

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

12 MARCH 2009

JOINT REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS AND THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

INTRODUCTION OF PUBLIC SPEAKING AT PLANNING COMMITTEE – PROCEDURE RULES

1 Introduction and Purpose of Report

- 1.1 On 19 February 2009 the Committee agreed to the introduction of public speaking and to introduce the following process,
- two groups to be recognised , one being objectors and one being supporters (which can include the applicant),
 - each speaker to have 3 minutes with a total time limit of 9 minutes within each group, parish and town council representatives to be allocated the first time slot in their respective group.

The operation of public speaking will be reviewed after one year.

- 1.2 This report introduces the proposed procedures rules required to be added to the constitution, the draft code of conduct declaration and the draft leaflet for members of the public which will advise on their rights to speak at committee.

2 Wards Affected

- 2.1 All

3 Effect on Policy

- 3.1 None

4 Contact Officer(s)

- 4.1 Jameson Bridgwater Head of Development Control and Major Developments (Ext 1810) Nigel Bell Solicitor (Ext 1687) and Alexa Coates Senior Democratic and Scrutiny Officer (Ext 1591)

5 Constitutional Procedure Rules

- 5.1 The success of public speaking at committee is dependent on the strength of the procedure rules included in the Council's constitution. Officers have prepared strict procedure rules to assist the Committee in delivering a successful scheme of public speaking. The suggested Procedure Rules to be included in the Council's Constitution are attached in Appendix 1. Each speaker will have a maximum of 3 minutes to make their statement and only 3 speakers may register to speak in each group. People who notify the planning department that they wish to speak will be invited to agree amongst the group who wishes to speak and

for how long but if no agreement can be reached then it will be on the basis of those who first formally notified the Council they wished to speak.

- 5.2 The procedure rules make clear the Chairman's right to remove any person from the meeting if they behave in a disorderly manner. It is essential that the Chairman, Members of the Committee and Officers administer the procedure rules strictly in order to ensure the committee meetings are conducted in a fair and expedient manner.

6 Code of Conduct Declaration

- 6.1 Officers have also prepared a Code of Conduct Declaration (Appendix 3) which members of the public must sign if they wish to speak at Committee. This clearly states that if a member of the public behaves in a disorderly manner (including offensive, defamatory, racist or discriminatory comments and verbal threats or violence) the Chairman may have them removed from the meeting and that they will lose their right to address the Committee.

7 Guidance Leaflet

- 7.1 A draft guidance leaflet, which will be in a colourful, glossy format once agreed by Members, is attached as Appendix 2 to the report. This is designed to complement the Procedure Rules in the Constitution and provide information to members of the public on their rights to speak at Committee in a simple and plain English format. This leaflet will be available at the main Council offices', on the website and will be provided to people who make representations on a planning application.

8 Further Improvements

- 8.1 The Procedure rules clearly set out the procedures to be followed by Ward Members and Members of the Committee with a prejudicial interest who wish to speak on an application. The introduction of public speaking means that members of the committee with a prejudicial interest in an application will be able to address the committee but must leave the room for the debate and vote. Facilities will be made available in the Members' Room so that members can watch the Committee live on the web cast when they are required to leave the room.
- 8.2 Members are also advised to consider the potential increase in attendees at committee due to the introduction of public speaking and the need to continue with their professional approach to decisions. Members are reminded that if they leave the room at any point in the presentation or debate of an application they must not participate in the vote on that application. If they have not heard the whole debate, and then vote, it leaves the decision open to challenge.

9 Risk Assessment, Financial Effects and Contributions to Efficiency Savings

- 9.1 The following details approved by Denise Westlake (Ext 1559) and Rosemary Watts (Ext 1566)
- 9.2 Risk assessment – Robust Procedure Rules and an accessible guidance leaflet will reduce the risk of challenge and review of Planning Committee decisions
- 9.3 Financial effects – Cost of producing the guidance leaflet which would be approximately

£250 for 500 leaflets.

9.4 Efficiency savings – none

10 Recommendation

10.1 It is Recommended that the Committee:

- 1) Approve the Procedure Rules as set out in appendix 1 to this report
- 2) Approve the Draft Guidance Leaflet as set out in appendix 2 to the report.
- 3) Approve the Code of Conduct Declaration set out in appendix 3 to this report.