

<b>Title of Report:</b>	<b>Amendment to the Constitution - Part 7 Speaking Rights at Planning Meetings</b>
<b>Report to be considered by:</b>	Council
<b>Date of Meeting:</b>	18 September 2014
<b>Forward Plan Ref:</b>	C2859

**Purpose of Report:** To propose an amendment to speaking rights for Ward Members that are Members of a Planning Committee at Planning Committee meetings.

**Recommended Action:** To amend the Regulatory and Other Committees Rules of Procedure (Paragraph 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:** To respond to a request of the Planning Policy Task Group and the Portfolio Holder for Planning.

**Other options considered:** Not to change the speaking rights for Ward Members on Planning Committees.

**Key background documentation:** None

The proposals will help achieve the following Council Strategy principle: <input checked="" type="checkbox"/> <b>CSP8 - Doing what's important well</b> The proposals contained in this report will help to achieve the above Council Strategy principle by: ensuring that the constitution is up to date and accords with the relevant legislation
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Portfolio Member Details	
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<b>Date Portfolio Member agreed report:</b>	Report e-mailed to Councillor Cole on 7 August 2014

Contact Officer Details	
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## Implications

<b>Policy:</b>	Will require Part 7 of the Constitution to be amended
<b>Financial:</b>	None – will be undertaken within existing resources
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	Will require changes to the Constitution in accordance with relevant Local Government Acts
<b>Property:</b>	None
<b>Risk Management:</b>	Will reduce possible risk by ensuring that speaking rights for Ward Members who are Members of a Planning Committee and those who are not.

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Is it a major policy, significantly affecting how functions are delivered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Will the policy have a significant impact on how other organisations operate in terms of equality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
• Does the policy relate to an area with known inequalities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>		<input type="checkbox"/>		
Not relevant to equality		<input checked="" type="checkbox"/>		

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

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## 1. Introduction

- 1.1 At a recent Planning Policy Task Group meeting Members requested that consideration be given to amending Part 7 of the Constitution, Regulatory and Other Committees Rules of Procedure (Paragraph 7.13.4) that deals with the time allowed in respect of speaking rights at Planning Committee meetings. The Portfolio Holder for Planning also requested that current situation be reviewed.
- 1.2 Currently Ward Members who are not Members of the Planning Committee are permitted five minutes to speak, which is the same as all other speakers. However, Ward Members who are members of a Planning Committee do not have any such time constraint.

## 2. Proposals

- 2.1 It is therefore proposed that Ward Members, who are Planning Committee Members, have the same five minute allocation to speak on any application within their ward, which is before the Committee for determination. This amendment would however not impact on their ability to take part in the debate on the application and make further comment during the ensuing debate. However a Ward Member's substantive address shall be made in accordance with the list of speakers set out below.
- 2.2 Where there were two or more Ward Members they too would be required to share the five minute speaking time unless one of the Ward Members wished to speak in support of the application and one Ward Member wished to object to it. Where the latter was the case each of the Ward Members would have five minutes to speak.
- 2.3 It is therefore proposed that paragraph 7.13.4 be amended as follows:

### Time Allowed

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;
- Adjoining Ward Member(s);
- 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 they consider 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.

Where there is more than one Ward Member 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.

Ward Members on Planning Committees may take part in the debate or vote on an application where they are permitted to do so.

### **3. Equalities Impact Assessment Outcomes**

3.1 This item is not relevant to equality.

### **4. Conclusion**

4.1 This amendment if approved would provide greater equanimity to Ward Members addressing Planning Committees.

### **Appendices**

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There are no Appendices to this report.

### **Consultees**

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**Local Stakeholders:** N/a

**Officers Consulted:** Andy Day, Sarah Clarke, Corporate Board, Governance and Audit Committee

**Trade Union:** N/a