

REPORT TO: Planning Committee

13 May 2020

LEAD OFFICER: Joint Director of Planning and Economic Development
and Monitoring Officer

Public Speaking at Meetings of Planning Committee

Executive Summary

1. To consider proposed revisions to the scheme for public speaking at meetings of the Planning Committee to reflect the requirement to operate virtual meetings.

Recommendations

2. It is recommended that the Planning Committee approves the amended scheme for Public Speaking at Planning Committee meetings as set out in Appendix A.

Reasons for Recommendations

3. To ensure that the Council has in place open and transparent arrangements for involving the public in meetings of the Planning Committee, whilst at the same time ensuring that such arrangements are practicable and realistic in a remote meeting environment.

Details

4. The Government has introduced regulations enabling committee meetings to be held remotely in the light of the Coronavirus emergency, given that it is currently not possible to hold meetings in the conventional way. The regulations cover the holding of meetings without all, or indeed any, of the members physically present in a room. In effect, they replace all legislation and standing orders with these provisions, allowing individual authorities to create subservient standing orders or rules, where they wish to do so, to fine tune the procedures for local circumstances and particular technologies
5. The regulations specify certain conditions that must be satisfied to enable members to attend a meeting remotely. One of these conditions is that members in remote attendance should be able at the time “to hear, and where practicable

see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting.” A further condition requires that members of the public can hear and, where practicable, see councillors in remote attendance.

6. Officers have revised the scheme for Public Speaking at meetings of Planning Committee, using the current scheme as the starting point for reviewing the requirements and necessary considerations for virtual meetings. Members are reminded that the current protocol provides for four categories of speakers to participate in Planning Committee meetings:
 - (a) 1 x Community Objector or objector’s agent
 - (b) (i) 1 x Applicant (or applicant’s agent)
(ii) 1 x Community Supporter **if** (and only if) the officer recommendation is refusal, or the applicant or agent forego their right to speak)
 - (c) 1 x Parish Council representative (elected or co-opted Councillor, agent or Parish Clerk)
 - (d) Local District Councillor(s) or another Councillor appointed by them.

7. The work of officers has focused upon considering the legislative requirements and the process and available technology options alongside the aspiration to continue to maximise participation in planning committee meetings. Alongside the drafting of the revisions to the protocol, officers have been working with 3C ICT to confirm the capability of a video conferencing platform to run committee meetings based on the proposed protocol with the appropriate security and access provisions. This will include enabling members of the committee to join a meeting remotely and to speak and, where practicable, appear on the video cast. There is also the option to dial third parties into a meeting (audio only) and work is ongoing with a view to enabling third parties to speak and be seen via a video cast, subject to them having compatible software.

8. The revised draft scheme for Public Speaking in meetings of Planning Committee is attached at Appendix A.

9. Members will see from the revised draft scheme, that is proposed that, as an alternative to being able to register to speak at the meeting, members of the public are given the option of submitting written representations. Those registering to speak would not be able to both speak and submit written representations. However registered speakers will be encouraged to provide copies of their proposed representations which will be made known to the Committee members should they be unable to speak at the meeting for their allotted time. In the event of a technical failure where it is not possible to connect a speaker, Members will take the written representations into account subject to the Chair being satisfied that this would not be unfair to any of the parties involved. It is proposed that speakers should be required to submit their written representations by 4.00pm two clear working days before the meeting – this

would mean the deadline would be 4.00pm on a Friday for a committee meeting held on a Wednesday. At present the deadline is on the afternoon of the Monday, where the meeting is on a Wednesday. This will allow greater time for liaising with speakers and ensuring they have any necessary links to join the meeting.

10. In addition to public speaking in Planning Committee, members may wish to reflect upon how member discussion might need to be adapted to suit the virtual meeting environment. To assist members of the public following the “live” debate and the Chair in the management of the meeting, there is likely to be a need for a more disciplined and structured approach to debate during virtual meetings. Officers have sought in the revised protocol to suggest that questioning of public speakers will be more structured and less expansive – with an expectation that officers provide clarification wherever possible. This will reduce pressure on the speakers and aid the flow of meetings.

Options

11. In order efficiently to run remote meetings it is necessary to vary the existing protocol for public speaking in Planning Committee meetings. Options include:

- (a) Allowing written representations only - however this would be less democratic and transparent than our current arrangements and would preclude the opportunity for any clarification where absolutely necessary.
- (b) Allowing public speaking by telephone only, - whilst this allows live engagement in meetings, video conferencing would arguably provide greater transparency;
- (c) Allowing speaking by video conference – this is the closest option to our current speaking arrangements.

12. It should be noted that the draft revised scheme does give the public the option to rely wholly on written representations, at their discretion, if they prefer not to participate in the committee meeting.

Implications

13. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Staffing

14. There are significant staffing resources associated with the introduction of virtual meetings both in terms of the technical and democratic services support required.

Risks/Opportunities

15. There is a need to guard against any malicious or mischievous public engagement in meetings.
16. There is also a risk associated with technical failure. If the live stream fails, it will not be possible to continue with any public meeting in view of the requirement in the regulations for the public to be able to hear, and ideally see, the proceedings. The revised draft scheme includes a section on dealing with technical difficulties and provides for adjournments where necessary. If registered speaker is unable to join a remote meeting or loses their connection during the meeting, the draft scheme provides that the Chair, depending on the circumstances, may declare a short adjournment to assess if the speaker can rejoin. If the speaker is unable to join or reconnect to the meeting, the Chair may still permit the Committee (having regard to overall fairness to all parties) to continue to consider the application. In such circumstances, where a registered speaker has opted to provide written representations as a backup to their verbal statement, the Chair will arrange for those representations to be read out to the Committee.

Equality and Diversity

17. The revised scheme for Public Speaking in Planning Committee takes account of the fact that not all members of the public wishing to make representations may have access to the internet or email and suggests alternative ways for making representations. It also includes a statement inviting people with alternative access requirements to contact Democratic Services.
18. The intensity of focus provided by the virtual meetings speaking protocol may discourage those who are not comfortable with broadcast public speaking to participate. The mitigations – to provide for written and verbal representations are considered to provide an alternative means to make representations that reduces the risk of exclusion.

Alignment with Council Priority Areas

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19. The Council has previously committed to streaming Council meetings to promote increased transparency around decision making. The delivery of virtual meetings aligns with this priority.

Background Papers

None

Appendices

Appendix A: Public Speaking at meetings of the Planning Committee

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