

## Proposals to make changes to standing orders on planning matters

### 1. Public speaking rights (SO 57(a))

Currently at Planning Committee meetings, members of the public have the right to speak for up to 2 minutes. It is proposed that this time limit be increased to 3 minutes.

If there are multiple speakers the Chair can limit the number of speakers to two. It is proposed that standing orders make it explicit that the Chair can also encourage two or more objectors or supporters (as the case may be) to share the allotted time of 3 minutes.

### **57. Speaking rights at Planning Committee**

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission, any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do so for a maximum of 3 minutes. Where more than one person wishes to speak on the same application, the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. The Chair may also invite two or more objectors or two or more supporters to share the allotted time of 3 minutes. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants, the Chair and members of the Committee may ask them questions after they have spoken.

Deleted: 2

### 2. Voting (SO 61(a))

The fetter on the Planning Committee's discretion to defer 'minded to' decisions to grant planning permission contrary to the recommendation of officers is considered to be unduly inflexible and disproportionate in its effects. There is a need, however, for proportionate safeguards which require members to give reasons, give officers the opportunity to advise of the implications and require members to consider deferring the decision so that the reasons proposed by members can be tested and assessed by officers in a follow-up report. Further, these safeguards should be applied to refusal decisions too.

"61.

- (a) In the case of Planning Committee, if members are minded to grant or refuse planning permission contrary to the recommendation of officers, members cannot proceed to a final vote unless the following conditions have been met:

- (i) each member proposing or supporting the decision has articulated and explained the planning reasons why;
- (ii) the reasons address the issues on which the member disagrees with the recommendation of officers;

**Deleted:** then the matter shall be deferred until the next meeting of the committee and no decision shall be taken on that matter until the next meeting.

- (iii) officers have been given an opportunity to explain the implications of the contrary decision;
- (iv) if officers advise that there is uncertainty or concern about the validity of the reasons given, members have considered deferring the decision to another meeting to have the reasons tested and assessed by officers in a follow-up report; and
- (v) if members are not minded to defer the decision, the Planning Committee has formally resolved not to defer the decision."

### 3. Petitions (SO 66)

Standing order 66 deals with petitions. Petitions with at least 5 signatures objecting to a planning application are considered by the Planning Committee when it determines the application.

It is proposed that standing order 66 be amended in line with the proposed terms of reference of the Planning Committee. Namely, that a petition objecting to an undecided planning application would only be considered by the Planning Committee if it has at least 10 signatures; is not an excluded application; it meets the criteria for written objections and if either officers are minded to approve it or the application is recommended for approval.

Petitions supporting a planning application would only be considered by the Planning Committee if, in accordance with the Committee's terms of reference, at least three councillors had requested that the application be considered by the Committee, officers had referred the application to the Committee or the Committee had reserved the application for itself.

Petitions relating to other planning issues or matters will continue to be subject to the existing rules.

#### **"66. Petitions**

- (a) Any person who wishes to submit a petition under these rules on their own behalf or on behalf of an organisation shall deliver it either in paper form to the office of the Head of Executive and Member Services during office hours or use the Council's e-petition facility. This must be at least **8 days** before the relevant decision (if the petition concerns a specific decision) is due to be taken.
- (b) No petition shall go forward unless it concerns matters affecting the borough and is signed by at least 5 people who either live, work or study in the borough.
- (c) The Head of Executive and Member Services will establish how many valid signatures the petition has.

(d) Sub-paragraphs (e) to (l) of this Standing Order apply subject to sub-paragraph (m)

(e) Petitions with between **5 and 50** valid signatures: ▼

Deleted: ¶

- (i) Any such petition shall be referred to the relevant Service Area or Strategic Director who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;

(f) Petitions with **51** or more valid signatures:

- (i) Any such petition shall be notified to the Chair of the relevant Scrutiny Committee and to the relevant Service Area or Strategic Director;
- (ii) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is a Council committee or sub-committee or the Cabinet or a Cabinet Committee rather than an individual then one person representing the petitioners will be entitled to address the planned meeting of the Council committee or sub-committee or the Cabinet/Cabinet Committee(as the case may be) for up to 5 minutes concerning the petition. Petitions relating to specific decisions to be made by Full Council shall be considered by the next scheduled meeting of the General Purposes Committee or if the next meeting of the General Purposes Committee is scheduled to take place after the relevant meeting of the Full Council then it shall be considered by the Cabinet. The General Purposes Committee or the Cabinet as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.
- (iii) Petitions not concerning specific decisions planned to be made shall be referred to the Cabinet/Cabinet Committee or to the Council committee or sub-committee (if any)within whose terms of reference the subject matter of the petition falls as determined by the Chief Legal Officer or Head of Executive and Member Services. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at that future meeting. In all other cases it shall be considered at the next convenient meeting. This paragraph does not apply to specific decisions which have already been made. There is no requirement for specific decisions which have already been made to be re-considered or reviewed.

- (g) At every Ordinary Council Meeting, a list of petitions containing **51** or more valid signatures will be circulated to members of the Council setting out the progress that has been made in dealing with those petitions. The relevant ward member, or in the absence of the ward member, or where the issue is cross cutting, the Chair of the relevant Scrutiny Committee may ask Full Council to note the receipt of a petition without debate. The list will contain the information set out below, provided this has been received by the Head of Executive and Member Services twelve or more days prior to the meeting.

- (h) The information to be included in the schedule described in the previous paragraph is as follows:

- (i) the date the petition was received or closed on-line;

**Deleted:** ¶

<#>In the case of any such petitions which relate to a matter which is or could be the responsibility of the Planning Committee the signatures may count as an objection to a development in which case the petition will be considered by the Planning Committee when it considers the matter in question. The Strategic Director of Regeneration and Environment shall decide whether the signatures count as an objection.¶

**Deleted:** 0

**Deleted:** 0

(ii) the name of the person who submitted the petition if a name was given;

(iii) the subject of the petition;

(iv) the terms of the petition;

(v) the name of the committee or person to whom the petition has been referred for action, the date of that referral, and the action taken by that body or person thus far.

(i) Where the Cabinet/Cabinet Committee or a Council committee or sub-committee considers a petition it shall note the petition and may:-

(i) make a decision concerning the matter if it has sufficient information before it to do so. This will normally mean an officer's report;

(ii) refer it to the relevant Scrutiny Committee for consideration or further research;

(iii) hold an inquiry or public meeting;

(iv) call for an officer's report to be brought to a future meeting; or

(v) refer it to the relevant officer for a formal response.

(j) Where the relevant Scrutiny Committee considers a petition it shall note the petition and may:-

(i) call for an officer's report to be brought to a future meeting;

(ii) make recommendations to the Cabinet or the relevant referring committee concerning it; or

(iii) refer it to the relevant officer for a formal response.

(k) If the organiser of a petition feels the Council has not dealt with their petition properly then they may request the relevant Scrutiny Committee to review the steps the Council has taken in response to the petition and that committee may;

(i) decide there is no case to answer;

(ii) ask for an investigation into how the petition was dealt with; or

(iii) make recommendations to the Cabinet.

(l) Where a petition has more than 200 valid signatures, the organiser of a petition may request that the matter is debated at Full Council. Such notice to be received 5 days before the date of the meeting. Any such debate shall be for up to 21 minutes and the conduct of the debate shall be subject to a procedural motion.

Deleted: (k)

(m) This Standing Order applies to planning applications and other planning issues and matters as follows:

(i) Petitions objecting to a planning application which has not been decided yet:

if the petition:

- has at least 10 signatures,
- objects to a planning application not decided yet,
- is not an excluded application by virtue of paragraph 1(vi) of the terms of reference of the Planning Committee,
- meets all the criteria for written objections set out in the terms of reference of the Planning Committee, and
- concerns an application officers are either minded to approve under delegated powers or recommend approval of or concerns an application which for some other reason will be considered by the Planning Committee.

the petition will be considered by the Planning Committee before it decides the application;

(ii) Petitions supporting a planning application which has not been decided yet:

if the petition:

- has at least 10 signatures,
- supports a planning application not decided yet, and
- if in accordance with the terms of reference of the Planning Committee, at least three councillors have requested that the application be considered by the Planning Committee, or officers have referred the application to the Planning Committee or is an application the Planning Committee has indicated it wishes to consider itself,

the petition will be considered by the Planning Committee before it decides the application;

(iii) Petitions relating to planning applications not covered by the preceding paragraphs:

all other petitions relating to a planning application will be referred to the relevant Strategic Director for a response:

(iv) Petitions relating to other planning issues or matters:

all other petitions relating to planning issues or matters (i.e. planning petitions not covered by the preceding paragraphs) will be dealt with in accordance with the general provisions of this Standing Order.

(n) This Standing Order does not apply to the Alcohol and Entertainment Licensing Sub-Committees. Any petitions received in respect of any alcohol and entertainment license shall be dealt with as set out in the procedure for hearings relating to the Alcohol and Entertainment Licensing Sub-Committees.

#### 4. Members' right to speak at Planning Committee meetings (SO58 (b))

Councillors who are not members of the Planning Committee cannot speak at the committee's meetings except with permission of the Chair. It is custom and practice however that Ward Councillors be allowed to speak – usually for up to 5 minutes.

It is proposed that standing order 58 be amended so that Ward Councillors have a constitutional right (subject to the restrictions imposed by the Members' Code of Conduct) to speak on an application for up to 5 minutes provided 24 hours written notice has been provided.

#### **58. Members' rights to attend and speak at Committees**

- (a) Subject to (c) below, members of the Council shall be entitled to attend meetings of Council committees and sub-committees of which they are not members other than the Senior Staff Appointments Sub-Committee and the Staff Appeals Sub-Committees.

(b) Subject to sub-paragraphs (c) and (d). Members attending meetings of committees or sub-committees of which they are not members shall not be entitled to speak except with the permission of the Chair and in no case shall they be entitled to vote.

(c) At meetings of the Alcohol and Entertainment Licensing Sub-Committees, only members who have made relevant representations or are representing a party, will have the right to speak. They will not have the right to vote at such meetings.

Deleted: However, a

Deleted:

(d) At meetings of the Planning Committee when reports are being considered on applications for planning permission, ward councillors shall be entitled to speak for a maximum of 5 minutes provided that written notice has been given to the Head of Executive and Member Services 24 hours before the commencement of the meeting.

(e) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public during consideration of any confidential or any exempt information listed in categories 1, 2, 4, 5 and 7 of the Table set out in the Access to Information Rules or category 3 of that Table where it relates to any terms proposed by or to the authority in the course of negotiations for a contract.

Deleted: – 10

Deleted: C