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| REPORT TO:        | COUNCIL  |
| DATE:             | 1 MARCH 2021   |
| SUBJECT:          | PUBLIC SPEAKING – PLANNING COMMITTEE                                 |
| KEY DECISION:     | N/A  |
| PORTFOLIO HOLDER: | CLLR NIGEL WELTON – DEPUTY LEADER, ECONOMIC DEVELOPMENT AND PLANNING |
| REPORT AUTHOR:    | MONITORING OFFICER   |
| WARD(S) AFFECTED  | ALL  |
| EXEMPT REPORT?    | NO   |

### **SUMMARY**

To consider amending the Council's Remote Meetings Protocol and Procedure Rules to introduce public speaking at remote meetings of the Planning Committee, and adopt the revised procedures as the Public Speaking Scheme for physical meetings of the Planning Committee when resumed.

### **RECOMMENDATIONS**

1. That Council approves the introduction of public speaking at remote meetings of Planning Committee from 9 March 2021 and that the Council's Remote Meetings Protocol and Procedure Rules be amended as set out in this report.
2. That the Public Speaking Protocol for physical meetings of the Planning Committee be revised to reflect the registration deadlines, number of speakers and time limit on speaking within the protocol for remote meetings, for purposes of consistency.
3. That any further amendments to the Public Speaking Protocol for both remote and physical meetings of the Planning Committee, be delegated to the Assistant Director of Planning, in consultation with the Chairman of the Planning Committee and the Portfolio Holder for Planning.

## **REASONS FOR RECOMMENDATIONS**

To enable effective rules to be implemented that support public speaking at remote meetings of the Planning Committee and provide consistency.

## **OTHER OPTIONS CONSIDERED**

To continue with the current arrangements for public speaking and not to introduce for remote meetings.

## **REPORT**

- 1.1 In response to the Covid-19 pandemic the Government introduced legislation that permitted local authority meetings to take place by remote means. The specific requirements are set out in The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 (The Regulations). The Regulations currently remain valid until the 7 May 2021.
- 1.2 Subsequently and following consultation with Group Leaders a Remote Meetings Protocol and Procedure Rules document was agreed under urgency powers. This document provides the rules and means for remote meetings of this Council and its various Committees and Sub-Committees to be held in accordance with the Regulations.
- 1.3 Delivering meetings via remote means introduced a completely new way of working for Councils and with it new opportunities, complexities and risks. At the time of introducing remote meetings there were concerns raised regarding how public speaking rules could be effectively applied at remote meetings of the Planning Committee.
- 1.4 To address these concerns and to ensure fairness in the planning decision making process a decision was taken to suspend public speaking procedure rules for applicants, objectors, Parish Councils and Ward Members and replace them with written representations. Other Councils adopted similar provisions with written representations presented to the Planning Committee in advance of meetings to support the planning decision making process.
- 1.5 This approach has worked effectively in the interim, however, there have been requests for the Council to re-consider introducing public speaking at remote meetings of the Planning Committee.
- 1.6 Whether to allow public speaking at a planning committee or not is a decision for each local authority. It is not a legal requirement, however most Councils (prior to COVID-19) chose to do so. The Local Government Association's Probity in Planning document highlights that public speaking can in general enhance public confidence in the process and that direct lobbying may be reduced. The disadvantage is that it can make the meetings longer and sometimes harder to manage. However in general, the consultation exercises which are embedded within the Planning system (as required by the various Acts) do enable

interested parties to have their say and for any comments to be considered prior to decisions being made.

- 1.7 Having experienced and gained knowledge of operating remote meetings the Council is now in a stronger position to effectively implement public speaking at remote Planning Committee meetings. The Council has implemented public speaking at remote Licensing Sub-Committee meetings. In addition the Council has had the opportunity to learn from authorities that have already introduced public speaking at remote Planning Committee meetings. Practice from these authorities is reflected in a Protocol set out at Appendix A.
- 1.8 It is therefore proposed that public speaking be introduced at remote Planning Committee meetings taking place from 9 March 2021.
- 1.9 To enact the recommendations of this report, section 5.2 of the Remote Meetings Protocol and Procedure Rules would cease to apply. This section would be amended to reflect that the Public Speaking Protocol for remote meetings of the Planning Committee will apply.
- 1.10 A guide for public speaking at remote meetings of Planning Committee would also be produced.
- 1.11 To provide consistency with public speaking at both remote and physical meetings of the Planning Committee, it is also recommended that the Public Speaking Protocol for physical meetings of the Planning Committee be revised to adopt the procedures as set out in the protocol for remote meetings. The key revisions are set out below:
  - Registration for speaking deadline changed from 12 noon on the day before the day of the meeting to 12 noon 2 clear working days before the day of the meeting.
  - Speaking time for all categories, with the exception of Ward Member, will be limited to 3 minutes, currently 5 minutes is allowed.
  - Ward Member speaking time to be limited to 5 minutes, currently unlimited time is allowed.
  - Only one person to speak in each category of objector, supporter, applicant/agent. Should more than one person wish to speak in any of those categories it will be for those persons to agree between themselves who will speak. If this is not possible, the first registered speaker will be allocated the speaking time. The current protocol allows speaking time to be shared up to the time limit.
  - Committee Members will be given the opportunity to ask questions of speakers for a maximum of 10 minutes. Direct questioning of speakers is not currently permitted.
- 1.12 Should unforeseen issues arise or further best practice be identified it is important that public speaking rules are able to be amended in a timely fashion to facilitate the effective operation of the Committee. In these circumstances it is considered appropriate and is recommended that the Council delegates to the Assistant Director of Planning, in consultation with the Chairman of the Planning Committee and Portfolio Holder for Planning, the power to amend public speaking rules for remote and physical Planning Committee meetings.

**FINANCIAL IMPLICATIONS**

None.

**LEGAL IMPLICATIONS**

The recommendations set out in this report meet the legislative requirements of the Regulations that govern remote meetings.

**CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

None.

**EQUALITY AND SAFEGUARDING IMPLICATIONS**

None.

**OTHER IMPLICATIONS**

None.

**CONSULTATION**

Portfolio Holder for Planning

Chairman of the Planning Committee

**APPENDICES**

Appendices are listed below and attached to the back of the report: -

|            |  |
|------------|--|
| APPENDIX A | Public Speaking Protocol for remote meetings of the Planning Committee |
|------------|--|

**BACKGROUND PAPERS**

Background papers used in the production of this report are listed below: -

| Document title                               | Where the document can be viewed |
|--|----------------------------------|
| Remote Meetings Protocol and Procedure Rules | Democratic Services              |

**CHRONOLOGICAL HISTORY OF THIS REPORT**

A report on this item has not been previously considered by a Council body.

**REPORT APPROVAL**

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|---------------------------|---|
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