



## Democratic Renewal Panel 12 February 2008

### Speaking Arrangements for Ward Members at the Development Control Committee

#### 1. Background

1.1 On 20 July 2004, the Council requested that the Democratic Renewal Panel consider the apparent inequity whereby a Councillor, as a local Ward Member, could only address the Development Control Committee for up to three minutes, whereas a Councillor on the Committee can take part in the full debate.

1.2 On 30 September 2004, the Panel determined to maintain the status quo and resolved that:-

*(1) Ward Members, who are not members of the Development Control Committee, address the Committee for three minutes prior to the Committee discussion on the application and have the opportunity to clarify matters of fact during the debate by the Development Control Committee when they are invited to do so by the Chairman; and*

*(2) (1) above be subject to future review at the same time as any review of the operation of public speaking rights.*

1.3 At present the Council has adopted a procedure whereby objectors and supporters of a planning proposal, together with a representative of the town or parish council, the Borough Councillor for the area and the applicant or their representative can address the Development Control Committee. The arrangements for addressing the Committee are that each **category** of speaker is allowed a maximum of 3 minutes, there is no right to reply and when these presentations have finished Members of the Development Control Committee then consider the application. The reason that a clear divide was established between arrangements for addressing or lobbying the Committee and Members' deliberation of any material factors relating to the application was to ensure that, in reaching their decision, there was no undue influence on the Committee.

1.4 The issue of the apparent inequity whereby a Councillor, as a Local Ward Member could only address the Development Control Committee for up to three minutes whereas a Councillor on the Committee can take part in the full debate has been raised again. In addition, there have been other recent issues surrounding public speaking rights at Committee meetings, issues such as:-

(a) where there is more than one Ward Member (not on the Committee) wishing to speak on a particular major application; and

- (b) should neighbouring Ward Members (not on the Committee) have a right to speak when there is a major application that has a significant impact on the neighbouring ward.

## 2. Practice from elsewhere

- 2.1 A number of other Councils have been contacted about their arrangements for Ward Members to speak at the Development Control or Planning Committee. The table at 2.2 sets out the way that these other authorities operate.

2.2

<b>Council</b>	<b>Ward Member speaking arrangements at Committee</b>
Babergh District Council	Any Ward Member can speak with prior notification to the Chairman. No time limit set unless declares an interest, then restricted to 3 minutes.
Braintree District Council	Ward Member can speak and is limited to 3 minutes. If declare an interest will leave before the vote.
Forest Heath District Council	Each Ward is represented on the Committee.
Ipswich Borough Council	Ward Members have 7 minutes to speak and leave before the vote is taken.
Mid Suffolk District Council	Any Ward Member can speak and there is no formal limit but 'asked' to keep it to up to 3 minutes.
Suffolk Coastal District Council	No time limit.
Waveney District Council	Each Ward is represented on the Committee. The 'other' Ward Member can speak for up to 3 minutes.

## 3. Options

- 3.1 'Public' speaking is an area where the local authority has the discretion to choose whether it wants to adopt a formal process with Ward Members given a set period of time to speak to the Committee, or the right to speak is given but without a specific time limit or for the Committee Chairman to exercise his/her discretion at each meeting.
- 3.2 The Panel is asked to consider the operation of Ward Members speaking rights in relation to the Development Control Committee and to establish the basis on which these can be exercised in future.

- 3.3 In this context there would appear to be three main options available for Ward Members (not on the Committee) to formally address the Committee:-
- (a) **Option 1:** continue with the three minutes formal time period for Ward Members to address the Committee subject to prior notification of the intention to speak, i.e. the current arrangement; or
  - (b) **Option 2:** as Option 1 but allow the Ward Member to comment on matters of fact during the debate by the Development Control Committee when invited to do so by the Chairman; or
  - (c) **Option 3:** allow the Ward Member to participate in the debate on the same basis as a Member of the Committee.

It should be noted that a Ward Member (or any other Member) who has a prejudicial interest will, under the Code of Conduct, have the right to address the Committee only to the extent that the right is extended to the public, ie for three minutes, after which he/she must leave the room and take no further part in proceedings.

- 3.4 The occasions when more than one Ward Member and neighbouring Ward Member wish to speak are infrequent, therefore, it may be more appropriate to formally give the Chairman the discretion to determine the speaking rights rather than provide specific 'rules', which may not cover every eventuality.

#### **4. Consideration**

- 4.1 The Panel is asked to choose their preferred option for speaking at the Development Control Committee from those detailed in Section 3.3 above.

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