



**3 September 2019**

**Agenda Item: 7**

## **REPORT OF THE CORPORATE DIRECTOR – PLACE**

### **PROPOSED AMENDMENTS TO THE COUNTY COUNCIL'S CODE OF BEST PRACTICE RELATING TO PUBLIC SPEAKING PLANNING AND LICENSING COMMITTEE**

#### **Purpose of Report**

1. To seek Members' approval of amendments to the existing Planning and Licensing Committee Code of Best Practice with respect to public speaking arrangements at committee and in particular arrangements for special presentations for major and/or controversial applications.

#### **Background information**

2. The Planning and Licensing Committee Code of Best Practice sets out how the County Council deals with those matters which come within the remit of the Planning and Licensing Committee, the role of the Committee, how the Committee operates and the respective responsibilities of councillors and officers. The Code of Best Practice was subject to a comprehensive review in July 2017 when matters relating to public rights of way were brought back under the remit of Planning and Licensing Committee. Further amendments were made to the Code more recently with respect to which planning applications the Committee delegates authority to officers to determine and which need to come before Committee.

#### **Public speaking at Planning and Licensing Committee**

3. The provision for members of the public; applicants; district, borough and parish councils; and elected County Councillors to address Planning and Licensing Committee on planning applications which they have an interest is long established. This also extends to rights of way matters and the Code of Best Practice sets out the details of how public speaking is facilitated. With the exception of the local Member, who can speak for 10 minutes, speakers are allowed to speak for three minutes either in support or opposition of an application.
4. In exceptional circumstances, a planning application which has significant technical, legal or policy implications, or which is subject to exceptional levels of public interest, can be subject to 'special presentation' arrangements which allow groups or organisations with an interest in that application to make 10-minute presentations whilst also making visual presentations using PowerPoint or similar. These arrangements have most recently been used for planning applications for shale gas exploration which were considered by committee in 2016 and 2017.
5. Details of the arrangements for 'special presentations' at committee were previously included in an appendix to the Code of Best Practice but, due to a drafting error, they have been inadvertently removed. This report simply seeks to reinsert what was previously in the Code of Best Practice for special presentations, with confirmation of these arrangements set out in an additional paragraph 18.2 of the Code. The revised Code of Best Practice is attached as an

appendix to this report with the details relating to special presentations in Appendix B of the Code.

### **Monitoring of the Code of Best Practice**

6. As is the case with the list of planning applications which Committee delegates authority to officers to determine, arrangements for committee speaking will continue to be monitored and, where necessary, amended to ensure that they are fit for purpose. Any changes to the Code of Best Practice would be brought back to committee for consideration.

### **Statutory and Policy Implications**

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Human Rights Implications**

8. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

## **RECOMMENDATIONS**

It is recommended that:

1. Members approve the changes to the Planning and Licensing Committee Code of Best Practice detailed in paragraph 5 of this report.

### **ADRIAN SMITH**

#### **Corporate Director - Place**

#### **Constitutional Comments [RHC 21/8/2019]**

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

#### **Financial Comments [CSB 16/08/19]**

There are no specific financial implications arising directly from this report.

## **Background Papers Available for Inspection**

- None

## **Electoral Divisions and Members Affected**

- All

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