

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**MAJOR PLANNING DEVELOPMENT COMMITTEE****REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND BOROUGH
DEVELOPMENT****MEETING PROCEDURES**

The report and attached appendix propose amended procedures for public speaking at planning committee meetings and clarity over the order of proceedings.

The committees are requested to agree the procedures for immediate implementation and to delegate to the Executive Director the authority to make any future necessary administrative amendments, such as to meeting titles and weblinks, which do not change the procedures agreed. The procedures were approved by Planning Applications Committee on 28 January 2014.

FOR DECISION

1. INTRODUCTION

- 1.1 The Cabinet Member for Planning Policy, Transport and Arts agreed a range of improvements to our planning committees in April 2013 which are currently being implemented.
- 1.2 It is expected they will:
 - Improve the robustness, quality and perception of the committee decision making process
 - Improve the consistency, understanding and operation of the administration of the committee process, and
 - Improve the fairness of opportunities to address the committees in person for both applicants and those opposed to developments.
- 1.3 This report proposes new clear procedures for the meetings and new procedures for public speaking which increase access and improve fairness.

2. BACKGROUND

- 2.1 For many people planning committees are the only personal contact they have with Council decision making processes. The impression they get before, during and after meetings leaves a lasting impression of both the planning system and the Council. Opportunities should be taken to give a positive impression of both.
- 2.2 Complaints about committee decisions are expected from time to time from people who disagree with the decisions made. However, over the last year

both officers and Councillors have detected increasing formal and informal discontent with the process of the committees. The focus for concerns are on:

- Perceived unfairness in the Chairman choosing who addresses the committee and how much time is allocated to each individual;
- Perceived unfairness resulting from some applications being allowed many speakers and long discussions compared with other applications where the Chairman has not allowed speakers;
- Unfairness or confusion created by late information;
- Confusion as to the decision made on some applications;
- The unsuitability of the room and not being able to hear discussions;
- The perception that some officer presentations are promoting the proposal too much or are too long; and
- The perception that some Councillors are not sufficiently familiar with applications to make robust decisions.

2.3 The new meeting procedures proposed in this report are aimed at addressing the first four of these points. The main areas of change in the proposed new procedures compared with the current procedures are:

- Increasing access to public speaking by allowing all registered speakers to address the committee, removing the Chairman's role in choosing which speakers to allow;
- Revising the time limits allowed for speakers so that a total of three minutes is allowed for those supporting the application and a total of three minutes for those objecting to the application. The Chairman's role in choosing how much time to give each speaker is removed;
- Those speaking must choose how to divide the three minutes between them, removing the Chairman's role in deciding this;
- Making it clear that all comments, evidence and information in support of representations should be submitted as part of the consultation and that there is a presumption against being able to submit information at the meeting;
- Clarifying arrangements for speakers where there is more than one application on a site; and
- Clarifying the circumstances when it is appropriate for the committee to ask questions of the speakers.

2.4 Since April 2013, the Chairman has operated within the existing procedures but run the committee largely as the new procedures propose. There have been no complaints about procedural unfairness. The increased access to speaking at the committee has been welcomed.

2.5 When approving the procedures, Planning Applications Committee introduced a separate two minute slot for a Councillor representing their constituents. This is in paragraph 2.4 of the procedure.

3. CONSULTATIONS

- 3.1 Existing arrangements and possible improvements have been discussed with the former and existing Cabinet Members, Chairman and two Vice-Chairmen and the former Chairman. The recommended proposals were also considered by the leaders of the opposition groups.
- 3.2 The proposals were the subject of public consultation from 12 April to 10 May 2013, promoted through the weekly planning bulletin. The Head of Development Management subsequently met with resident groups to discuss their responses.
- 3.3 A survey will take place after implementation to gather feedback on the success of improvements. More regular feedback will be secured through routine customer surveying programmed to commence in the next few months.

Public speaking

- 3.4 Removing the Chairman's discretion to choose who can address the committee and how much time they get was supported by all respondents, but there was no clear view about issues of timing and multiple speakers, other than that both 'sides' should be treated equally. Two respondents felt that everyone who wishes to speak should be allowed to. Two respondents thought three minutes was not enough, and another thought the discretion for more than three minutes should be used more regularly than just for the largest of developments.
- 3.5 One respondent suggested that the speaker's notes should be provided in advance. One respondent did not think speakers should be limited to those who have made representations and another thought additional material should be capable of presentation.
- 3.6 Providing each 'side' with a fixed period of time is fair as long as everyone is aware of the rules. Three minutes is a common period at other councils and has shown itself to work well over the past few months at our committees. For the biggest cases more time can be provided, but for most it will be sufficient if speeches are focussed on the key issues. Longer speeches can lose their impact.
- 3.7 Speakers will generally use their representations as the basis for their speech so there is no need for notes to be provided in advance. Speakers should always have made prior representations or be speaking on behalf of those who have. It is not fair on other parties for speakers to keep their verbal submissions private until the meeting. Nor is it fair to present photos, plans and other visual material or pass round information at the meeting. Not everyone at the meeting will be able to see it, it may not be accurate and submissions should not be saved until the meeting.

Councillor questioning of speakers

- 3.8 Views on this were split two ways. One group of respondents supported the change as they felt applicants were often asked more questions than objectors, that they used the opportunity to extend their speaking time, and therefore unfairly had more time to address the committee. The other group felt that asking fewer questions would give the view that Councillors do not fully engage with people and would reduce the discussion at the meeting.

3.9 Being unable to question speakers does not mean Councillors have not listened. Councillors often refer to what they have heard from speakers whilst debating the application. Clarifying the circumstances when questions can be asked gives the Chairman scope for avoiding unnecessary questions which lead to the perception that applicants use this as an opportunity to extend their speaking time.

4. FINANCIAL AND PROPERTY, LEGAL, SUSTAINABILITY, RISK, HR AND EQUALITIES IMPLICATIONS

4.1 The recommendation contains no significant financial implications and no direct property or sustainability implications.

4.2 In legal terms the proposals explain the procedure to all parties who will know at the outset whether they are entitled to speak and if so, how long for. It will also make it clear that all relevant documentation either supporting the application or a representation has to be given to the Local Planning Authority well in advance of the committee. This will enable the procedure to be more transparent and clear.

4.3 Any residual risks are minor. All threats and opportunities identified to the proposals in this report have been considered and risk mitigation actions addressed wherever possible.

4.4 There are no significant human resources implications and equality implications in relation to staff. The new procedures improve accessibility and understanding to all service users and would not materially affect one identified group over others.

5. RECOMMENDATION

5.1 It is recommended that the appended procedures are adopted with immediate effect for the Major Planning Development Committee to replace the current procedures adopted in 2010, with authority delegated to the Executive Director, Planning and Borough Development to make any future necessary administrative amendments, such as to meeting titles and weblinks, which do not change the procedures agreed.

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Background papers: None

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