

CONSTITUTION COMMITTEE – 20TH SEPTEMBER 2012

ADDENDUM TO ITEM 16

Extract from the minutes of the Strategic Planning Board meeting on 12th September 2012

59 REVIEW OF THE PLANNING PROTOCOL AND THE PUBLIC SPEAKING PROTOCOL

(During consideration of the report, Councillors Mrs R Bailey and G Walton left the meeting and did not return.)

Consideration was given to the above report.

Mrs S Dillon, the Council's Legal Officer, reported the following amendments to the report:

1) That the reference to Audit and Governance Committee in paragraph 2.1 of the covering report be replaced with 'Constitution Committee'.

2) That the words in paragraph 2.9 of the Planning Protocol 'or could reasonably be perceived as having' be deleted because perception would be dealt with in paragraph 2.10.

3) That following paragraph 2.9 a new paragraph be created as follows:

2.10 If you foresee that prior involvement in a planning matter could give you an appearance of bias (to a fair-minded and informed observer), make it plain beforehand and again at the Planning Meeting that you will retain and have retained an open mind throughout and are going to take the final decision on planning merit. If the appearance of bias is so strong, in the circumstances, that an assurance will not be sufficient to rebut it, then you should declare an appearance of bias or predetermination and, unless you want to exercise public speaking rights, you should take no part in the item and, ideally, leave the room.

4) That the addition of the words 'visiting Councillors to any of the three Planning Committees' be inserted after the words 'Southern Planning Committees' in the first paragraph of the start of the Planning Protocol.

5) That in relation to the Public Speaking Protocol reference to Ward Councillors being allowed 3 minutes to speak should have been tracked in red.

Members made comments in respect of the following:

- 1) Whether the reminder to pass on lobbying correspondence should be strengthened.

- 2) Whether the Members' current discretion to stay in the public gallery or leave the room when they have pre determined an application should be strengthened so that all Members leave the room as a matter of course.
- 3) Whether Members who have not attended the site visit should declare at the meeting that they know the application sufficiently well to take part in the decision.
- 4) Whether or not the Ward Councillor time should be restricted to 3 or 5 minutes and whether or not visiting Councillors should be questioned by Members on either the Board or the two Planning Committees.
- 5) Whether evidence should be presented to prove the existence of Local Representative Groups/Civic Societies.
- 6) Whether or not paragraph 9.5 of the covering report should be worded in a stronger manner.
- 7) In relation to paragraph 8.9 of the Planning Protocol, the words 'not ever' be replaced with the word 'never'.

RESOLVED

That the report be recommended for approval to the Constitution Committee subject to the amendments put forward by the Legal Officer and subject to the following additional amendments suggested by Members of the Board:

- 1) That in relation to the Public Speaking Protocol the provision requiring a copy of a Constitution outlined in paragraph 1.1 to be produced by a Local Representative Group should be deleted.
- 2) That the final sentence in paragraph 1.2 of the Public Speaking Protocol be deleted.
- 3) That the third bullet point in paragraph 2.6 of the Public Speaking Protocol be amended so that all visiting Cheshire East Councillors (including Ward Councillors) have 3 minutes to speak and may be questioned by Members on the Strategic Planning Board/Northern or Southern Planning Committee for a maximum of 5 minutes, or longer at the Chairman's discretion.
- 4) In relation to paragraph 8.9 of the Planning Protocol, the words 'not ever' be replaced with the word 'never'.