

Amendment to the Council's Public Participation Scheme

Report of the Planning Portfolio Holder

Recommended:

That the Council's Public Participation Scheme is amended as set out in the Annex to this report.

SUMMARY:

- Following the changes made to the structure of the Council's Area Planning Committees in April 2019 it is proposed that the Council's Public Participation Scheme is amended to make specific provision for Ward Members to address Area Planning Committees in their role as Ward Advocates (when they are not members of the Committee).
- Two other amendments to the Public Participation Scheme are also proposed. Firstly, providing for the Chairman of all Committees and Sub-Committees to extend the time allowed for public speaking in exceptional circumstances and secondly, again in exceptional circumstances, to extend Parish Council contributions to Planning Committee.

1 Introduction

- 1.1 The Council's Constitution sets out the Rules of Procedure which all committees are required to follow in order to ensure that meetings comply with legislation and any decisions taken are lawful and not open to challenge.
- 1.2 The rules for speaking at a meeting for those who are not Committee members are set out in the Council's Public Participation Scheme (PPS).

2 Background

- 2.1 Following the introduction of the new structure of the Council's Area Planning Committees in 2019, queries have arisen regarding formalising the provision for non-Committee Ward Members to address Planning Committee in their capacity of Ward Advocate.
- 2.2 It is therefore proposed that a new category is added to the list of speakers at Area Planning Committees to cater for non-Committee Member Ward Advocates.

2.3 Two further amendments to the PPS are also proposed. Firstly making provision for Parish Councils who are not, on strict interpretation, the “relevant Parish Council” but nonetheless have an interest in the application to make representations. Secondly extending the current provision enabling the Mayor at Full Council to extend time for public speaking in exceptional circumstances to all Committees and Sub-Committees.

3 Options

3.1 Non-Committee Ward Members speaking at Planning Committee

3.2 Currently six defined groups are permitted to make presentations to the Committee; Members with a personal interest who object to the application, Members with a personal interest who support the application, the relevant Parish Council, Objectors, Supporters and the Applicant (including agent).

3.3 It is suggested that a seventh group is added to the order of speaking as follows:

- Representations from Members with a personal interest who object to the application;
- Representations from Members with a personal interest who support the application;
- Parish Council representations;
- Objectors’ representations;
- Supporters’ representations;
- Applicants’ representations;
- **Relevant Ward Members who are not committee members**

3.4 The group of relevant Ward Members who are not Committee members will be limited to those Members who have been elected to the Ward within which the application site is located and who are not members of the Area Planning Committee.

3.5 It is proposed that the time allowed for speaking for those members will be five minutes where there is only one relevant Ward Member and three minutes each where there is more than one relevant Ward Member who is not a Committee member wishing to speak.

3.6 There will be no requirement for relevant Ward Members who are not Committee members to register their intention to speak at the specified Committee.

3.7 Statements by Members should only be made in respect of items on the agenda and the content of address must be kept to the material issues involved.

3.8 After Ward Members who are not Committee members have made their statement, they may be asked questions on the content of their statement by members of the Committee.

Relevant Parish Council speaking at Area Planning Committees

- 3.9 Currently the PPS allows for the “relevant Parish Council” to make representations on an item at an Area Planning Committee. The relevant Parish Council is that Parish Council in whose area the application site is located.
- 3.10 In some exceptional circumstances an application may arise which is close to or on the parish border and/or may impact on communities in a neighbouring or other parish, both within Test Valley but also parishes outside the Borough.
- 3.11 It is proposed that the relevant Parish Council group is extended to allow for additional Parishes to speak in exceptional circumstances where the Chairman considers it appropriate
- 3.12 It is proposed that any additional Parishes having been granted permission to speak, will be given three minutes, which must be shared in the event of there being more than one Parish Council wishing to make representations.

Extending speaking time at all Committees

- 3.13 Currently the Public Participation Scheme provides for the Mayor at meetings of Full Council to extend the time for public speaking in exceptional circumstances. It is proposed that this provision is applied to all meetings of the Cabinet and the Council’s committees and any sub-committees; Overview and Scrutiny Committee, Northern Area Planning, Southern Area Planning, Licensing Committee and General Purposes Committee as set out in the attached Annex.
- 3.14 The options are therefore:-
- 3.15 Option 1: To retain the Public Participation Scheme in its current form.
- 3.16 Option 2: To amend the Public Participation Scheme as set out in this report and the attached Annex.

4 Option Appraisal

- 4.1 The adoption of the proposed procedures will make formal provision for non-Committee-member Ward Members to address Committee in their capacity as Ward Advocate.
- 4.2 Having such a procedure in place will allow the Chairman to better manage participation at committee meetings and provide transparency for members of the public
- 4.3 The proposed further two amendments of providing an extension to Parish Council speaking and extension of the total time for public speaking in exceptional circumstances would provide enhanced flexibility to deal with public speaking issues which may arise in the case of certain applications.
- 4.4 For the above reasons Option 2 is the recommended Option.

5 Risk Management

- 5.1 A Risk Management questionnaire has been completed and indicates this report is for information purposes so the Council's Risk management process does not need to be applied

6 Resource Implications

- 6.1 There are no resource implications resulting from these changes.

7 Legal Implications

- 7.1 There are no legal implications resulting from the changes. A resolution of Council is required to amend the Public Participation Scheme.

8 Equality Issues

- 8.1 No Equality issues are identified.

9 Other Issues

- 9.1 None identified.

10 Conclusion and reasons for recommendation

- 10.1 For the reasons set out in this report, it is recommended that the proposed amendments to the Public Participation Scheme as set out in the Annex to this report are approved.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
The Scheme of Delegation to Officers			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Planning)Councillor N Adams-King			
Officer:	Karen Dunn	Ext:	8401
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