

Committee: Planning Committee Working Group **Date:**
Title: Planning Committee Speaking Procedure 29 November 2023
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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 This would still be possible if a motion was on the table as it could always be withdrawn or amended.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 Seconder'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.