

Rother District Council

Report to	-	Cabinet
Date	-	4 November 2019
Report of	-	Councillor Jonathan Vine-Hall, Chairman of Planning Committee
Subject	-	Proposed Changes to Public Speaking at Planning Committee

Recommendation to COUNCIL: That:

- 1) the proposed revised public speaking scheme as set out in Appendix 3 to the report and revised Code of Practice document as set out in Appendix 4 to the report be agreed; and thereafter any minor changes to the public speaking system and/or the Code of Practice to be delegated to the Executive Director in consultation with the Chairman of Planning;
 - 2) non-Planning Committee Ward Members speaking under the scheme be encouraged to submit a brief summary of the issues they would raise in advance of the meeting to be circulated to the Planning Committee;
 - 3) the word 'interspersed' be added in the Ward Member column in the table at Appendix 3 to the report;
 - 4) Members calling in an application must attend the relevant Planning Committee, send a Member on their behalf or provide an apology / reason for non-attendance; and
 - 5) the revised scheme be reviewed after 12 months.
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Foreword

This report was considered by the Planning Committee at its meeting held on 12 September 2019 and the Overview and Scrutiny Committee (OSC) at its meeting held on 14 October 2019. The report has been reproduced in full for Cabinet; the comments of the Planning Committee and Overview and Scrutiny Committee and the resulting Minutes have been reproduced at Appendices 5 and 6 to this report.

The Planning Committee recommended that in order to ensure adherence to the time constraints and for Ward Members to feel that they had sufficient time, non-Planning Committee Ward Members speaking under the scheme be encouraged to submit a brief summary of the issues they would raise in advance of the meeting which would be circulated to the Planning Committee.

In addition the Planning Committee Members raised concerns over Councillors who called-in applications to the Planning Committee and who were then not present to address the Planning Committee on the rationale for the call-in. The Committee agreed to recommend that Members calling in an application must attend the relevant Planning Committee, send a Member on their behalf, or provide an apology / reason for non-attendance.

At the OSC two additional recommendations were made, adding the word “interspersed” into the Ward Member column of Appendix 3 and requesting that the scheme be reviewed after 12 months.

Introduction

1. The Planning Committee plays a role in considering and determining planning applications, dealing with the more complex schemes against the National Planning Policy Framework, Development Plan and all other material considerations. In 2016, the Council adopted a public speaking scheme at Planning Committee meetings to be kept regularly under review for its effectiveness.
2. The purpose of public speaking at Planning Committee is to add value to the process of decision making. At the same time it must be cost effective and administratively manageable to operate both at Planning Committee and by officers prior to Committee.
3. The Public Speaking Scheme forms part of the Constitution and 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 and thereafter incorporated into the Statement of Community Involvement (SCI). The Planning Committee 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.

Current system and proposals for change

4. The current petition-based scheme for public speaking was introduced at the end of 2016 (Appendix 1) and allows interested parties to address the Planning Committee for a period of five minutes (one in support and one against) on the proviso that a petition containing at least 10 signatories is submitted prior to this and within the statutory publicity period of the application (21 days). The system also allows Members of the Planning Committee to ask the speaker questions on the content of their speech. The system was subject to a review after 12 months (in consultation with the then Chairman and Vice-Chairman of the Planning Committee) which concluded that *“The new system has bedded-in well and it has not been onerous or costly to operate.”*
5. The system has now been in operation for 2½ years and during this period 41 applications have been subject to public speaking, out of 250 applications considered at Planning Committee (c16%). However, the current system has a number of shortfalls which we believe need to be addressed. These are:-
 - a. The petition system acts to discourage members of the public from speaking by requiring 10 signatories and having to be submitted within the 21 day statutory publicity period. Firstly, many changes can happen through the course of a planning application and after the 21 notice period which might trigger objection or support. Secondly, residents may not become aware of an application in the 21 period for any number of valid reasons. The requirement to submit a petition can be seen as a frustration

to those who wish to speak at Planning Committee, particularly on smaller applications. In addition, the burden of gaining 10 signatures acts to frustrate residents who are forced to gain signatures of other residents who may simply sign as an act of friendship as opposed to having an active interest in the application.

- b. Requiring a group of unconnected petitioners to agree who should be the spokesperson can serve to cause additional frustration amongst residents where it is unlikely that one person can comfortably rely on another to state their case.
 - c. Parishes have not been given any right to speak beyond competing to become the petitioner or through their local Ward Member. Parishes often have the best understanding of the impact of a development and there have been cases in the past where Ward Members were not prepared to support Parish Council views or the opinion of a majority of residents. In addition, cross-Parish involvement is required where applications cross boundaries.
 - d. The current system does not explicitly allow the use of visual aids by speaker nor does it explicitly allow for a Chairman's discretion to apply.
6. Attached at Appendix 2 is an audit of the current public speaking systems in place across Sussex. The table also sets out the potential speaker time per application. The majority of these schemes allow for between 2 and 6 speakers, the majority being 6 speakers in total (depending on the size of an application) mostly for 3 minutes each to address the Planning Committee in support or to oppose a scheme; a separate slot for both Parish and Town Councils and the Ward Member is also common practice. The time slots are all equitable in length in order to be fair to all involved in the process. The only public speaking schemes which allow for Planning Committee Members to ask questions of the speakers are both the petition based schemes currently in operation at Rother and Hastings Councils. These public speaking systems are administered by the relevant Democratic Services function of the Council either on the days leading up to or on the day of Planning Committee.
7. Taking into account the relative merits of the current petition system (in particular the ability of the Planning Committee to ask questions of the speaker), the positives of those other systems in operation (equity and fairness) and the desire to give greater say to Parish and Town Councils Appendix 3 sets out a proposed revised scheme, with details of the proposed Code of Practice at Appendix 4.

Conclusion

8. It is considered that whilst the current petition based public speaking system has worked reasonably well it can be perceived as being complex and may act to discourage residents and not bring a higher level of openness and fairness to the planning process.
9. The recommendation seeks to set Rother as an example of openness, transparency and fairness in the planning process by standing out amongst other local authorities having come from behind in the past.

10. Having looked at other public speaking systems across both East and West Sussex it is considered that the proposed revised system, including a slot for Parish and Town Councils and the ability for up to three speakers in support or against for major applications (up to two for Minor/Others and one speaker for and against for household applications) is appropriate. Visual aids will be acceptable if they have been included in any representations submitted as part of the application process (and received before the Agenda is published). This will take into consideration good timely decision making and time constraints of the Planning Committee. The use of a petition would no longer be required.
11. The Planning Committee 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 Planning Committee and recommend to Cabinet and thereafter full Council that the Constitution and the Statement of Community Involvement (SCI) be amended to reflect these changes.

Councillor Jonathan Vine-Hall, Chairman of Planning Committee
Councillor Sue Prochak Vice-Chairman of Planning Committee

Risk Assessment Statement

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