

Cherwell District Council

Council

23 February 2015

Public Speaking at Planning Committee and Members' Planning Code of Conduct
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Report of Head of Law and Governance

This report is public

Purpose of report

To agree the recommendations of the Planning Committee to approve minor amendments to the procedure for requests by the public to address the Planning and to consider a proposed Members' Planning Code of Conduct to replace the current Good Practice Guidance on Planning Matters contained in Part 3 of the Constitution.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the minor amendments to the procedure for requests by the public to address the Planning Committee (Appendices 1 and 2).
- 1.2 To agree that the Members' Planning Code of Conduct (Appendix 3) and Bias and Predetermination: A Guidance Note for Members (Appendix 4) be adopted.
- 1.3 To delegate authority to the Head of Law and Governance, in consultation with the Lead Member for Planning and Chairman of Planning Committee, to make any necessary typographical amendments to the procedure for requests by the public to address the Planning Committee and the Members' Planning Code of Conduct prior to publication.

2.0 Introduction

- 2.1 In 2009 the Council agreed to introduce public speaking at Planning Committee. The original procedure was reviewed and amended with the current public speaking procedure being implemented from May 2010. The scheme has proved largely successful and applicants, objectors and supporters have taken advantage of their right to address the Committee. Despite the success of the scheme, there are some minor points within the procedure rules which are a little unclear and minor

amendments are proposed to provide clarification for elected members and members of the public.

- 2.2 The Members' Planning Code of Conduct has been produced to replace the current Good Practice Guidance on Planning Matters to reflect the changes to the Members' Code of Conduct in 2012 and the current legal position on the subject of bias and predetermination. The proposed Code is based on a Model Code which was prepared by the former Association of Council Secretaries and Solicitors and supplements the Members' Code of Conduct. It has been drafted collectively by the monitoring officers in Oxfordshire and a similar version has been adopted or will be recommended for adoption by Oxfordshire County Council and City and District Councils elsewhere in the County.

3.0 Report Details

Public Speaking at Planning Committee

- 3.1 Appendix 1 sets out the proposed procedure for Requests by the public to address the Planning Committee.
- 3.2 Appendix 2 sets the proposed text of the leaflet "How to have your say at planning meetings".
- 3.3 The proposed changes to the public speaking are minor and intended to provide clarification for elected members and members of the public and cover:
- Speaking arrangements of applications that are deferred
 - Deleting the procedure for Planning Committee members with an interest in an application which is no longer applicable under the current Code of Conduct
 - Deletion of the restriction on allowing an individual to only speak once at a meeting on one application
 - The arrangements for registering to speak, which will no longer need to be a written request and can also be made by telephone
- 3.4 The Planning Committee considered the proposals at their meeting of 19 February 2015. Whilst the Committee endorsed the minor amendments to the procedure, two amendments relating to the Members of the public, Ward Members and Committee Members not being permitted to show plans, drawings, video clips, photographs or circulate written material and the order of speakers were proposed, seconded, duly voted on and subsequently lost. They are therefore not included in the procedure presented to Full Council.

Members' Planning Code of Conduct

- 3.5 The current Planning Matters – Good Practice Guidance for Members and Officers (Section 3.5 of the Council's Constitution) has not been reviewed since the implementation of the current Code of Conduct in October 2012 and therefore the two Codes are not wholly compatible.
- 3.6 The Oxfordshire Monitoring Officers' reviewed the Members' Planning Code of Conduct and agreed to submit the version attached at Appendix 3 (subject to minor

amendments to reflect each authority) to their respective councils for consideration for adoption.

- 3.7 The proposed Members' Planning Code of Conduct is based on a Model Code which was prepared by the former Association of Council Secretaries and Solicitors, supplements the Members' Code of Conduct; and applies to Members at all times when involving themselves in the planning process, at less formal occasions such as meetings with officers or the public and at consultative meetings and to both planning application matters and to enforcement matters.
- 3.8 The proposed Cherwell District Council version of the Members' Planning Code of Conduct removes the existing allowance for elected members who are not trained to participate in two Planning Committee meetings whilst the necessary training is undertaken. Given the importance of planning decisions being taken at all times by members on a fully informed basis it is considered necessary for all members to be trained before being able to participate in the determination of planning applications by the Committee. Steps will be taken to ensure that such training is made available to relevant members before the first Planning Committee meeting in each municipal year.
- 3.9 Appendix 4 sets out guidance for Members on bias and predetermination. This complements the Code of Conduct and proposed Members' Planning Code of Conduct and is recommended for adoption.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is good practice for review procedures to ensure they are up-to-date, fit for purpose and reflect current legislation.
- 4.2 The minor amendments to the Planning Committee Public Speaking Procedure ensure that the procedure is clear for elected members and members of the public.
- 4.3 The Members' Planning Code of Conduct reflects and supports the current Code of Conduct. It provides clear guidance for all elected members when undertaking the Council's duties as the local planning authority.

5.0 Consultation

Planning Committee

Considered at meeting of 19 February 2015,
paragraph 3.4 refers

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To reject the recommendations.

Option 2: To amend the proposed minor amendments to the Public Speaking at Planning Committee and Members' Planning Code of Conduct

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report.

Comments checked by: Nicola Jackson, Corporate Finance Manager,
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Legal Implications

- 7.2 It is important the public speaking procedure rules for planning committee are clear and easy to understand and that the Members' Planning Code of Conduct reflects the Code of Conduct and the current legal position on relevant matters. The proposed Code achieves this.

Comments checked by: James Doble, Democratic and Elections Manager / Deputy Monitoring Officer, 01295 221587, james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Michael Gibbard, Lead Member for Planning

Document Information

Appendix No	Title
1	Extract of the Constitution: Section 2.6, Planning Committee Procedure Rules
2	"How to have your say at planning meetings" leaflet text
3	Members' Planning Code of Conduct
4	Bias and Predetermination: A guidance note for members
Background Papers	
None	
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