

TO: PLANNING & REGULATORY COMMITTEE

DATE: 26 JUNE 2024

BY:

PLANNING GROUP MANAGER

DISTRICT(S): ALL

ELECTORAL DIVISION(S): ALL

PURPOSE: FOR DECISION

GRID REF: N/A

TITLE: *REVIEW OF THE CHANGES TO THE CODE OF BEST PRACTICE PLANNING AND STANDING ORDERS*

Purpose of the Report:

The Planning Advisory Service undertook a review of the Planning and Regulatory Committee (P&R) in 2023. The recommendations of the review were reported to the July meeting, with the recommended changes to the Code of Best Practice Planning and Part 4 of the Standing Orders considered by this committee on 27 September 2023. These were then approved by the Council on 10 October 2023 and have been implemented for subsequent P&R meetings. It was agreed that the P&R committee would review the operation of the changes after six months to see how they worked.

Recommendation:

1. The Committee is asked to agree the retention of the changes to the Code of Best Practice and the Standing Orders, with the proposed amendments.

Introduction:

2. The Planning Advisory Service was asked to review the operation and effectiveness of the Planning and Regulatory Committee, to compare it against national best practice and to identify possible improvements. These changes were proposed to improve the running and decision-making of the committee.

3. The recommendations of the review were endorsed by this committee in September 2023 and approved by Council in October 2023. They have been in operation since the October 2023 P&R committee and there have now been six committees since the change. As agreed, a review of the operation of the committee has been undertaken.

Review:

4. The review consisted of observations at committee and requests for comments from members, officers and applicants. Anonymous comments are included in Annex 1. The responses from all parties have been overwhelmingly positive and there is broad support for the revised running order of the committee, offering members the opportunity to ask planning-related questions and to seek clarification from all public speakers. Officers are supportive of the new running order whereby they introduce the item before the committee hear from the public speakers as that provides the planning context at the outset. It also enables questions to be directed at the appropriate parties, rather than solely at officers as previously.
5. Initially, some members were unclear when the questioning of speakers moved into debate but as the new running order has bedded in, this has become less of an issue. There have however been some concerns expressed in respect of the reduction in the number of public speakers. This has not been an issue as regards the items that have been determined by the committee during the six-month review period, although it is accepted that it could be problematic when a particularly controversial matter is considered.
6. **Speaking at Committee Process.** The PAS review recommended that the applicant to be allowed to speak regardless of whether there are objectors/supporters and to consider whether 10 speakers for 30 minutes as a maximum is the appropriate number. The consensus at the July P&R meeting was that 6 speakers (3 for and 3 against) would be appropriate given the proposed changes to the committee running order. These changes were given effect by the changes to the Standing Orders Part 4 paras 86.1 to 86.11 'Public speaking at meetings of the Planning and Regulatory Committee' at the Council meeting in October.
7. The feedback from those representing the applicant is that they welcome the opportunity to speak regardless of whether there are any public speakers. It enables them to present their proposal and also to clarify any matters for members. **It is proposed that this element is retained without amendment.**

8. The Chairman has mooted that the number of public speakers should be increased from 3 to 4 (for and against) and that the local member should be afforded longer given their representative status – increased from 3 minutes to 5 minutes.
9. The increased number of speakers needs to be weighed against the additional time that it will take to determine an item, however that is of itself not a reason to dismiss the proposal. In reality, this will only be an issue when proposals are particularly controversial and is only likely to occur rarely. It is in the event rare to get supporters speaking in favour of an application.
10. There is some merit in increasing the local member's allotted time given that they do represent the local community. Observations of recent committees where the local member has spoken have not indicated that the time allowed is insufficient. It would however give a bit of extra leeway.
11. The change to the number of public speakers will require further amendments to the Standing Orders so **it is proposed that the committee accepts these changes and asks Council to formally amend the Standing Orders to reflect them.**

12. Paragraph 86.5 will therefore read:

*Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first **four** supporters and objectors (a maximum of **eight** in total) registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.*

13. Paragraph 86.6 will be amended to:

*The time allowed for public speaking will be limited to **12** minutes for objectors and **12** minutes for supporters per item, and to 3 minutes per speaker.*

14. **Running Order at Planning Committee.** The running order of the committee was changed to the following:

- 7.1. Chairman introduces the item
- 7.2. Introduction of item by officer(s)
- 7.3. Representations by objector(s)
- 7.4. Points of clarification from Members
- 7.5. Representations from supporter(s)
- 7.6. Points of clarification from Members
- 7.7. Representations by applicant or agent
- 7.8. Points of clarification from Members
- 7.9. Representation by local Member(s)
- 7.10. Points of clarification from Members
- 7.11. Consideration of application by committee

The Code of Best Practice has been amended to reflect this new running order and **it is recommended that this is retained without amendment.**

15. There were several amendments made to the County Council's Code of Best Practice Planning in October 2023. Some of these arose from the PAS review and others were proposed previously by officers in order to bring the Code up to date in terms of job titles etc. There have been no issues arising as a result of these amendments to the Code of Best Practice and therefore it is considered that no further amendments are required.
16. Officers will continue to work in conjunction with the Committee Chairman, Planning and Committee Services officers to keep the operation and running order of the committee under review.

Recommendation:

17. The Committee is recommended to retain the changes to the Code of Best Practice Planning and the Standing Orders as adopted by Council on 10 October 2023 but with amendments to the number of public speakers and the time allotted for the local member, and to ask Council to formerly amend these elements at the meeting on 9 July 2024.

CONTACT: Caroline Smith, Planning Group Manager

TEL NO. 07968 832700

Annex 1: Comments on the Changes

Members

'I am quite happy with this new order.'

'I welcome the officer introduction.

The ability to question the speaker is valuable.

I find the process more robust (less rabbit holes to go down).

The new running order seems to work well.

No other comments.'

'We rarely, if ever, get speakers 'For', so in reality, representation from the public, has been reduced from 5 to 3. 3 is much better than the way Boroughs handle this, I personally liked the more generous situation of 5 although I could agree that this was sometimes repetitive/tedious. On balance, I can settle for 3 although if something is controversial, 4 might be a good compromise..

The real problem, although it has got better, is that there needs to be clarity when the period for questions has ended and the application can be discussed. The Chairman has largely sorted this but I find it is sometimes difficult to discern,'

'Having the Officers introduction first and then having the opportunity to ask questions of the speakers is very valuable and creates a more robust process. I would support maintaining this running order.'

'The system really works and I feel flows well.

The public speakers have all been complementary about the system although a couple were nervous about being questioned. The committee has risen the challenge and the questions have mostly been answered well.

As mentioned, I think Members should be given a bit longer - if needed'

Officers

'The changes do represent an improvement and make the process more robust;

Not sure if bringing the Officer intro forward helps to better focus the committee on the planning issues. It could be argued that the later the Officer introduces the item, then the fresher the planning issues are in the committee's minds when they debate the issues. However, it seems much more logical to begin with the Officer Intro in my view. So I support the revised running order.

The ability of the Committee to ask the applicant questions is a significant improvement I believe and helps to improve the quality of decision making. Not sure that the ability of the committee to ask the local Member questions adds anything to the process and in relation to questioning public speakers, I would need convincing so remain on the fence.'

'I consider that the changed running order has made a huge improvement to the operation of the Committee. The main benefit being that Officers have a chance to introduce the item first and provide the facts of the case, as opposed to speakers who can misinterpret the proposal, cause confusion to Members and set a negative tone.

The Officer introduction first in my opinion is important, it sets the tone, the facts of the case and the material considerations and how these have been considered to reach the recommended conclusion. This will inevitably help Member when they are then listening to the speakers and objections to the proposal.

I do appreciate that the introduction of questions to speakers adds a further time delay to the committee meeting, however I do consider this to be a useful step in the process. Whilst the questions at the last Committee were not completely relevant, allowing members the opportunity to clarify comments or statements that Officers wouldn't been able to respond on is important. It may be that further training is required to focus Members at this point to just questions of clarification.

I consider that the process allows for a greater level of Member engagement with the proposal, by asking questions of the speakers, applicant and Officer and this in turn will allow them to come to a more informed decision.'

Applicants

'Do you think the changes have improved the operation of the committee? Yes, absolutely.

Do you think that the officer introduction at the beginning of the item has better focussed the committee on the planning issues rather than the objections? Yes, the officer introduction effectively sets the scene, leading to better, more informed debate from the committee members.

Do you feel that the ability to question the local member, yourselves as applicant and public speakers has enabled members to better understand applications? Yes, in the role of applicant, being present for questions from the members, able to provide clarification, has definitely been beneficial.

Do you feel that the decision-making process is more robust as a result of the changes? Yes; it appears that fewer applications are being deferred.

Would you like the changed running order to remain? Yes, definitely.

Any other comments?

Further clarification is still needed on who can speak at committee, in what capacity'