

Rother District Council

Report to	-	Cabinet
Date	-	30 September 2019
Report of the	-	Executive Director
Subject	-	Proposed Operational Changes to the Planning Committee

Recommendation to COUNCIL: That the following proposed changes to the operation of the Planning Committee be approved and adopted:

- 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 or at the Chairman's discretion;
 - 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; and
 - 5) the Executive Director be authorised to make all consequential amendments to the Council's Constitution, Council practice and the Statement of Community Involvement.
-

Head of Service: Tim Hickling

Foreword

This report has been considered by both the Planning and the Overview and Scrutiny Committee at their meetings held on 15 August and 9 September 2019 respectively. The report has been reproduced in full for Cabinet as submitted to the Planning and Overview and Scrutiny Committees.

The comments of the Planning and the Overview and Scrutiny Committees and the resulting minutes have been reproduced at Appendices A and B to this report.

At the Planning Committee it was noted that the proposed changes would also involve changes to the Statement of Community Involvement in addition to the Constitution and Council Practice.

The Planning Committee also recommended that Recommendation 3) be amended by the addition of "...or at the Chairman's discretion", as detailed above.

The Overview and Scrutiny Committee were not in favour of limiting non-planning Members addressing the Planning Committee to five minutes per application or at the Chairman's discretion and have recommend that this proposal is deleted.

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 are therefore requested to consider and approve the contents of this report and make any additional comments which will be submitted to the Overview and Scrutiny 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 9am 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.

PL19/43.
(10)

PROPOSED OPERATIONAL CHANGES TO THE PLANNING COMMITTEE

The Committee considered the report of the Executive Director which detailed a number of proposed operational changes to the Planning Committee for referral to the Overview and Scrutiny Committee, then onward recommendation and approval.

The Head of Service Strategy and Planning advised Members that the proposed changes would also involve changes to the Statement of Community Involvement in addition to the Constitution and Council Practice.

The Head of Service Strategy and Planning led Members through each recommendation and during the discussion the following points were noted:

- audio recordings of Planning Committee meetings would aid transparency;
- interested parties unable to travel to attend could access records of meetings in their entirety;
- audio recordings of all Council meetings could be something to consider in the future;
- limiting non-Planning Committee Members addressing the Planning Committee to five minutes per application would give equality between both parties;
- it was recommended and agreed that the Chairman be given discretion to allow a non-Planning Committee Member to exceed the five minutes if he/she felt it necessary, particularly in the case of the relevant Ward Member;
- on an occasion of a site visit clashing with other responsibilities or a medical emergency, it was unreasonable not to allow voting rights on the relevant application; and
- it was acknowledged that site visits often gave a greater insight into an application and enabled a more informed decision to be made.

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 or at the Chairman's discretion; 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.

OSC19/21. **PROPOSED OPERATIONAL CHANGES TO THE PLANNING**
(8) **COMMITTEE**

Members considered the report of the Executive Director which had been considered by the Planning Committee at its meeting held on 15 August 2019, detailing a number of proposed operational changes to the Planning Committee.

During the discussion the following points were noted:

- a Ward Member's unique local knowledge was considered to be hugely beneficial to Committee Members;
- a Ward Member who is not a Committee Member would be disadvantaged by their speaking time being limited;
- limiting non-Planning Committee Members addressing the Planning Committee to five minutes per application would give equality to all parties;
- Ward Members need to be able to give an introductory speech, correct any points of discussion if necessary and then speak at the end;
- a more structured approach to non-Committee Members' speaking rights would give clear guidance to any future Chairman of the Planning Committee;
- it was recommended and agreed to remove the recommendation to limit non-Planning Committee Members addressing the Planning Committee to five minutes per application at the Chairman's discretion;
- concerns were raised regarding site visits being made compulsory due to the possibility of elected Members having limited mobility;
- it was suggested that there should be an expectation that Members attend site visits, with non-attendance agreed by the Chairman on a case-by-case basis; and
- it was recommended and agreed that 'at the Chairman's discretion' be added to the recommendation concerning compulsory attendance at site visits.

RESOLVED: That

- 1) the following proposed changes to the operation of the Planning Committee be agreed and recommended to Cabinet for onward recommendation and approval by full Council:
 - I. the cut off time for any late submissions be 9:00am on the Monday before the Thursday Planning Committee;
 - II. all meetings of the Planning Committee be audio recorded in their entirety;
 - III. 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, at the Chairman's discretion; and

- IV. the Executive Director be authorised to make all consequential amendments to the Council's Constitution, Council practice and the Statement of Community Involvement.
- 2) the proposal to limit non-Planning Committee Members addressing Planning Committee to five minutes per application or at the Chairman's discretion not be supported.