



Report to Planning Committee 5 December 2024

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<b>Report Summary</b>	
<b>Report Title</b>	Review and update of the Planning Committee Protocol and Scheme of Delegation
<b>Purpose of Report</b>	The report provides:  (a) a review of public speaking for Planning Committee; and (b) Suggested amendments to the Planning Committee Protocol and Scheme of Delegation.
<b>Recommendations</b>	It is recommended that:  1) Committee approves the amendments to the Planning Committee Protocol and Scheme of Delegation; and 2) Confers delegated authority to officers to format, update and publish the amended Planning Committee Protocol and Scheme of Delegation.

### **Background**

- 1.1 Public speaking was introduced to Planning Committee earlier this year. A report was first presented to Full Council on 13 February 2024 to allow changes to the Constitution to facilitate wider public participation, followed by a resolution at Planning Committee on 14 March. It was agreed that public speaking would commence from 8 April, and that a review would be undertaken within 6 months.
- 1.2 A Planning Committee Member workshop was held on the 9<sup>th</sup> October to review and discuss public speaking. It was broadly agreed that the arrangements were working well, and that public speaking had added a positive dynamic to the decision-making process. Key observations included:
  - Beneficial to hear directly from people impacted by development, including parish councils.
  - That the current 3-minute limit is about right and avoids grandstanding.
  - Recognition that some people are more confident than others when undertaking public speaking.

- That allowing the applicant to speak is appropriate and provides balance.
- Concerns that items lower down the agenda can be unfairly impacted by too much public speaking.
- Several Members had indicated initial scepticism of the benefit of public speaking but now saw the virtue of it.
- Concern about the number of Members allowed to speak and the perception of balance. A key issue identified was the arrangements for determining which Member could speak when several were eligible to register but only one allowed to speak. Members felt that relying on speed of registration or proximity to the proposal were not necessarily fair, particularly in wards represented by different political representatives. A solution proposed at the workshop for multiple Members with the same view wishing to speak was to allow lots to be drawn.
- The Council's Legal Officer raised several issues with the wording of the Protocol, including use of headings, inconsistency in wording (particularly with regard to substitute speakers and parish councils) and potentially unclear meanings. An omission in reference to dealing with planning appeals was also identified in the scheme of delegation, as well as cross-referencing inconsistencies between the two documents.

1.3 As a result of the workshop, officers have suggested potential amendments to the Protocol and Scheme of Delegation to ensure clarity and fairness.

1.4 Overall, the suggested amendments respond to the outcomes of the workshop and provide clarifications on the Planning Committee public speaking arrangements. The use of drawing lots provides an element of fairness when considering which Member might speak when several have the same view and might otherwise be eligible to register.

1.5 The suggested amended Scheme of Delegation and Planning Protocol are attached as Appendices to this report.

## **2.0 Implications**

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

### Legal

2.2 Legal Services have worked with Planning Development in relation to the review of the Scheme of Delegation, Planning Protocol and this report and are happy with the contents and will be available for any queries or questions at Planning Committee.

### Human Rights

2.3 Articles 6 'Right to a fair trial' and Article 10 'Freedom of expression' of the Human Rights Act 1998 both apply in respect to this report. Those wanting to be involved in the planning process should be given a fair opportunity to take part alongside anyone

else. The suggested amendments within this report and as set out within the appendices would comply with these requirements.

### **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. Any documents that contain confidential information or personal information about individuals should not be included in this list.

### Appendices

Draft amended Scheme of Delegation – Appendix 1

Draft amended Protocol for Planning Committee – Appendix 2

- The Local Government Association ‘Probity in planning: Advice for councillors and officers making planning decisions’
- Adopted Planning Committee Scheme of Delegation to Officers
- Adopted Statement of Community Involvement
- Adopted Protocol for Members in Dealing with Planning Matters – Updated April 2024