
Report to

Standards Committee

Council

Report of

Director of Finance and Legal Services and Development Manager

14 October 2010

19 October 2010

TitleAmendments to the Constitution - Procedures Rules on Public Speaking at Planning Committee

1 Purpose of the Report

Following consideration by the Constitution Working Group on 5 October 2010, the purpose of this report is to consider the proposals for changes to the Planning Committee Procedures Rules on Public Speaking in Sections 4.10.1.3 and 4.10.1.4 of the Constitution and replace them with the proposed Procedures Rules on Public Speaking

2 Recommendations

2.1 Standards Committee are asked to review the amended Planning Committee Procedures Rules on Public Speaking and recommend to Council that they be approved in place of the existing Rules as shown in tracked changes in the appendix

2.2 Council are asked to amend Part 4.10 of the Constitution

3 Information/Background

3.1 The relevant parts of the existing Constitution (4.10) are attached as an appendix. It is these that are proposed to be amended and replaced with the suggested changes to the Public Speaking procedures for Planning Committee. The changes are proposed to ensure the Planning Committee operates in a more timely and efficient manner which achieves best use of resources in terms of value for money, is legally compliant and is fair and transparent to all elected Members and the public.

3.2 Constitution Working Group met on 5 October 2010 and suggested changes to the proposals so that the right balance was struck between timeliness and efficiency whilst also allowing interested parties sufficient time to have their views heard by the Committee. These changes are summarised below.

4 Proposal and Other Option(s) to be Considered

4.1 To amend the Planning Committee Procedures Rules on Public Speaking in Sections 4.10.1.3 and 4 of the Constitution such that:

4.1.1 Members addressing Planning Committee in whatever capacity will be limited to a maximum of 5 minutes, with a further maximum of 2 minutes to summarise after all public speakers have spoken. All other speakers addressing the Committee (including petition

spokespersons, applicants or their nominee) will be limited to a maximum of 3 minutes and;

- 4.1.2 No more than one nominated speaker (apart from a Member) can speak either in support of or against an application and;
 - 4.1.3 Speakers can only speak in respect of comments that have already been submitted in writing in respect of the application and;
 - 4.1.4 A registered speaker wishing to have supporting information displayed to the Planning Committee during the meeting will be required to submit this to Officers 24 hours before the start of planning committee, and the content of the information to be displayed will be with the agreement of the Development Manager or nominee, and;
 - 4.1.5 Speakers will only be allowed one opportunity to address the Committee, irrespective of whether the application is deferred to a later Planning Committee. However, if material changes arise following the deferment, or there are exceptional reasons submitted by the speakers to address the Committee again, the Chair of Planning Committee has discretionary power to allow registered speakers an opportunity to address the committee on the new issues and;
 - 4.1.6 No written or additional information shall be circulated to Members of the Planning Committee on the day of committee..
- 4.2 In the event of elected Members requesting that an application be reported to Planning Committee, that they give material planning reasons for this in writing.
- 4.3 It is anticipated that will allow Planning Committee to operate in a more efficient manner whilst both Members and public representations can still be fully covered in a succinct and timely manner that avoids unnecessary duplication or repetition of comments.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value		√
Children and Young People		√
Climate Change & Sustainable Development		√
Comparable Benchmark Data		√
Corporate Parenting		√
Coventry Sustainable Community Strategy		√
Crime and Disorder		√
Equal Opportunities	√	
Finance		√
Health and Safety		√
Human Resources		√
Human Rights Act		√
Impact on Partner Organisations		√

	Implications (See below)	No Implications
Information and Communications Technology		√
Legal Implications	√	
Neighbourhood Management		√
Property Implications		√
Race Equality Scheme		√
Risk Management	√	
Trade Union Consultation		√
Voluntary Sector – The Coventry Compact		√

5.2 Equal Opportunities

The proposed changes will affect people's opportunities for making representations on planning applications, but it is considered that the changes will be fair and transparent.

5.3 Legal

It is vital that the procedures are clear and that the Council adheres to regulations and procedures so that it would not give rise to legal challenges and complaints.

5.4 Risk Management

Appropriate measures are incorporated into the scheme of delegation to ensure that where a reasoned justification is given, Members may call matters to Committee which would otherwise be delegated to officers.

6 Timescale and expected outcomes

6.1 Once approved by Council, the amended Procedures can be implemented immediately

	Yes	No
Key Decision	√	
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		√
Council Consideration (if yes, date of Council meeting)	√	

List of background papers

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Part 4.10 – Planning Committee Procedure Rules

Committee's Agenda. These declarations will be made at the outset of the meeting under the item listed as 'declarations' on that Committee's Agenda or when that item is reached on the Agenda.

A Member of the Planning Committee who has asked that a particular application should be placed upon the agenda, rather than dealt with under delegated powers, will automatically be regarded as having a prejudicial interest in the application and must not take part in the deliberations on it.

4.10.1.2.2 Declarations of 'Contacts'

Councillors and certain Planning Employees (being the Committee Planning Officer who presents the report and the Planning Case Officer) will declare all 'contacts' they have received in respect of planning applications appearing on that Committee's Agenda.

Councillors' declarations of 'contacts' will be made at the outset of the meeting under the item listed as 'contacts' on that Committee's Agenda or when the application is reached on the Agenda.

Planning Employees' declarations will be made in the written report in respect of that application or verbally if received after publication of that report.

Councillors and Planning Employees will declare as 'contacts' those matters as they are defined in the 'Code of Good Planning Practice' as it appears elsewhere in this Constitution.

4.10.1.3 Petitions

The Procedure in relation to petitions to Planning Committee are set out in paragraph 4.9.4.

At Planning Committee the length of petition spokesperson's speeches will be limited to 5 minutes for Members and 3 minutes for all other speakers (including petition spokespersons, applicants or their nominee,

4.10.1.4 Consideration of Business on the Public Agenda and Public Speaking Scheme

The Committee will determine all applications for permissions, approvals and consents made to and consultations with the Council under the terms of reference of the Committee (all of which matters are referred to in these rules as 'applications'). All applications to be decided by the Committee will be dealt with as follows:

The Planning Officer will present the written report on the Agenda in respect of each item as called by the Chair. The Planning Officer may refer to photographs, plans, diagrams and such other aids as are necessary whilst presenting the written report. All these aids will be displayed at the meeting. The Planning Officer will update the written report verbally in respect of matters occurring after publication of the Agenda and which have subsequently been communicated to the Planning Officer.

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Part 4.10 – Planning Committee Procedure Rules

Where the matter is one to which the Council's Scheme of Public speaking at the Planning Committee applies, the Chair will then call speakers who have been registered to speak on that application.

- (i) A 'registered speaker' will be a person (other than the applicant or their representative) who has made written representations on the application to planning employees and have registered to speak with the Customer and Workforce Services Directorate.
- (ii) Any registered speaker may request a ward Councillor for the ward containing the application site to speak on their behalf. No member of the Committee may speak under the Public Speaking Scheme and participate in consideration of that application as a Committee member.

~~(iii) Members addressing Planning Committee in whatever capacity will be limited to 5 minutes, with a further maximum of 2 minutes to summarise after all speakers have spoken. All other speakers, addressing Planning Committee, under the Public Speaking Scheme will be allowed up to 3 minutes to address the Committee.~~

~~(iv) Speakers will only be allowed one opportunity to address the Committee, irrespective of whether the application is deferred to a later planning committee. However, if material changes arise following the deferment, or there are exceptional reasons submitted by the speakers to address the Committee again, the Chair of Planning Committee has discretionary power to allow registered speakers an opportunity to address the committee on the new issues.~~

~~(v) There shall only be one public speaker for and one against on each application.~~

~~(vi) No written additional information shall be circulated to Members of the Planning committee on the day of committee.~~

~~(vii) A registered speaker wishing to have supporting information displayed to the Planning Committee during the meeting will be required to submit this to officers 24 hours before the start of Planning Committee, and the content of the information to be displayed will be with the agreement of the Development Manager or nominee.~~

~~(ix) For the purposes of good order in the meeting and to avoid repetition, the Chair will be entitled to curtail public speaking where he or she deems this necessary.~~

Following any speakers under the Public Speaking Scheme, Committee members (including the Chair) may speak on the application as called by the Chair and, where needs be, may question Employees on matters arising out of the application.

Employees may be required at any time after public speakers have been heard to address the Committee to answer questions asked or to comment or clarify any points that have been raised during consideration of the application or to advise the Committee.

Following consideration of the application the Chair will request the Committee to decide upon the application. Where the Committee are unanimous as to its decision on

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 the applicant (or their representative).

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Part 4.10 – Planning Committee Procedure Rules

the application a vote will not be required. Where there is a difference of opinion as to its decision amongst Committee members, the Committee will move to a vote on the application.

Any dispute or question as to procedure at the Committee, including the operation of the Public Speaking Scheme, will be determined by the Chair, whose decision on all matters will be final.

4.10.1.5 Voting

In order to vote on an application, a member of the Committee must be present throughout the entire debate on an individual application.

All members of the Committee will have one vote. The Chair will have an extra casting vote in the event of the votes cast being tied. Matters subject to a vote will be decided by a simple majority of the votes cast.

The Chair will call for a vote where the Committee are not unanimous as to its decision on an application, unless no amendment to the recommendation is proposed or such amendment is withdrawn.

Voting will be either for the recommendation as it appears in the written report (or as amended by the Planning Officer verbally at the meeting) or for the amendment to the recommendation (as proposed by a member of the Committee). Where there is more than one amendment proposed, they will be voted on in the order in which they are proposed.

Any Councillor of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.

Where there is ambiguity in the way votes are cast, the Chair may request Committee members to confirm their votes before the Committee's decision is recorded.

4.10.1.6 Private Items

In accordance with section 100 and Schedule 12A to the Local Government Act 1972 certain reports to the Committee, most notably those on planning enforcement, will be exempt from publication and heard and determined by the Committee in private session. A resolution to enter into private session will be agreed in public by the Committee.

In relation to such 'private' items the procedure to be followed by the Committee will be as for public items as described above, except that there will be no provision for public speaking before the Committee as there will be no application for the Committee to determine.

For private items the Agenda will indicate the nature of the report and the Minutes of the meeting will: