

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	10 December 2013

## DEVELOPMENT CONTROL COMMITTEE: PARISH COUNCIL SPEAKING RIGHTS

### PURPOSE OF REPORT

- To seek the committee's endorsement of a proposal to introduce speaking rights to Parish/Town Councillors in relation to the determination of planning applications by this committee.

### RECOMMENDATION(S)

- It is recommended that:
  - the Development Control Committee recommends to Full Council that speaking rights for Parish & Town Councillors for planning applications heard by this committee be established;
  - the Development Control Committee modifies its procedures for speaking at committee in accordance with paragraph 12 of this report.

### EXECUTIVE SUMMARY OF REPORT

- Following a request from Heath Charnock Parish Council, and discussion at the Borough/Parish Liaison meetings, the report seeks the committee's endorsement of a proposal to introduce speaking rights to Parish/Town Councils in relation to the determination of planning applications by this committee.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	<b>X</b>

### BACKGROUND

- At the Borough Parish Liaison meeting 17 July 2013, a request was made by Heath Charnock Parish Council that the Council consider speaking rights for Parish & Town Councils on planning applications heard at the Development Control Committee. The Executive Member for Planning & LDF agreed to further consider the matter, and for the subsequent meeting on 16 October a note was prepared for consideration. It was recommended that The Development Control committee be formally asked to consider the matter, and to report to Full Council on their considerations, with any recommendations for

any necessary changes to the constitution to effect any changes to procedures and speaking rights.

## **CURRENT PRACTICE AT CHORLEY & ACORSS LANCASHIRE, AND BEYOND**

6. Currently, Chorley Council does not give specific rights to any Parish/Town Council to speak at committee, but the Chair does have discretion to allow any person to speak. Five districts in Lancashire and the County Council offer specific speaking rights to Parish Councils– Fylde, Hyndburn, Ribble Valley, West Lancashire, Wyre. The remaining eight Lancashire authorities (six districts & two unitaries) offer general speaking rights which are given to include Parish Councils, often applying a ‘first come first served’ policy, and asking people to nominate if more than one speaker registers: Burney, Lancaster, Pendle, Preston, Rossendale, South Ribble, Blackpool & Blackburn. Other Councils across England were also found to offer specific speaking rights to Parish Councils.
7. Speaking time limits for all speakers ranges from 3 minutes for almost all councils in Lancashire except for Lancashire County and South Ribble (4 minutes), and Pendle and Blackpool (5 minutes). No specific extra time is given to Parish Councils, they are treated the same as everyone else in that regard. Some councils encourage Parish/Town Councils to join with objectors/supporters to make their representations. No Lancashire district was found that offered specific speaking rights for County Councillors.
8. In general terms, affording speaking rights to Parish/Town Councils can be considered to follow some democratic principles, and to widen participation in the planning process at committee. However, there are some counter arguments to granting specific speaking rights to Parish/Town Councils, and these were reported in the paper to the Borough Parish Liaison Meeting.
9. Firstly, there is the impact of extending speaking rights and the impact upon the length and cost of the committee. Secondly, it is considered that Parish/Town Councils are formally consulted on planning applications, and any comments made are reported to the committee. The question therefore arises as to what extra benefit would occur (aside from principles relating to democratic representation) in allowing specific speaking rights to Parish/Town Councils.
10. The Head of Governance has previously advised that there is also the matter of fairness to consider – if specific rights were granted, a scenario may arise whereby there was an objector, a parish/town councillor and a ward councillor speaking against an application, for a total of 11 minutes (3 minutes for all, except the ward councillor who would have 5 minutes), while an applicant would only have 3 minutes to respond to points made. In such circumstances, challenges about fairness may be successful. Further consideration will therefore need to be given on extending time limits for applicants under such circumstances.
11. The Head of Governance also advises that the Chair has the discretion to allow Parish Councils (or a representative thereof) to speak if their representations are particularly relevant; and that this in itself should be considered carefully, specifically who has the right to speak on behalf of the Parish Council, if indeed this is what is being asked for. Given there is a District Councillor available, then any parish/town council representative is not required to speak in a representative capacity for residents. If a parish/town council representative is speaking on behalf of that council, then Chorley Council would need to satisfy itself that that particular person is speaking in that capacity, and not on their own account.
12. Given the above, suitable procedures would need to be addressed. It is considered that should the committee recommend that such rights are afforded to parish/town councillors, then the following procedures should also be applied:
  - a. Order of speaking – objector, supporter, parish/town councillor, ward councillor, applicant/agent
  - b. Parish/Town Councillors wishing to speak must advise the democratic officer on the Friday before the committee. A request to speak must be accompanied by an

- appropriate form of authority from the clerk or chairperson of the Parish/Town Council. This should be in the form of an email or letter of authority.
- c. Parish/Town Councils should seek to utilise the services of a Ward Councillor to address the committee, and must represent the authorised views of the parish/town council that they represent.
  - d. Parish/Town Councillors will have three minutes to speak.
  - e. In the event that all speakers are against the application, the Chair will grant the applicant an extended time for speaking up to the same value as the combined speaking time against the application.

#### RECOMMENDATIONS:

13. That the Development Control Committee recommends to Full Council that speaking rights for Parish & Town Councillors for planning applications heard by this committee be established;
14. That the Council modifies its procedures for speaking at committee in accordance with paragraph 12 of this report.

#### IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

#### COMMENTS OF THE STATUTORY FINANCE OFFICER

16. There will be a modest increase in staff activity in recording requests for speaking, and in providing information about other registered speakers to parties to encourage one single objector to speak, and to avoid duplication. There will also be a modest increase in the duration of committee when such rights are exercised.

#### COMMENTS OF THE MONITORING OFFICER

17. Comments are addressed within the body of the report. The necessary changes to the Constitution would require the consent of Full Council, and a report could be made for 10 January 2014. It is important that the speaker for the Parish or Town Council is a Councillor. They are speaking in a representative capacity and it is proper that that function is discharged by a member of the Parish or Town Council. If granted this authority should be none transferable to ensure that only Parish or Town Councillors can speak as of right.

DIRECTOR LESLEY-ANN FENTON

DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

Background Papers			
Document	Date	File	Place of Inspection
Borough Parish Liaison Meetings: (Minutes, reports)	17 July 2013 16 October 2013		<a href="http://www.chorley.gov.uk">www.chorley.gov.uk</a> or Democratic Services

Report Author	Ext	Date	Doc ID
Jennifer Moore Head of Planning	5571	1 Dec 2012	***