



**BROMSGROVE DISTRICT COUNCIL**

**URGENT DECISIONS**

**WEDNESDAY 20TH MAY 2020 AT 12.00 P.M.**

**PLEASE NOTE - THE ATTACHED URGENT DECISION HAS BEEN ELECTRONICALLY SIGNED OFF BY ALL THE NECESSARY MEMBERS/OFFICERS DUE TO THE CURRENT COVID-19 SITUATION.**

1. Urgent Decision - Planning Procedure Rules - Public Speaking (Pages 1 - 8)

20th May 2020

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## BROMSGROVE DISTRICT COUNCIL

### RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

**Subject: Public Participation at Virtual Planning Committee meetings**

**Brief Statement of Subject Matter:**

The following urgent decision is required to facilitate the continued functioning of Council business during the Covid-19 outbreak.

Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 (the Regs) local authority Committee meetings, including Planning Committee meetings, can now take place virtually. Public interest in the work of the Planning Committees remains. However, there is a risk that if the public are only permitted to speak verbally during the meeting, as currently stipulated in Committee Procedure Rules, this could prevent participation by members of the public who do not have internet access or have a poor broadband connection.

Therefore, the attached amended Planning Committee Procedure Rules propose that members of the public should be able to participate in virtual Planning Committee meetings either by speaking at the Committee meeting or by submitting a written statement in advance for the consideration of the Committee.

The decision invites Members to approve the attached document.

**Decision: Council**

**Date: 18<sup>th</sup> May 2020**

**RESOLVED:**

**For virtual Planning Committee meetings, the attached Planning Committee Procedure Rules in respect of public speaking should apply.**

**(The amended Planning Committee Procedure Rules will only apply to Virtual Committee meetings).**

**Grounds for Urgency:**

This decision is required urgently due to the forthcoming meeting of the Planning Committee, due to take place on 1<sup>st</sup> June 2020 and in the context of the Covid-19 outbreak.

**DECISION APPROVED BY:**

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Chief Executive – K Dicks

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Dated

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Section 151 Officer - J. Pickering

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Dated

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Monitoring Officer – C Felton

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Dated

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Leader – K May

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Dated

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Chairman, Overview & Scrutiny Board  
M Thompson

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Dated

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Chairman - R Laight

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Dated

**PLANNING COMMITTEE PROCEDURE RULES**

**1. Terms of Reference of Planning Committee**

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are set out in Part 5 of the Constitution.

**2. Time and Place of Meetings**

- 1.1 There shall be at least 10 meetings of the Planning Committee each year.
- 1.2 The time and place of Planning Committee meetings will be determined by the Chief Executive and notified in the agenda.

**3. Composition of the Planning Committee**

- 3.1 The Planning Committee will comprise 11 Councillors.
- 3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.
- 3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for a substitute to attend in his or her place provided that they have completed the appropriate training.
- 3.4 The Leader of the Council cannot be a member of the Planning Committee and cannot sit as a substitute on the Planning Committee.

**4. Chairman**

- 4.1 The Planning Committee will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.
- 4.2 The Chairman of the Planning Committee cannot be a member of the Cabinet.

**5. Quorum**

The quorum for a meeting of the Planning Committee is 6.

**6. Application of Council Procedure Rules**

The Council Procedure Rules (as specified in Council Procedure Rule 22) will apply to all meetings of the Planning Committee except as modified by these Rules.

### **7 Procedure for Determining Applications for Planning Permission**

- 7.1 An officer will present the report of the Head of Planning and Regeneration Services.
- 7.2 Members of the public who have registered to speak may address the meeting when invited to do so by the Chairman and in accordance with the public speaking rules.
- 7.3 Ward members who have registered to speak may then address the meeting when invited to do so by the Chairman and in accordance with both the public speaking rules and these Procedure Rules.
- 7.4 The Chairman will invite members of the Committee to address the meeting. With the consent of the Chairman, members of the Committee are entitled to address the meeting more than once.
- 7.5 Before taking the vote the Chairman will read out the recommendation of the Head of Planning and Regeneration Services and ascertain if any member of the Committee wishes to put forward an alternative recommendation.
- 7.6 If no alternative recommendation is put forward the Chairman will proceed to the vote.
- 7.7 If one or more alternative recommendations are put forward the Chairman will:
  - (a) request each member who puts forward an alternative recommendation to read out the alternative recommendation and specify the reasons for the alternative recommendation;
  - (b) invite the Head of Planning and Regeneration Services to advise the Committee on the extent to which the alternative recommendation and reasons for it fall within or outside planning policy;
  - (c) consider whether an adjournment is required to enable the member proposing the alternative recommendation to take advice from officers;and only then proceed to the vote.
- 7.8 Each member of the Committee may vote only once in favour of either the recommendation proposed by the Head of Planning and Regeneration Services or an alternative recommendation.

### 8. Public Speaking at Planning Committee

8.1 The Council has decided to introduce a public speaking scheme to allow members of the public and other parties to EITHER give their views in person OR in writing about an application for planning permission which affects them when it is being considered by the Planning Committee.

8.2 The four classes of speaker who may exercise the opportunity to speak publicly at Planning Committee are:

- a. objector (or agent/ spokesperson on behalf of objectors);
- b. applicant, or their agent (or supporter);
- c. Parish Council representative (if applicable);
- d. Ward Councillor

8.3 A person wishing to address either in person or in writing the Planning Committee must give notice to the Democratic Services Team of his or her intention to do so by 12.00 noon two working days prior to the Planning Committee meeting in question. Members of the public registering to submit comments in writing must submit the written statement by the same deadline.

Members of the public who register to address a meeting of the Planning Committee EITHER can do so verbally at the meeting OR by providing a written statement in advance of the meeting.

8.4 A total of three minutes shall be allocated to the applicant and/or his/her agent (or to a member of the public) who wish speak in favour of a planning application; if more than one person wishes to speak the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.

8.5 A total of three minutes shall be allocated to members of the public who wish to either speak or provide a written statement, against a planning application; if more than one person wishes to either speak or provide a written statement, the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.

Written statements will be read out by the Democratic Services Officer at the meeting. The written statement should be a length that would take no longer than the allotted time to read. The Democratic Services Officer when reading the written statement will not speak for more than the allotted time, when doing so.

8.6 A total of three minutes public speaking time shall be allocated to the representative of the local Parish Council; if more than one Parish Council representative wishes to speak the time will be divided equally between them. The time limits for public speaking may be extended at the discretion of the Chairman but only in exceptional circumstances.

- 8.7 A total of three minutes shall be allocated to Ward Councillors who wish to speak in relation to a planning application in their ward; if more than one Ward Councillor wishes to speak the time will be divided equally between them. In the event that a Ward Councillor is unable for any reason to exercise their Ward Councillor speaking rights they may nominate a substitute member to represent the views of the ward residents.
- 8.8 Guidance for public participation at Planning Committee is published from time to time by the Council. The Chairman of the Planning Committee will retain the discretion to decide at the meeting in which order the public speakers will address the Committee.
- 8.9 The Chairman shall invite the representative of Head of Planning and Regeneration at the conclusion of public speaking on planning applications to correct any factual inaccuracies.
- 8.10 Where a planning application is fully considered at Planning Committee and public speaking rights are exercised, in the event that Members decide to defer application there will be no further public speaking rights. This rule will apply to all classes of public speaker listed at paragraph 8.2. above.

### **9 Members of the Planning Committee with Disclosable Pecuniary Interests (DPI) or other disclosable interests and Public Speaking**

Any Member who considers they have a DPI or other disclosable interest in any planning matter, whether or not as a Planning Committee Member, should seek advice from the Monitoring Officer, deputy Monitoring Officer or a member of the Democratic Services Team at an early stage.

### **10 Site Visits**

During the pandemic, formal site visits will not be possible. Officers will endeavour to provide as much information as necessary, to assist members in their understanding of the site. Should any member of the Committee decide to go on a personal visit to see a site, then they must observe the following:

- Only view the site from the public highway (you do not have the authority to enter a site);
- Do not engage in any conversation with any person you may see at the site, nor disclose the purpose of your visit . If you are approached, explain that the purpose of the visit is to view the site and its surroundings and that you cannot enter into any discussion about the merits of the application.



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## PART 14

- Do not take photographs or make recordings with any device including your phone.
- View alone - no third parties may accompany you. Someone can travel with you in your car, but must not be with you when viewing the site.

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