



Report to: Full Council Meeting - 13 February 2024

Committee Chairman: Councillor Peter Harris, Audit & Governance Committee

Director Lead: Sue Bearman - Assistant Director Legal & Democratic Services and Monitoring Officer

Lead Officer: Nigel Hill - Business Manager - Elections & Democratic Services, Ext. 5243

Report Summary	
Report Title	Constitution Update – Public Speaking at Planning Committee
Purpose of Report	To seek Full Council’s approval of updates to the Council’s Constitution to enable Planning Committee to revise the Council’s Protocol for Dealing with Planning Matters to allow for public speaking at Planning Committee.
Recommendations	That the Council’s Constitution is amended as set out in paragraphs 2.2 to 2.4 below (and as set out in the appendix to the report) to enable Planning Committee to make provision for public speaking if it resolves to do so.
Reason for Recommendation	Allowing members of the public to comment directly on planning applications to the Councillors who make the decisions will enhance the public participation provisions in the Council’s Constitution. Delegating authority to Planning Committee to make specific arrangements will give the Committee flexibility to test and amend as necessary to ensure the correct balance between public participation and efficient dispatch of Planning Committee business.

1.0 Background

- 1.1 The Planning Development Business Unit has been tasked with investigating allowing public speaking at the Planning Committee. Initial investigations established that the Council is one of the few in England and Wales who do not permit public speaking.
- 1.2 The Full Council has delegated authority to the Planning Committee to adopt a Protocol for the Committee. This Protocol sets out the current arrangements for speaking at Committee, which includes provision for parish councillors and Ward (including neighbouring ward) Members. It currently states that members of the public, including any applicant or objector, are not entitled to speak.

- 1.3 The Council's Constitution includes provision for public speaking at Full Council but is silent on whether any committees can make arrangements for public speaking. The Committee Procedure rules do not include provision for public speaking.

2.0 Proposal/Options Considered

- 2.1 Audit & Governance Committee considered the potential introduction of public speaking at the Planning Committee at their meeting held on 22 November 2023 and resolved to recommend that Full Council approve some minor amendments to the Council's Constitution to approve the principle of public speaking. If approved it will be for the Planning Committee to finalise arrangements and, if adopted, to keep them under review.
- 2.2 Part B of the Council's Constitution sets out the Council's arrangements for public participation. It is proposed to add a new Section 4 entitled 'Planning Committee', stating 'The Planning Committee's Protocol for Dealing with Planning Matters sets out who is entitled to speak at meetings of the Committee.'
- 2.3 Part C of the Council's Constitution sets out the terms of reference for Committees. Under the terms of reference for Planning Committee it is proposed to add at paragraph 14, which requires the Committee to adopt a Protocol for Planning Committee, 'and may include provision for public speaking'.
- 2.4 Part D of the Council's Constitution includes the Committee Procedure Rules. It is proposed to add a new Section 6.8 entitled 'Public Speaking', stating 'Planning Committee may make arrangements for public speaking in its Protocol for Dealing with Planning Matters'.
- 2.5 The intention of these minor amendments is for the Constitution to be permissive rather than prescriptive on public speaking; to delegate Planning Committee autonomy to make appropriate arrangements.
- 2.6 The Appendix to this report shows the proposed amendments as tracked changes.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Report to Audit & Governance Committee 22 November 2023 <https://democracy.newark-sherwooddc.gov.uk/documents/s18187/Item%2010%20Constitution%20Update%20-%20Public%20Speaking%20at%20Planning%20Committee.pdf>

Report to Planning Committee 9 November 2023 - <https://democracy.newark-sherwooddc.gov.uk/documents/s18065/FINAL%20Public%20Speaking%20Planning%20Constitution%20Update.pdf>

The Council's Constitution is published - <https://www.newark-sherwooddc.gov.uk/constitution/>