Committee meetings.

Financial Implications

3. N/A.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	To ask PCWG to consider current practice at Planning Committee.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

6. Situation

7. At the previous PCWG meeting held on 13 September, members discussed the speaking procedure at Planning committee.

8. The relevant minute reads as follows:

“Discussion about Rules of Debate (Specifically Rule 12 and how it should apply to Planning Committee). Current rules state that there should be a motion (proposed and seconded) on the table before any debate takes place. This does not happen. The system of asking questions of officers first is working well. Members considered that they wanted to hear discussion points raised prior to making any proposals. This would still be possible if a motion was on the table as it could always be withdrawn or amended. Concerns expressed as to how this would look to the public. Consideration also to be given as to how many times Members could speak during a debate to stop the ping-pong effect. This was in the hands of the Chair. Ben Ferguson to bring back a written report.”

- 9.** Under the previous Chair, the procedure for considering planning applications at Committee was divided into two parts: the first, to allow questions of clarification on the officer’s report; the second, to debate the application. At the previous PCWG meeting, members praised the current procedure as the structured debate demonstrated to the watching public that each application was determined in a transparent manner, with members decision making clearly on display.
- 10.** In respect of the Constitution’s Rules of Procedure, Rule 12 applies to committee meetings of the Council, including those of the Planning Committee.
- 11.** Specifically, members are asked to note Rule 12.1 ‘No speeches until motion is seconded’ and Rule 12.5 ‘When a member may speak again.’ The Rules of Debate are attached at Appendix 1.
- 12.** It should be noted, therefore, that once a proposal for approval or rejection (or indeed, deferral) of an application is on the table, each member of the Committee should only be seeking to speak once on the motion, unless they have a reason to speak again as permitted under Rule 12.5.
- 13.** In addition to these Rules, it should be noted that the Chair has discretion to manage the meeting in the interests of the Council and the public; the ruling of the Chair in regards to the “application of this Constitution or as to any proceedings...shall not be challenged at any meeting of the Council.”
- 14.** In conclusion, officers ask that members are mindful of speaking procedure at committee, with particular attention paid to:
- i. Once a motion has been proposed and seconded, to debate said proposal until it has been dealt with (i.e. approved, refused or deferred).
 - ii. When a proposal is under debate, each member is to speak only once. This does not prevent members from asking any questions that they might have of the Planning Officer, as this takes place before the Chair opens the item for debate.

iii. Note that the Chair is empowered to interpret the Constitution in the interests of the Council in order to deal with matters arising during a meeting.

15. No formal changes are proposed by officers at this time, due to the Chair's discretion to manage the meeting effectively, but comments and suggestions are welcome in terms of whether a formal review should be taken forward.

16. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That debate at Planning Committee is not in accordance with the Rules of Debate stipulated in the Constitution and therefore is open to challenge.	2	2	<p>The Constitution affords the Chair discretion regarding the application of the Rules of Debate but members are asked to review and reflect on practice to ensure compliance with the Constitution.</p> <p>In the event that the current rules are considered to be inappropriate, formal proposals should be put forward for an alternative speaking scheme at Planning Committee.</p>

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.

Appendix 1

RULE 12 RULES OF DEBATE

12.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

12.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

12.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

12.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

12.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

12.5.1 to speak once on an amendment moved by another member;

12.5.2 to move a further amendment if the motion has been amended since he/she last spoke;

12.5.3 if his/her first speech was on an amendment moved by another member, to speak on the

main issue if the amendment on which he/she spoke was not carried;

12.5.4 in exercise of a right of reply (see Rule 12.9);

12.5.5 on a point of order; and

12.5.6 by way of personal explanation

12.6 Amendments to motions and recommendations

12.6.1 An amendment to a motion or recommendation must be relevant to the motion and will

either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words as long as the effect of the amendment is not to negate the motion or recommendation.

12.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

12.6.3 If an amendment is not carried, other amendments to the original motion may be moved.

12.6.4 If an amendment is carried, the motion as amended takes the place of the original motion.

This becomes the substantive motion to which any further amendments are moved.

12.6.5 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.6.6 Subject to the exceptions in Rule 12.6.7, amendments to motions or recommendations

shall only be considered if they have been delivered in writing to the Democratic and Electoral Services Manager or to a Democratic Services Officer by 10 am on the day which is two working days preceding the meeting. Amendments submitted shall then be circulated to all members of the Council.

12.6.7 The exceptions to Rule 12.6.6 are:

The Chair shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Chair should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.

2. Further amendments are permitted that directly respond to amendments submitted in accordance with these rules. Notice of such further amendments should be given as soon as reasonably practical.

3. The Chair may permit amendments if satisfied that they are necessary to improve the wording or to correct factual inaccuracies and do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 12.6.6. The Chair shall give reasons for permitting such amendments to the meeting.

4. The Leader of the Council may amend a Cabinet recommendation in the light of discussion.

12.7 Alteration of motion

12.7.1 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

12.7.2 A member may alter a motion which he/she has moved without notice with the consent of

both the meeting and the seconder. The meeting's consent will be signified without discussion.

12.7.3 Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.9 Right of reply

12.9.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

12.9.2 If an amendment is moved, the mover of the original motion has the right of reply at the

close of the debate on the amendment, but may not otherwise speak on it.

12.9.3 The mover of the amendment has no right of reply to the debate on his or her amendment.

12.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

(i) to withdraw a motion;

(ii) to amend a motion;

(iii) to proceed to the next business;

(iv) that the question be now put;

(v) to adjourn a debate;

(vi) to adjourn a meeting;

(vii) that the meeting continue beyond two hours in duration

(viii) to exclude the public and press in accordance with the Access to Information Rules; and

(ix) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4

12.11 Closure motions

12.11.1 A member may move, without comment, the following motions at the end of a speech of

another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

12.11.2 If a motion to proceed to next business is seconded and the Chair thinks the item has

been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

12.11.3 If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

12.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair

thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 Point of order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

12.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

12.14 Speaking at meetings when not a member of the committee

A member of the Council may attend a meeting of a committee of the Council of which he or she is not a member and may speak on any matter dealt with at that meeting subject to having advised the Chair of the member's intention in that regard before the meeting begins provided that this provision does not extend to permit members to speak at

hearings before the Licensing Committee hearing applications for licences or certificates or applications for variations or reviews of licenses or certificates unless the member or members concerned shall have first made relevant representations as interested parties within the meaning of the Licensing Act 2003.

Agenda Item 8

Committee: Planning Committee Working Group **Date:**
Title: Planning Committee Speaking Procedure 29 November 2023
Report Author: Ben Ferguson, Democratic Services Manager
bferguson@uttlesford.gov.uk

Summary

1. This report asks members to consider the public speaking arrangements for Planning Committee meetings.

Recommendations

2. To consider the public speaking protocol at Planning Committee meetings and to instruct officers whether any changes are to be made.

Financial Implications

3. N/A.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	To ask PCWG to consider the current public speaking protocol at Planning Committee.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

6. **Situation**

7. At the previous PCWG meeting held on 13 September, members discussed the public speaking procedure at Planning Committee.

8. The relevant minute reads as follows:

“Discussion took place around reviewing the current allocation of up to 10 public speakers + Ward Councillor + Parish Council (PC) + Applicant/Agent. Need to encourage democracy and representations but members of the public could feed into the process through their PC’s. Idea put forward of maximum of 5 public speakers. Current time allowances were considered reasonable. Members to re-consider whether Applicants/Agents have a right to speak in cases recommended for approval where no other speakers have registered. Ben Ferguson to bring back a written report.”

9. The protocol for public speaking at Planning Committee is set out in Part 5 of the Constitution and the relevant extract can be seen in paragraph 10 below.

10. This was updated in February 2020 following recommendations arising from the previous iteration of the Planning Committee Working Group. The new protocol removed the distinction between objectors and supporters and allowed ten members of the public to speak on each application, in addition to a non-committee member, town or parish council representatives and applicant or agent. Furthermore, it increased the speaking time available from 3 to 4 minutes for the public and 3 to 5 minutes for local council representatives. Agents or applicants were permitted up to 15 minutes, although they would only get an opportunity to speak if their application was recommended for approval and there were other speakers on their application. The current Protocol has been included below:

- 2.1. Town/parish councils and applicants/agents, objectors and supporters may make representations on all applications. If an application is recommended for approval and there are no registered speakers against the application the applicant/agent will not have the right to make representations.
- 2.2. Two representatives of the town or parish council may also attend site visits. (see Procedure for Members’ Site Visits above).
- 2.3. A town or parish council representative and members of the public may attend the meeting and speak on any application. They must register with the Democratic Services Officer at Uttlesford District Council (telephone 01799 510410) or email: committee@uttlesford.gov.uk by 2pm on the day before the meeting. The order of speaking for each application will be as follows: 1. Non-committee member 2. Supporters or Objectors 3. Town or parish council 4. Applicant or Agent
- 2.4. A town/parish council representative or member may speak for up to 5 minutes, members of the public may speak for up to 4 minutes. Applicants and their representatives may speak for up to 15 minutes. Ten speaking slots are available between supporters/ objectors.
- 2.5. At the meeting those making representations should sit in the public area until the relevant item is to be considered.

- 2.6. Those making representations should sit at the allotted desk alongside members to make their statement and having made their statement should then return to the public area (or leave the meeting)
11. At the previous meeting, members discussed reducing the number of public speakers to five; the amount of speaking time for each individual would not be changed.
 12. Furthermore, issues relating to the agent or applicant's right to speak need to be addressed, as it is feasible that an applicant or agent could be informed that they would not get an opportunity to speak, as the application had been recommended for approval and no speakers had been registered, only for the committee to refuse the application at the meeting itself.
 13. The PCWG are asked to consider the current protocol and provide instruction to officers on whether they wish to amend it and, if so, to provide comment in order for a formal proposal to be brought to the next PCWG meeting. Any proposed changes to the Constitution will ultimately be considered by Full Council.

14. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Public speaking at committee provides direct democratic engagement with the council's planning processes. However, Planning Committee's primary purpose is to determine business in accordance with the council's policies and the NPPF. There is some concern that public speaking occupies a significant amount of time at committee, which is not necessarily conducive to the decision making process.	2	2	Uttlesford District Council's public speaking protocol is extremely generous in comparison to other local authorities, and the public can engage with the planning process via the public consultation that takes place for each application. If, for instance, the number of speakers was reduced to 5 (plus non-committee member, parish or town representative and applicant), there still would be up to 20 minutes of speaking time for individual members of the public to address committee.

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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.