

Rother District Council

Report to	-	Planning Committee
Date	-	15 August 2019
Report of the	-	Executive Director
Subject	-	Proposed operational changes to the Planning Committee

Recommendation: It be **RESOLVED:** That the following proposed changes to the operation of the Planning Committee be agreed and referred to the Overview and Scrutiny Committee for onward recommendation and approval:

- 1) the cut off time for any late submissions be 9:00am on the Monday before the Thursday Planning Committee;
 - 2) all meetings of the Planning Committee be audio recorded in their entirety;
 - 3) non-Planning Committee Members addressing Planning Committee be limited to five minutes per application; and
 - 4) attendance at the formal Planning Committee site visits be compulsory for Planning Committee Members in order to be part of the decision making at the subsequent Planning Committee meeting.
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Head of Service: Tim Hickling

Introduction

1. The Planning Committee (PC) plays a vital role in considering and determining planning applications, dealing with the more complex schemes against the National Planning Policy Framework, Local Development Plan and all other material considerations. In order to improve the efficiency of the PC, it is proposed that a number of changes take place which will involve changes to the Constitution and Council practice.
2. As the proposed changes will involve changes to the Constitution and Council practice these matters will have to be subject to approval through the decision making machinery. Any changes to the Council's Constitution must be made via the Council's Overview and Scrutiny Committee (OSC) that recommends changes to the Cabinet and ultimately full Council. This report will therefore be considered by the OSC at its meeting on 9 September which in turn will make recommendations to Cabinet. The PC is therefore requested to consider and approve the contents of this report and make any additional comments which will be submitted to the OSC to aid their deliberations.
3. The proposed changes are as follows and are explored in more detail below:
 - 1) the cut off time for any late submissions be 9:00am on the Monday before the Thursday PC;
 - 2) all meetings of the PC be audio recorded in their entirety;
 - 3) non-PC Members addressing PC be limited to five minutes per application; and

- 4) attendance at the formal PC site visits be compulsory for PC Members in order to be part of the decision making at the subsequent PC meeting.

Cut off time for any late submissions

4. The current practice is that the cut off time for any late submission is 9:00am the Monday before the PC on the Thursday. This is made clear on the front page of the PC Agenda. However, this is not currently part of the Constitution. The purpose of this cut-off time is to prevent late submissions from third parties (supporters or objectors) which due to the time constraints, do not allow for scrutiny by Members and the public or allow officers sufficient time to respond.
5. The statutory requirement for receiving comments from third parties is 21 days from the application being advertised. Almost without exception PC items are reported well in excess of this time period. Imposing this deadline formally, through the Constitution will not be to the disadvantage of third parties in their ability to submit comments on the application but to formally adopt past practice. It will also give Planning Officers and Members the formal framework and authority to reject and disregard late submissions.

Audio recording of all Planning Committee meetings

6. As a result of the Openness of Local Government Bodies Regulations 2014 any person can attend a public meeting of a "relevant local government body", which includes district councils, for the purposes of reporting, and allow any persons with the aim of reporting to use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities, during or after the meeting.
7. This can include:
 - filming, photographing or audio recording of proceedings;
 - using any other means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later; and
 - reporting or providing commentary on proceedings of a meeting, orally or in writing.
8. At the time when these regulations were brought in, Members considered this matter and whilst concerns were raised about the Council not having its own audio recording of meetings, it was agreed not to introduce a blanket policy of recording all meetings. However, at its meeting in June 2019, Cabinet did resolve to re-consider the decision not to audio / video record meetings.
9. Ahead of this general consideration, and in specific reference to the PC, it is recommended that PC meetings are audio recorded as standard and the Constitution amended accordingly. The audio file will subsequently be made available on the website alongside the PC Minutes.

Non-Planning Committee Members addressing the Planning Committee to be limited to five minutes per application

10. Any Member of the Council can attend meetings of the PC either in its entirety or for a particular application. In addition any Member can be invited to speak

on any item by the Chairman. Currently, custom and practice allows for non-PC Members to address the PC for an unspecified time; the PC does not operate in accordance with the current Rules of Debate within the Council Procedure Rules (although these technically apply to meetings of the PC). In order to increase efficiency and transparency it is proposed to allow non-PC Members to continue to be able to address Committee, but be given the same length of time as members of the public under the terms of the Public Speaking Scheme (five minutes).

11. The proposal to allow speaking of up to five minutes for non-PC Members is not only more generous than if the formal Council Procedure Rules were applied, but also brings into line the time allowed by Members to address the PC to that which is afforded to the public under the Public Speaking Scheme. Should the time to speak permitted under the Public Speaking Scheme change in the future, both public speaking and non-PC Member speaking would remain equal.

Planning Member site visits to be compulsory

12. When considering and debating on a planning application at PC it is important that all Members of the decision making body are given the same level of information in order to fully assess the merits of the case before them. Therefore when an application is subject to a PC site visit it is very important that all the PC Members making this decision attend. Whilst this is currently good practice, it is not a compulsory requirement.
13. Therefore for clarity and to enable good decision making, it is considered that this should become a compulsory requirement in order for the Member to subsequently vote on the application at the PC meeting. Members who were not present at site visits will be required to declare this at the commencement of the relevant application(s) and will not be permitted to vote on the item; the Member will be allowed to stay and contribute the debate, but not vote.

Conclusion

14. It is considered that the above changes to the way in which the PC operates will improve the efficiency of the PC. The PC is invited to consider and agree the proposals within the report and make any supplementary comments to the OSC. The OSC will be invited to consider these matters, together with any comments from the PC and recommend to Cabinet that the Constitution be amended to reflect these changes.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

Failure to regularly review and streamline Committee processes may result in unnecessarily protracted meetings, reputational damage and potentially poor decision making.