

STANDARDS COMMITTEE

19th March, 2008

Members Present:- City Council Members

Councillor N. Lee
Councillor K. Mulhall
Councillor A. Williams

Independent Members

M. Farrell
B. Farrer (Chair)
D. Jackson
B. Ray

Employees Present:- H. Abraham (Head of Democratic Services)
R. Barreto (Deputy Monitoring Officer)
A. Burton (Acting Monitoring Officer)

Apologies:- J. Willetts

RECOMMENDATION

38. Proposed Amendments to the Constitution – Planning Committee Issues

The Committee considered a report of the Director of Customer and Workforce Services and the Director of Finance and Legal Services that proposed changes to the Constitution in relation to the receipt of petitions for Planning Committee and the right of reply by an applicant (or nominee) at the Committee in response to a petition spokesperson speech.

Under Part 4.9 of the Constitution, the Councillor presenting a petition, and the petition spokesperson, are entitled to attend meetings where the particular issue is being considered and speak upon the consideration of the petition. Difficulties have been experienced at Planning Committee due to the receipt of "late" petitions, i.e. those received after the agenda had been despatched. Over recent months, there have been a number of occasions when petitions relating to planning applications have been submitted as late as on the day of Planning Committee itself. This has resulted in planning applications having to be deferred from the agenda as there has not been enough time to contact the petition spokesperson/applicant (or nominee)/objector etc. to invite them to attend the meeting or to advise other interested parties on the receipt of the petition.

Not only has this been extremely inconvenient for members of the public (some of whom may have taken time off work) who attend Planning Committee expecting an application to be considered, only to be informed that the relevant application has been deferred, but there are also serious implications for the Council. The Government's Best Value targets include measures of the speed of determining the applications and these are monitored and contribute to the Comprehensive Performance Assessment. Meeting the

minimum target for the speed and determination of applications (eight weeks for all but major applications) is also taken into account in the new Housing and Planning Delivery Grant and monies will be withheld if those targets are not met.

The Constitution Working Group had considered this issue in depth and had investigated how other local authorities handled the receipt of "late" petitions. Whilst there are various practice, the overall consensus was that "late" petitions were not an issue with those local authorities contacted, either because few petitions are received in relation to planning applications or, if they are received, it is rare for them to be received at the last minute. Some authorities do have deadlines for the receipt of petitions. Of those contacted, none had had to withdraw applications at the last minute due to the receipt of a "late" petition.

Recognising the difficulties outlined above and balancing this against people's right to raise their concerns about a particular application and Councillors' right to represent their constituents, the Constitution Working Group had asked for a package of measures to be put forward that would make the introduction of a deadline for the receipt of petitions for Planning Committee acceptable. Any petitions received after the deadline would be treated as a "late" representation and summarised by the City Planning Manager on the "late representations" report, which is tabled at the meeting. The proposed package of measures consisted of:-

1. More contact details for petition spokespersons to be required on the petition receipt form to enable Democratic Services staff to contact people at short notice (this had already been implemented).
2. Councillors to be notified by e-mail of all anticipated applications to be considered at each Planning Committee two weeks prior to the meeting (i.e. a week before the agenda is despatched).
3. The standard letter sent out to members of the public regarding planning applications to be updated and it made clear that petitions could only be received up to the deadline.

In light of the above, the Constitution Working Group had decided to recommend to the Standards Committee that only those petitions received by 9.00 a.m. on the day before the Planning Committee meeting (i.e. on the Wednesday, where Planning Committee meets on a Thursday) would be treated as a petition, with the Councillor presenting the petition, the petition spokesperson and the applicant (or their agent/ representative) being invited to attend and speak at the meeting; and that any "petition" received after this deadline be treated as a "late representation" and summarised by the City Planning Manager on the "late representations" report, which was tabled at the meeting. The Working Group had also requested that this be monitored and reviewed 12 months after it comes into operation.

The Working Group had also decided to recommend the resolution of the current anomaly whereby petition spokespersons may speak for up to three minutes (in line with the public speaking scheme), but an applicant (or nominee) may speak without limit of time in response to a petition spokesperson speech by amending the Constitution to give the Chair discretion to ensure that any right of reply was of a proportionate amount of time.

RECOMMENDED that the City Council amends Part 4.9 of the Constitution relating to petition procedural rules as follows:-

- (1) That in relation to the receipt of petitions to Planning Committee, only those petitions received by 9.00 a.m. on the day before the meeting be treated as a petition with the Councillor presenting the petition, the petition spokesperson and the applicant (or their agent/ representative) being invited to attend and speak at the meeting; and that any "petition" received after this deadline be treated as a "late representation" and summarised by the City Planning Manager on the "late representations" report, which is tabled at the meeting.**

- (2) That the Chair of Planning Committee have the discretion to ensure that any right of reply by an applicant (or nominee) in response to a petition spokesperson speech (which is limited to three minutes) is of a proportionate amount of time.**

Report to
Standards Committee
Council

19th March, 2008
15th May, 2008

Report of

Director of Customer and Workforce Services and Director of Finance and Legal Services

Title
Proposed Amendment to the Constitution – Planning Committee Issues

1. Purpose of the Report

- 1.1 This report outlines proposed changes to the Constitution in relation to the receipt of petitions for Planning Committee and the right of reply by an applicant (or nominee) at the Committee in response to a petition spokesperson's speech, following consideration of these matters by the Constitution Working Group.

2. Recommendation

- 2.1 Standards Committee is requested to recommend that the City Council amends Part 4.9 of the Constitution relating to Petition Procedure Rules as follows:-

i) That in relation to the receipt of petitions to Planning Committee, only those petitions received by 9.00 a.m. on the day before the meeting be treated as a petition, with the Councillor presenting the petition, the petition spokesperson and the applicant (or their agent/representatives) being invited to attend and speak at the meeting; and that any "petition" received after this deadline be treated as a "late representation", and summarised by the City Planning Manager on the "late representations" report, which is tabled at the meeting.

ii) That the Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or nominee) in response to a petition spokesperson's speech (which is limited to 3 minutes) will be of a proportionate amount of time.

3. Information/Background

- 3.1 The City Council's Constitution has been operating in its current form since May 2003, and the Standards Committee has approved various amendments during the course of the last four years.

- 3.2 The Monitoring Officer has also made some minor rewording/redrafting amendments in accordance with the authority delegated by the Standards Committee.
- 3.3 The Constitution Working Group, which has cross-party representation, meets during the Municipal Year to give consideration to any issues that arise in relation to the Constitution.

4. Proposal to be Considered – Planning Committee Issues

- 4.1 Under Part 4.9 of the Constitution, the Councillor presenting a petition, and the petition spokesperson, are entitled to attend meetings where the particular issue is being considered and speak upon the consideration of the petition.
- 4.2 Difficulties have been experienced at Planning Committee due to the receipt of "late" petitions, ie those received after the agenda has been despatched. Over recent months, there has been a number of occasions when petitions relating to planning applications have been submitted as late as on the day of Planning Committee itself. This has resulted in planning applications having to be deferred from the agenda as there has not been enough time to contact the petition spokesperson/applicant (or nominee)/objector etc to invite them to attend the meeting or to advise other interested parties on the receipt of the petition.
- 4.3 Not only has this been extremely inconvenient for members of the public (some of whom may have taken time off work) who attend Planning Committee expecting an application to be considered, only to be informed that the relevant application has been deferred, but there are also serious implications for the Council. The Government's Best Value targets include measures of the speed of determining applications and these are monitored and contribute to the Comprehensive Performance Assessment. Meeting the minimum targets for the speed and determination of applications (8 weeks for all but major applications) is also taken into account in the new Housing and Planning Delivery Grant and monies will be withheld if those targets are not met.
- 4.4 The Constitution Working Group has considered this issue in depth, and has investigated how other local authorities handle the receipt of "late" petitions. Whilst there are varied practices, the overall consensus is that late petitions are not an issue with those local authorities contacted, either because few petitions are received in relation to planning applications or, if they are received, it is rare for them to be received at the last minute. Some authorities do have deadlines for the receipt of petitions. Of those contacted, none has had to withdraw applications at the last minute due to the receipt of a "late" petition.
- 4.5 Recognising the difficulties outlined in paragraph 4.3 above, and balancing this against people's right to raise their concerns about a particular application, and Councillors' right to represent their constituents, the Working Group asked for a package of measures to be put forward that would make the introduction of a deadline for the receipt of petitions for Planning Committee acceptable. Any petitions received after the deadline would be treated as a "late representation" and summarised by the City Planning Manager on the "late representations" report, which is tabled at the meeting. The proposed package of measures consists of:-
 - i) More contact details for petition spokespersons to be required on the petition receipt form to enable Democratic Services staff to contact people at short notice (this has already been implemented)

ii) Councillors to be notified by e mail of all anticipated applications to be considered at each Planning Committee two weeks prior to the meeting (ie a week before the agenda is despatched)

iii) The standard letter sent out to members of the public regarding planning applications to be updated and it made clear that petitions can only be received up to the deadline.

4.6 In light of the above, the Constitution Working Group at its meeting on 4th March, 2008 decided to recommend to the Standards Committee that only those petitions received by 9.00 a.m. on the day before the Planning Committee meeting (ie on the Wednesday, where Planning Committee meets on a Thursday) be treated as a petition, with the Councillor presenting the petition, the petition spokesperson and the applicant (or their agent/representatives) being invited to attend and speak at the meeting; and that any "petition" received after this deadline be treated as a "late representation", and summarised by the City Planning Manager on the "late representations" report, which is tabled at the meeting. The Working Group also requested that this be monitored and reviewed 12 months after it comes into operation.

4.7 The Working Group also decided to recommend the resolution of the current anomaly whereby petition spokespersons may speak for up to 3 minutes (in line with the public speaking scheme), but an applicant (or nominee) may speak without limit of time in response to a petition spokesperson's speech by amending the Constitution to give the Chair discretion to ensure that any right of reply is of a proportionate amount of time.

5. Other specific implications

	Implications (See below)	No Implications
Best Value		✓
Children and Young People		✓
Climate Change and Sustainability		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	

	Implications (See below)	No Implications
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.2 Legal Implications

The City Council's Constitution is written in accordance with the provisions of the Local Government Act 2000. It is clearly in the Council's interest to ensure that the Constitution complies with the law and risks of judicial challenge are minimised. Changes to the Constitution should ensure that spokespersons for and against an issue have equal rights of speaking.

6. Monitoring

- 6.1 If approved, the introduction of the deadline for the receipt of petitions will be monitored and reviewed 12 months after it comes into operation.
- 6.2 The Constitution is continuously monitored through its regular use and through the Constitution Working Group.

7. Timescale and Expected Outcomes

- 7.1 If the Standards Committee approve the changes to the Constitution, it is proposed that they are submitted to the Annual General Meeting of the Council on 15th May, 2008, to come into operation from the start of the new Municipal Year. Councillors will be informed of the new arrangements and it is hoped that the advance notification of applications to be considered by the Planning Committee will result in petitions being received in good time for the meeting.

	Yes	No
Key Decision		✓
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		✓
Council Consideration (if yes, date of Council meeting)	✓ AGM 15th May, 2008	

List of background papers

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Papers open to Public Inspection

Description of paper

Location

City Council's Constitution

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