

REDDITCH BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

SUBJECT: Public Participation at Virtual Planning Committee meetings

BRIEF STATEMENT OF SUBJECT MATTER:

The following urgent decision is required to facilitate the continued functioning of Council business during the Covid-19 outbreak.

Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 (the Regs) local authority Committee meetings, including Planning Committee meetings, can now take place virtually. Public interest in the work of the Planning Committees remains. However, there is a risk that if the public are only permitted to speak verbally during the meeting, as currently stipulated in Committee Procedure Rules, this could prevent participation by members of the public who do not have internet access or have a poor broadband connection.

Therefore, the attached amended Planning Committee Procedure Rules propose that members of the public should be able to participate in virtual Planning Committee meetings either by speaking at the Committee meeting or by submitting a written statement in advance for the consideration of the Committee. To ensure that both verbal and written submissions from the public are treated equally, it is suggested in the attached amended procedure rules that there should be no questioning by Members of public speakers at the meeting.

The decision invites Members to approve the attached document.

DECISION:

To RESOLVE that

For virtual Planning Committee meetings, the attached Planning Committee Procedure Rules in respect of public speaking should apply.

(The amended Planning Committee Procedure Rules will only apply to Virtual Committee meetings).

(Council)

FOUNDATIONS FOR URGENCY:

This decision is required urgently due to the forthcoming meeting of the Planning Committee, due to take place on 27th May 2020 and in the context of the Covid-19 outbreak

DECISION APPROVED BY:

(Deputy) **CHIEF EXECUTIVE
RESOURCES**

EXECUTIVE DIRECTOR FINANCE &

(if financial implications)

.....
(Signature) (Sue Hanley / Kevin Dicks - (D)CX) (Signature) (Jayne Pickering)

Date: May 2020

PROPOSED ACTION SUPPORTED <i>(amend as appropriate)</i>				
..... (Signature) (Signature) (Signature) (Signature) (Signature)
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
MAYOR *	PF HOLDER**	LEADER of the LABOUR Group	LEADER / LDR CONSERVATIVE** Group	CHAIR O&S Committee
Date:	Date:	Date:	Date:	Date:

Notes:

* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

**The Leader is also the relevant Portfolio Holder for Planning.

PLANNING COMMITTEE PROCEDURE RULES

1. Terms of Reference of Planning Committee

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are as set out in Part 4 of the Constitution.

2. Time and Place of Meetings

- 1.1 The Planning Committee shall normally meet on a monthly cycle on dates to be set by the Chief Executive, in consultation with the Committee Chair.
- 1.2 Meetings will normally commence at 7.00 pm at the Town Hall, Redditch.
- 1.3 The time and place of Planning Committee meetings may be varied by the Chief Executive, in consultation with the Committee Chair, and any such change will be notified in the agenda.

3. Composition of the Planning Committee

- 3.1 The Planning Committee will comprise such number of Councillors as may be determined annually at the Council's Annual Meeting.

Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.

- 3.2 Members of the Planning Committee who cannot attend a particular meeting may arrange for an appropriately trained substitute to attend in his or her place in accordance with Article 8.4 of the Articles at Part 2 of this Constitution.

4. Chair

- 4.1 The Planning Committee Chair and Vice-Chair will conventionally be appointed at the Council's Annual Meeting. Failing this, the Committee will appoint one of its members as Chair at its first meeting following the Annual Council Meeting.
- 4.2 Neither the Chair nor the Vice-Chair, if a member of the Controlling Party Group, will be a member of the Executive Committee.

5. Quorum

The quorum for a meeting of the Planning Committee is 3 Members.

6. Application of Council Procedure Rules

The Council Procedure Rules (as specified in Council Procedure Rule 24) will apply to all meetings of the Planning Committee, except as modified by these Rules.

7. Procedure for Determining Applications for Planning Permission

- 7.1 A Planning Officer will present the Officers' report.

- 7.2 Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking.
- 7.3 Ward Members who have registered to speak may address the meeting in accordance with the agreed procedure for public speaking.
- 7.4 The Applicant's / Supporters' side shall always speak last.
- 7.5 Officers shall respond to the representations, advising the Committee on their material relevance, or otherwise.
- 7.6 Committee Members will then be invited to ask Planning Officers questions of clarification.
- 7.7 The Chair will then open the debate. With the consent of the Chair, members of the Committee will be entitled to address the meeting more than once.
- 7.8 Before taking the vote the Chair will ascertain whether the motion before the Committee is clearly understood.
- 7.9 If no alternative recommendation is put forward the Chair will proceed to the vote.
- 7.10 If one or more alternative recommendations are put forward the Chair will deal with these one by one in accordance with the approved constitutional rules of debate (Council Procedural Rule 13);
- 7.11 At each stage, the Chair shall :
 - a) invite Planning Officers to advise the Committee on the extent to which the alternative recommendation and the reasons given for it fall within or outside planning policy; and/or
 - b) consider whether an adjournment is required to enable the Member proposing the alternative recommendation to take advice from Officers;and only then proceed to the vote.

8. Public Speaking

- 8.1 Members of the public, and other interested parties, shall be entitled to participate in Planning Committee meetings and may address the Planning Committee in support of or against any application for planning permission
- 8.2 Public Speaking / participation shall be permitted in accordance with the approved Procedure (the current version is attached at Appendix 1 to these Procedure Rules).

9. Members of the Planning Committee with Dislosable Pecuniary Interests (DPI) or Other Disclosable Interests and Public Speaking

Any Member who considers that they have a DPI or Other Disclosable Interest in any planning matter, whether or not as a Planning Committee Member, should seek advice from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team at an early stage.

10. Ward Members

- 10.1 Ward Members shall be entitled to participate in Planning Committee meetings to the extent set out under paragraph 8 of these Procedure Rules (Public Speaking) and may address the Planning Committee in support of or against any application.
- 10.2 A Ward Member wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by the same deadline set for Public Speakers, as detailed in the attached Procedure.
- 10.3 Time limits shall be the same for (Ward) Members who wish to speak in relation to a planning application as for any other Public Speaker.

11. Site Visits

During the pandemic, formal site visits will not be possible. Officers will endeavour to provide as much information as necessary, to assist Members in their understanding of the site. Should any member of the Committee decide to go on a personal visit to see a site, then they must observe the following:

- Only view the site from the public highway (Members do not have the authority to enter a site);
- Do not engage in any conversation with any person you may see at the site, nor disclose the purpose of your visit. If you are approached, explain that the purpose of the visit is to view the site and its surroundings and that you cannot enter into any discussion about the merits of the application.
- Do not take photographs or make recordings with your phone.
- View alone - no third parties may accompany you. Someone can travel with you in your car, but must not be with you when viewing the site.

12. Limit to length of Meetings

Meetings shall not proceed beyond 10.00 pm, without the consent of the Committee by majority vote.

Any business remaining shall be deferred to the next available meeting of the Committee, or to an earlier additional meeting, as considered most appropriate by the Committee, further to Officer advice.

13. Appendices

Appendix 1. Procedure for Public Speaking.

PLANNING COMMITTEE - PROCEDURE FOR PUBLIC SPEAKING

1. A person wishing to address either in person or in writing the Planning Committee must give notice to the Democratic Services Team of his or her intention to do so by 12.00 noon two working days prior to the Planning Committee meeting in question. Members of the public registering to submit comments in writing must submit the written statement by the same deadline.
2. Members of the public who register to address a meeting of the Planning Committee EITHER can do so verbally at the meeting OR by providing a written statement in advance of the meeting.
3. Agenda running orders will be reviewed by the Chair before the start of the meeting to enable the Committee to consider the most controversial items first. This will normally take into account the number of Public Speakers and written statements registered per item and/or the size of the public attendance in respect of any given application.
4. The order of speakers will follow the principles of natural justice to enable the applicant a fair right of reply to those opposing a development.

The order of speaking will therefore be:

- a) **Objectors**
 - b) Ward Member(s) objecting to the application
(Officer comments as appropriate.)
 - c) **Supporters**
 - d) Ward Member(s) supporting application
(Officer comment as appropriate.)
 - e) Applicant(s)/ agent
(Officer comment as appropriate.)
5. Subject as mentioned at paragraphs 7 and / or 8 below, an applicant (or agent) and/or an individual objector or supporter will each be allowed to speak for no more than 3 minutes.
 6. Subject to paragraphs 8 and 9 below, written statements submitted by Members of the public for consideration in relation to a particular application will be read out at the meeting by the Democratic Services Officer. Each written statement should be a length that would take no longer than 3 minutes to read. The Democratic Services Officer when reading the written statement will not speak for more than 3 minutes when doing so.
 7. Subject as mentioned at paragraphs 8 and 9 below, where there is a group of supporters or objectors with a common interest, the group will be allowed no more than 10 minutes within which to address the Committee. If a group has chosen to submit a written statement this again should be of a length that would take no more than 10 minutes to read at the Planning Committee meeting. The Democratic Services Officer will read out the written statement and will not speak for more than 10 minutes when doing so.

8. The Committee Chair shall have the discretion:
 - (i) in exceptional circumstances, to allow late additions to the list of public Speakers;
 - (ii) to decide not to allow speeches, which merely repeat representations made in earlier speeches, which are inaccurate, or which are irrelevant to material Planning considerations; and
 - (iii) depending upon circumstances, to vary the periods of time referred to in paragraphs 4 and/or 5 above where s/he deems it appropriate.
9. The Chief Executive may reject a written statement if it is defamatory; frivolous or offensive.
10. For the purpose of ensuring a fair hearing, the Chair will offer the Supporters'/ Applicant's side an equivalent time to Objectors, or vice versa, where there is an imbalance between the two.
11. If several individual speakers register, it may be necessary, for the efficient conduct of the meeting, for the Chair to encourage a spokesperson to be identified. Where this is not possible, each speaker will be allowed, at the Chair's discretion, to speak separately and with suitable prompting where issues are being repeated that have been raised by a previous speaker.
12. Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.
11. After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

END.