

# ***Report to the Council***

**Committee:** Constitution Working Group (Councillor S. Jones)

**Date:** 5 November 2019

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## **1. COUNCIL MEETINGS - PUBLIC SPEAKING ON PLANNING APPLICATIONS & SITE VISITS**

### **Recommending:**

- (1) That existing arrangements for public speaking in respect of planning applications that currently only apply to meetings of the District Development Management Committee and the Area Plans Sub-Committees, be extended to all planning applications considered by the full Council;**
- (2) That any proposal for the holding of a formal site visit for all members with regard to any planning application to be considered by the full Council, be approved by the Chairman of the Council on the recommendation of the Service Director (Planning Services); and**
- (3) That pursuant to Recommendations (1) and (2) above, the Monitoring Officer be authorised to make necessary revisions to the Council's Constitution to give effect to the adoption of arrangements for public speaking and the holding of member site visits, with regard to all planning applications considered by the full Council.**

1.1 At its meeting on 30 July 2019, the Council agreed that the following matters be added to the ongoing work programme of the Working Group:

- (a) the review of existing arrangements within the Constitution whereby planning applications referred to the Council for determination are not generally subject to arrangements for public speaking.
- (b) The consideration of possible arrangements for formal site visits to be held with regard to planning applications referred to the Council for determination.

### **Public Speaking**

1.2 The Working Group has reviewed existing arrangements within the Constitution whereby planning applications referred to the Council for determination are not generally subject to arrangements for public speaking.

1.3 Members will be aware that the Council introduced arrangements for 'public' speaking at meetings of the District Development Management Committee and Area Plans Sub-Committees over twenty years ago and has a well-established procedure for the registration of applicants, objectors and local town and parish councils (or representatives) to speak at meetings.

- 1.4 These existing arrangements for public speaking currently only extend to meetings of the District Development Management Committee and the Area Plans Sub-Committees and do not apply to planning applications considered by the Council. The current arrangements do not preclude an applicant, objector or parish/town council representative that has previously made representations on a planning application at a meeting of an Area Plans Sub-Committee from speaking again, if any matter is reconsidered by the District Development Management Committee, but do prevent a speaker making additional representations in the event that an application is further referred to the Council for determination.
- 1.5 The only exception to these arrangements is in respect of planning applications submitted directly to a meeting of the Council without prior consideration of the development proposal by the District Development Management Committee and/or an Area Plans Sub-Committee. In these circumstances, Council Procedure Rule P2 (Planning Applications) provides that applications are subject to the existing arrangements for public participation by applicants, objectors and parish/town councils in the same way as those applied to the District Development Management Committee and the Area Plans Sub-Committees.
- 1.6 However, there appears to be no other provision within the Constitution (either in Article 10 (District Development Management Committee and Area Plans Sub-Committees) or the Scheme of Delegation), that indicates the type of application that would be submitted directly to the Council for determination. The Planning Services Portfolio Holder and the Service Director (Planning Services) have both advised that they are unaware of any constitutional requirement for any particular type of planning application to be submitted directly to the Council for determination and it is assumed that Rule P2 of the constitution was not updated when the Constitution was thoroughly reviewed in 2016/17. We recommend that this anomaly should be rectified as part of our review of public speaking arrangements.
- 1.7 In order to ensure consistency of approach with regard to the public speaking arrangements applied to the District Development Management Committee and Area Plans Sub-Committees, we also consider that the existing arrangements for public speaking that currently only extend to meetings of these committees should equally apply to all planning applications considered by the Council, subject to the application of the existing procedures for the registration of applicants, objectors and local town and parish councils (or representatives) to speak at meetings of the District Development Management Committee and Area Plans Sub-Committees.

### **Site Visits**

- 1.8 Members will be aware that the Council also has longstanding arrangements whereby formal member site visits may be undertaken in respect of any site subject of a current planning application, where this offers a substantial benefit to the decision-making process. Site visits are undertaken at an agreed time and are subject to the presence of a representative of the Service Director (Planning Services). Site visits are managed by the Chairman (or Vice-Chairman) of the District Development Management Committee or the relevant Area Plans Sub-Committee, or the Planning Officer in attendance. No discussion with interested parties as to the merit of the development proposal is

permitted at any time during a site visit.

- 1.9 Planning applications are occasionally referred to the Council for determination by way of minority reference from the District Development Management Committee. At present, no arrangements are in place for site visits to be held by members of the Council in these circumstances.
- 1.10 Article 10 of the Constitution provides that, in addition to being agreed at a meeting of the Development Management Committee or an Area Plans Sub-Committee in respect of any planning application listed in an agenda for a meeting, the holding of formal site visits may also be approved by the Chairman of the Committee on the recommendation of the Service Director (Planning Services). To ensure consistency of approach, we recommend that this arrangement should also apply to planning applications to be considered by the Council and that the holding of formal site visits for all members (where appropriate), be approved by the Chairman of the Council on the recommendation of the Service Director (Planning Services).
- 1.11 The agreement of the recommendations set out above will require the revision of Article 10 (District Development Management Committee and Area Plans Sub-Committees) and Procedure Rule P2 of the Constitution.
- 1.12 We recommend as set out at the commencement of this report.