

<b>Committee:</b>	Council	<b>Date:</b>	Tuesday 25 February 2020
<b>Title:</b>	Public Participation at Planning Committee Meetings		
<b>Report Author:</b>	Simon Pugh, Assistant Director - Governance and Legal spugh@uttlesford.gov.uk		

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## Summary

1. The Planning Committee set up a working group with a view to identifying improvements. One of the Working Group's first recommendations was a range of steps to enhance public participation. The Planning Committee has been trialling the changes since 21 August 2019. On 16 October it decided it wished to implement the changes on a permanent basis.
2. Public participation rights form part of the Council's Constitution. Changes to the Constitution are reserved for full Council on recommendation of the Governance, Audit and Performance ("GAP") committee.
3. The attached report was considered by the Governance, Audit and Performance Committee on 13 January. The Committee agreed with the Working Group's proposals subject to a minor addition and resolved to recommend that Council implements the changes on a permanent basis.
4. The minor addition mentioned in paragraph 3 above relates to paragraph 8(e) of the attached report with the heading "*Allowing town/parish council representatives to comment on statements made by applicants / agents*". The proposal was:  
  
*"...for the Planning Committee chair to invite town and parish council representatives to make any factual clarification (not statements) before committee goes into discussion."*
5. GAP members suggested that the opportunity should be extended to district and county councillors. There was some concern about amending the Working Group's proposals without consultation. However, this report's author has since contacted all Planning Committee members and substitutes inviting them to indicate any concern. No responses have been received.

## Recommendations from the Governance, Audit and Performance Committee

6. That the Council :
  - a. Adopts the changes to Planning Committee procedure identified in paragraph 8 of this report subject to the inclusion of reference to district and county councillors in paragraph 8 (e) of the report.

- b. Authorises the Assistant Director, Governance and Legal to amend the text of the Constitution to reflect the changes agreed.

### **Financial Implications**

7. None.

### **Background Papers**

8. The report to the Governance, Audit and Performance Committee on 13 January 2020 is annexed to this report. The Council's Constitution is published on its website at <https://www.uttlesford.gov.uk/article/5028/Constitution>. The minutes of a Planning Committee Working Group meeting of 11 July 2019 are annexed to this report.

## Appendix 1

<b>Committee:</b>	Governance, Audit and Performance Committee	<b>Date:</b>	Monday 13 January 2020
<b>Title:</b>	Public Participation at Planning Committee Meetings		
<b>Report Author:</b>	Simon Pugh, Assistant Director - Governance and Legal spugh@uttlesford.gov.uk		

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### Summary

1. The Planning Committee set up a working group with a view to identifying improvements. One of the Working Group's first recommendations was a range of steps to enhance public participation. The Planning Committee has been trialling the changes since 21 August 2019. On 16 October it decided it wished to implement the changes on a permanent basis.
2. Public participation rights form part of the Council's Constitution. Changes to the Constitution are reserved for full Council on recommendation of this committee.
3. The report asks the Committee to recommend that Council implements the changes on a permanent basis.

### Recommendations

4. That the Committee recommends full Council to:
  - a. Adopt the changes to Planning Committee procedure identified in paragraph 8 of this report.
  - b. Authorise the Assistant Director, Governance and Legal to amend the text of the Constitution to reflect the changes agreed.

### Financial Implications

5. None.

### Background Papers

6. There are no background papers to this report. The Council's Constitution is published on its website at <https://www.uttlesford.gov.uk/article/5028/Constitution>. The minutes of a Planning Committee Working Group meeting of 11 July 2019 are annexed to this report.

### Impact

7.

Communication/Consultation	The steps proposed are intended to improve communication with town and parish councils and with members of the public and should have a positive impact on communication and consultation..
Community Safety	There are no direct implications but improved public participation may help to identify issues relating to community safety.
Equalities	As for community safety.
Health and Safety	As for community safety.
Human Rights/Legal Implications	The proposed changes are lawful and may improve the quality of decision-making.
Sustainability	As for community safety.
Ward-specific impacts	As for community safety.
Workforce/Workplace	The extended speaking rights may mean that Planning Committee meetings take longer, with a consequent increase in the time taken in officer and member attendance. .

## Situation

8. The Planning Committee is proposing these changes:

**a. *Extension of maximum period of time allowed for town / parish council representatives to speak.***

Currently town/parish council representatives are permitted to speak for up to three minutes. The proposal is to increase this limit to five minutes.

**b. *Extension of maximum period of time allowed for public speakers.***

Currently public speakers are permitted to speak for up to three minutes. The proposal is to increase this to four minutes.

**c. *Removal of limit on number of public speakers***

The current scheme provides for a maximum of ten public speakers divided equally between supporters and objectors. The proposal is to keep the

maximum of ten speakers but not to distinguish between supporters and objectors.

If this is approved, there may be occasions on which the Chair would need to exercise discretion to ensure fairness; e.g. if all ten speaking slots were reserved by supporters or objectors, to the exclusion of others with different views who wished to speak.

***d. Maximum period of time allowed for applicants/ agents/developers to speak***

There is no explicit limit in the current rules but the proposal is to limit the “right of reply” of applicants and their representatives to fifteen minutes.

Again, there may be occasions on which it is appropriate to exercise discretion, particularly for major applications.

***e. Allowing town/parish council representatives to comment on statements made by applicants / agents.***

There is currently no provision for town/parish council representatives to comment on statements of fact made by applicants and their representatives. The proposal is for the Planning Committee chair to invite town and parish council representatives to make any factual clarification (not statements) before committee goes into discussion.

Some care needs to be taken when there is a dispute over material statements of fact. It may be necessary to obtain officer clarification or to initiate further investigation in some cases.

***f. Allowing a limited number of town / parish council representatives to attend, and participate in site visits.***

Currently one town or parish council representative may attend site visits. The proposal is to increase the number of representatives to two and to permit them to participate in the same way as Planning Committee members. The Council’s procedure for site visits states that:

*“The purpose of the site visit is to acquaint members with the site, not to hold a debate or take a decision, other than at the Committee meeting.”*

The procedure makes it clear that site visits are not an occasion for making representations regarding planning applications.

9. The Working Group considered other options for the conduct of Planning Committee meetings but decided not to take them forward, at least for the present. The Working Group suggested that the Planning Committee could meet in Great Dunmow to consider major applications in the Dunmow area. Presumably this would be a consideration in respect of major applications affecting other parts of the district; e.g. the Stansted area. This would not

require any changes to the Council's rules, although there may be practical issues, such as the availability of a suitable venue.

## Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
That the duration of meetings is extended unduly, leading to late sittings or the need for additional meetings. Unduly long meetings might put at risk the quality of decisions and additional meetings would have resource implications and be an additional commitment for members and officers.	3	2	Keep the operation of the proposed changes under review and make adjustments if there are significant problems.

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 2

### Planning Committee Working Group: 11<sup>th</sup> July 2019

#### Working to make the Planning Committee operation more user friendly

#### Meeting 1 notes & decisions

**Present: Cllr Merifield; Cllr Storah; Cllr Lemon; Cllr Pavitt; Cllr Loughlin; Nigel Brown; Gordon Glenday**

**Apologies: Cllr Gerard**

**1. Extension of maximum period of time allowed for town / parish council representatives.**

It was felt that it was important that Town and Parish Councillors were given the same length of time to speak as District Councillors are.

Therefore, from the **August** Planning Committee Meeting they will be allotted **five minutes** to make their comments / representations

See **Action 2 below** re timing mechanism

**2. Extension of maximum period of time allowed for public speakers.**

The discussion centred round giving public speakers some more time to make their representations. It was felt that there must still be a little leeway 10 -15 secs to finish their sentence. However, it was decided that either or both the timer to be on show or sound or light indicators to let speakers know they were close to end of their allotted time.

Therefore, from the **August** Planning Committee Meeting public speakers will be allotted **four minutes** to make comments / representations

**Action:** Nigel Brown / Gordon Glenday /Cllr Merifield – to explore and bring the most efficient and user friendly timing mechanism for **all speakers**

**3. Removal of limit on number of public speakers**

At present there is a cap of 10 speakers, 5 for and 5 against generally I believe, plus of course developer/agent/applicant. Those wanting to make representation at present must contact democratic services stating whether they are for or against. Therefore from perhaps return to when there was no maximum number, there was concern that there could be too many and committee times could be extended beyond practicable times. There was also a discussion about the accumulative time given to applicant/agent/developer to speak.

Therefore, from the **August** Planning Committee meeting there will be 10 speakers but Democratic Services will not have to allot to for and against.

Also the **maximum** time for applicants/ agents/developers will be **fifteen minutes**.

(suggest this may be less if number of speakers e.g. 3 public speakers)

N.B. Major applications or controversial ones will be considered on an individual basis

**Please Note** in relation to **discussion point 6** it was felt that **written representations should be included for those who cannot be present.**

**Action: Nigel Brown; Gordon Glenday; Democratic Services; Cllr Merifield**

**4. Allowing town/parish council representatives to comment on statements made by applicants / agents.**

Therefore, from this **August's** Planning Committee the chair will invite any factual clarification (not statements) before committee goes into discussion.

**5. Allowing limited number of town / parish council representatives to attend, and participate in site visits.**

It was felt by those present after a discussion of possibilities and possible problems that it would be appropriate for two representatives of either a town or parish council to be informed of, invited to attend and participate in site visits.

Therefore, for the **visits** for the **August Planning Committee** the relevant town or parish council will be informed that they can have two representatives, should they wish to attend and participate in the site visit. Initially the representatives to approach Nigel Brown as it was felt that this would appear more appropriate and could not be misinterpreted. This will be reviewed.

**Action: Nigel Brown; (Democratic Services?); Cllr Merifield**

**6. Changing meetings from afternoons to evenings.**

The idea of this was related to allow more residents/ members of the community that work to attend planning meetings. It was felt that we as a responsible council have a duty of care to the officers and the councillors who could be driving some distances especially in the winter. To be fair to those that work the meeting would have to start at 7pm or more likely 7.30pm therefore a meeting might not finish until 10 – 10.30pm or perhaps even later. This was felt unacceptable for safety and that officers and councillors might not be able to give full and proper attention to applications.

Therefore, at present this suggestion is not going forward to be actioned. However, see **discussion point 3** for the addition of the reading out of submitted written comments.

**7. Introduction of 'area committees' to be held at appropriate venues in the district.**

It was decided to keep the committee in Saffron Walden as it is at present. It was however suggested that major applications in the Dunmow area could be taken to committee in |Great Dunmow.

**Action: Nigel Brown; Gordon Glenday; Cllr Merifield** to find the most appropriate venue; **Working Group:** definition of a major application (size)

**8. Restructuring of committee reports to reflect the decision making process.**

The officers have already been thinking that the structure of officers reports needs changed. Cllr Storah explained that he feels the reports e.g. are not balanced and that for ease of reading and understanding the recommendation should come first and then the explanation of how it was reached. It was agreed that this is an ongoing piece of work to be brought back to the next working group for an update.

**Action: Cllr Storah** to give exemplar reports of the type he suggests so that N Brown and G Glenday can work on a template format. (ongoing)

This is a very positive start to this process, the above decisions or actions will be monitored and reviewed to see how they are working or progressing.



Thank you all for being so positive and contributing to improving the experience of and functioning of the Planning Committee.

The next working group date will be confirmed.

Cllr Sandi Merifield

Chair of Planning Committee