

**CHANGES TO PUBLIC SPEAKING AT PLANNING COMMITTEE AS
PART OF THE ANNUAL REVIEW OF THE CONSTITUTION
REPORT OF THE MONITORING OFFICER**



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. **PURPOSE OF REPORT**

- 1.1 To recommend changes to the provisions for public speaking at Planning Committee as part of the annual review of the Hinckley & Bosworth Borough Council Constitution.

2. **RECOMMENDATION**

- 2.1 That Planning Committee considers and endorses the proposed changes.

3. **BACKGROUND TO THE REPORT**

- 3.1 A report on all of the proposed and agreed changes to the Constitution was deferred at the meeting of Council on 18 September 2012 with the changes relating to public speaking being referred to the Planning Committee for consideration. Only those changes are referred to in this report. Comments of the Planning Committee will be put to Council on 13 November when the full changes to the Constitution will be considered.
- 3.2 Due to an increasing number of complaints from the public, it is proposed that we allow more than one objector to speak on an application with a maximum time for objectors on each application limited to a total of 5 minutes, and that we allow people to speak in support of an application even if they're not the applicant or an agent. This is to try to help people to feel that they have had the opportunity to air their views and to allow for speakers who are speaking on different aspects or cannot come to an agreement between them about who will speak.
- 3.3 It is proposed that a County Councillor be given the opportunity to speak, in addition to a Borough Councillor, but where a member is a Borough and County Councillor, they may only speak once, for two minutes. A Ward Councillor will have the opportunity to speak for one period of two minutes only but may come back with the permission of the Chairman as per normal practice.
- 3.4 Where a member of the public speaks on an application which is subsequently deferred, when the application goes back to the Planning Committee there will be a further opportunity to speak on that application, on a first-come first-served basis as previously. This is a change to the current provision, whereby an application may only have a speaker when it returns to committee following deferral if it has been subject to significant change. Due to the difficulty in defining significant change and the subjective nature of such a decision, it is proposed that this aspect be amended.
- 3.5 Members of the public will not be able to register to speak until the agenda has been published (ie a week before the meeting). This will ensure equality for all concerned as currently some groups within the community receive notification when an application is received and therefore can request to speak at that point without even knowing the date that the application will go before Committee. This new proposal will ensure that those not part of such groups will have an equal opportunity to register to speak.

3.6 There will no longer be the opportunity for Members to ask questions ('points of clarification') of a speaker, however if there are any points Members wish to clarify, they can do so of officers who may then refer the question to the speaker. This is to remove the risk of the speaker being 'cross-examined', which whilst not allowed under the current Constitution, does occur and is difficult to manage whilst the meeting is in progress.

4. **FINANCIAL IMPLICATIONS (AB)**

There are no financial implications arising from this report.

5. **LEGAL IMPLICATIONS (LH)**

There are no legal implications arising from this report as it is for consultation and comment only. Amendments to the Constitution can only be approved by Council with a two-thirds majority.

6. **CORPORATE PLAN IMPLICATIONS**

This report supports all Corporate aims by ensuring open and transparent decision making.

7. **CONSULTATION**

This report is for the purposes of consultation with the Planning Committee. The changes proposed are a result of comments and complaints received from members of the public and Councillors. Service areas which may be affected have been consulted on the proposed changes.

8. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
1. Lack of support for changes	Ensure Members fully understand the changes and the reasons for them	Louisa Horton
2. lack of awareness of decision making processes	Ensure the Constitution covers all areas of governance and that Members receive unified advice on the provisions.	

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

The recommendations in this report intend to improve equality amongst all communities and individuals within those communities. The spirit of the Constitution

is to outline the management and processes within the council to ensure openness and transparency which in turn benefits all who live, work, visit or are educated within the Borough.

10. **CORPORATE IMPLICATIONS**

There are implications for the Planning and Democratic Service areas but it is not anticipated that these will have a negative impact.

Background papers: A full copy of the Constitution with all proposed changes highlighted is available in the Members' room, on the Council's website as part of the agenda documentation for Council on 18 September 2012 or is available on paper on request.

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Executive Member: Councillor Bron Witherford

EXTRACT FROM THE CONSTITUTION – PROPOSED CHANGES

28. PLANNING COMMITTEE PROCEDURE

28.1 Seating arrangements in the Planning Committee

Members of the Planning Committee will sit on the Chairman's left hand side. Other Members and attendants will sit on the Chairman's right hand side.

28.2 The following procedure will apply at the Committee meeting:

- a) The order on the agenda will be arranged or amended to make sure applications with speakers are heard first.
- b) The Chairman will announce each application in turn.
- c) A Planning Officer will make any introductory comments.
- d) The order of speakers will be objector, followed by a supporter (if relevant) then the applicant (or agent). Speakers will be allowed a maximum of three minutes each (up to a maximum of five minutes for all objectors and for all supporters) in which to address the Committee
- e) Should Members be unclear and require clarification on any points made by the speaker(s), they may ask officers who may refer the question to the speaker with the permission of the Chairman.
- f) The relevant County Councillor will then have the opportunity to speak for a maximum of three minutes.
- g) The relevant Ward Member and the Executive Member for Development Control matters will be allowed to speak for no more than two minutes each on the relevant application. The Committee Chairman may exceptionally allow the Executive Member to speak for up to five minutes where he considers the application to be of major significance which should not be unreasonably denied. If a ward member is also a county councillor, he/she will be allowed only one opportunity to speak for two minutes representing both ward and county council roles.
- h) A Planning Officer will have the opportunity to respond to the comments made by the speakers.
- i) The Committee will then consider the application and ask any questions and a Planning Officer and/or Legal Officer will be allowed to make concluding points, if any.
- j) The Committee would then vote on any proposition or amendment which is moved and seconded.
- k) Applications will not be deferred because of the absence of an applicant or objector, or other person, who has indicated a wish to speak.