

Title of Report:	Amendment to the Constitution - Part 7 Speaking Rights at Planning Meetings
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2641

Purpose of Report: To propose an amendment to speaking rights for adjoining Parish Councils at Planning Committee meetings.

Recommended Action: To amend the Regulatory and Other Committees Rules of Procedure (Paragraphs 7.13.3 and 7.13.4) which deal with the procedure for dealing with and the time allowed in respect of speaking rights at Planning Committee meetings.

Reason for decision to be taken: The request was raised at the Planning Policy Task Group meeting on 25 January 2013.

Other options considered: Not to amend the speaking rights

Key background documentation: None

The proposals will help achieve the following Council Strategy principles:	
<input checked="" type="checkbox"/>	CSP7 - Empowering people and communities
<input checked="" type="checkbox"/>	CSP9 - Doing what's important well
The proposals contained in this report will help to achieve the above Council Strategy principles by: ensuring that the constitution is up to date and accords with the relevant legislation	

Portfolio Member Details	
Name & Telephone No.:	Councillor Gordon Lundie - Tel (01488) 73350
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Date Portfolio Member agreed report:	01 April 2013

Contact Officer Details	
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Implications

- Policy:** Will require Part 7 of the Constitution to be amended
- Financial:** None – will be undertaken within existing resources
- Personnel:** None
- Legal/Procurement:** Will require changes to the Constitution in accordance with relevant Local Government Acts
- Property:** None
- Risk Management:** Limited risk of challenge in cases where two or more parishes support/oppose application and Applicant considers imbalance in representation
- Equalities Impact Assessment:** EIA attached at Appendix 1.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 At the Planning Policy Task Group meeting which took place on 25th January 2013, Members requested that consideration be given to amending Part 7 of the Constitution, Regulatory and Other Committees Rules of Procedure (Paragraphs 7.13.3 and 7.13.4) that deal with the procedure for dealing with and the time allowed in respect of speaking rights at Planning Committee meetings.
- 1.2 In particular they noted that a few instances had arisen recently where planning decisions would have a significant impact on adjoining parishes. Although the Constitution currently permitted the adjoining Parish Council to make representations, this was at the discretion of the Committee. This provision was also subject to both Parish Councils sharing the maximum time permitted under the rules of five minutes.
- 1.3 The Task Group noted that there were occasions where the Parish and other neighbouring Parish Councils had a different view and sharing five minutes speaking time had proved problematic.

2. Proposals

- 2.1 It is suggested that the Paragraph 7.13.3 be amended by the insertion of the text as set out in italics below and the deletion of the Parish Council element of Note 2:

The following procedure shall apply in respect of each item where any of the aforementioned persons are present:

- Introduction of item by Officers;
- Representations by Parish/Town Council representative (s);
- Members' questions to Parish/Town Council representative (s);
- *Representations by Adjoining Parish/Town Council representative(s) (when formally consulted or as agreed by the Chairman and Development Control Manager (or his representative) in advance of the meeting);*
- *Members' questions to Adjoining Parish/Town Council representative(s)*
- Representations by objector(s);
- Members' questions to objector(s);
- Representations by supporter(s);
- Members' questions to supporter(s);
- Representations by applicant or agent.
- Members' questions to applicant or agent;
- Representation by Ward Member(s)
- Members' questions to Ward Member(s)
- Members' questions to Officers
- Consideration of application by Members.

[Note 1: Questions raised as part of the above process may only be asked to clarify a statement made and not to introduce new business.]

[Note 2: For the avoidance of doubt and in accordance with the Council's custom and practice, should the Committee consider an application affecting more than one Parish and/or Ward, the Chairman, with the agreement of the Committee, may allow additional speakers/representatives from the relevant Ward and/or Parish.]

2.2 It will also be necessary to amend Paragraph 7.13.4 by the insertion of the text in italics below:

The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such longer period as the Chairman may allow with the consent of the Committee:

- Parish/Town Council representative (s);
- *Adjoining Parish/Town Council representative(s)*
- Objectors;
- Supporters;
- Applicant or agent;
- Ward Member(s) (if not on the Committee).

Where more than one individual representing the parties accorded speaking rights wishes to speak, the Chairman may if he/she considers it convenient and conducive to the despatch of the business of the meeting, require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.

Where there is more than one adjoining Parish/Town Council speaking but requiring a fundamentally different outcome of either refusal or approval, the speakers will be allowed five minutes each; where the outcome required is fundamentally the same, the five Minutes will be shared by the speakers.

3. Equalities Impact Assessment Outcomes

3.1 EIA Stage 1 attached as Appendix A

4. Conclusion

4.1 The amendment proposed to Paragraphs 7.13.3 and 7.13.4 will provide greater certainty and clarity to planning meetings where adjoining parishes indicate that they wish to address the Planning Committee. It is therefore proposed that Members agree the suggested amendments.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Andy Day, Sarah Clarke, Moira Fraser, Gary Lugg, Gary Rayner, Corporate Board, Governance and Audit Committee

Trade Union: N/a

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Amendment to Part 7 of the Constitution
Version and release date of item (if applicable):	
Owner of item being assessed:	David Holling
Name of assessor:	David Holling
Date of assessment:	13 February 2013

1. What are the main aims of the item?
The item is to approve the amendments to Part 7 of the Council's Constitution.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item:		
There are not believed to be any implications affecting any groups with this item. The item is to discuss the proposed amendments to Parts 7 of the Council's Constitution. This means that Officers making decisions will be required to act according to Council Policy already in place, and remain neutral when making a decision.		

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
Stage Two not required:	X

Name: David Holling

Date: 13 February 2013