

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
PLANNING COMMITTEE

Minutes of the Meeting held on 30 May 2019 at 1.00 pm

Present: Cllr S Baron, Cllr S Bartlett, Cllr S Bull, Cllr J J Butt (In place of Cllr L Fear), Cllr M Davies, Cllr B Dion (In place of Cllr T O'Neill), Cllr P R A Hall, Cllr P Hilliard, Cllr T Johnson, Cllr D Kelsey, Cllr M Le Poidevin, Cllr S McCormack, Cllr D Mellor, Cllr A M Stribley and Cllr T Trent

1. Apologies

Apologies were received from Councillor Laurence Fear and Councillor Tony O'Neill.

2. Substitute Members

Councillor Judy Butt substituted for Councillor Laurence Fear and Councillor Bryan Dion substituted for Councillor Tony O'Neill.

3. Declarations of interest

There were no declarations of interest received on this occasion.

4. Election of Chairman of the Planning Committee

RESOLVED that Councillor Simon Bull be elected Chairman of the Planning Committee for the 2019/20 Municipal Year.

Voting: 8 : 7

5. Election of Vice-Chairman of Planning Committee

RESOLVED that Councillor Simon McCormack be elected Vice-Chairman of the Planning Committee for the 2019/20 Municipal Year.

Voting: 9 : 6

6. Public Issues

The Committee received a written statement from a member of the public, Mrs Susan Chapman, entitled 'Nature conservation is a material planning consideration'. Mrs Chapman attended the meeting and read out her statement.

The Chairman thanked Mrs Chapman for her statement.

7. Protocol for Public Speaking at Planning Committee

The Committee considered a report of the Director of Law and Governance, and Monitoring Officer which set out a proposed protocol for public speaking at Planning Committee meetings. A copy of the report appears as Appendix 'A' to these minutes in the Minute Book.

The Senior Democratic and Overview & Scrutiny Officer introduced the report and explained that the Council's Constitution required a separate protocol to be established for receiving public representations on planning applications being considered by the Planning Committee. The arrangements for public speaking were required to be clear, fair and equitable. People wishing to address the Planning Committee normally fell into two groups - objectors and applicants/supporters. The report put forward suggestions for the number of speakers and time allowances as follows:

- Number of speakers – two for each side (i.e. objectors and applicant/supporters)
- Time allowances – five minutes for each side (to be shared if more than one speaker)
- Chairman's discretion to agree in advance an increase in number of speakers and time allowances for significant major applications.

The Committee was advised that the proposed arrangements aimed to strike a balance between previous practices in Bournemouth, Christchurch and Poole, and what other local authorities did. In respect of speaking arrangements for Ward Councillors, the Committee was asked to consider whether it wished to apply a time allowance, and if so, whether this should be the same as for objectors and applicant/supporters (i.e. five minutes in total).

The proposed protocol was attached at Appendix 1 for consideration. It was noted that there was an error in the wording of paragraph 12, which should read as follows:

'Please note that meetings of the Planning Committee are audio recorded by the Council for subsequent public broadcast and may also be filmed by the Council for live or subsequent broadcast. The meeting may also be audio recorded and/or filmed for live or subsequent broadcast by members of the public.'

Once adopted the protocol would be published on the Council's website and made available to all people who registered to speak.

The Committee discussed the proposal to allow two speakers and five minutes for each side. While the majority of members were supportive of adopting this proposal, it was acknowledged that there were exceptions when individual applications warranted a degree of flexibility during the meeting. The Committee agreed to include a note in the protocol to indicate that the Chairman may exercise discretion as appropriate at the meeting regarding the number of speakers and time allowed. In relation to paragraph 6 of the protocol governing the circulation of information in advance of the meeting, the Committee agreed that this should apply to all

persons, not just those registered to speak. Having discussed the arrangements for Ward Councillors to speak, the Committee felt that Ward Councillors should be entitled to five minutes each (rather than in total) to represent the views of their communities. It was agreed to amend the wording of paragraph 10 to reflect this.

RESOLVED that the Protocol for Public Speaking at Planning Committee at Appendix 1 of the report be adopted with the following amendments:

Include note, to read: ‘The Chairman may exercise discretion as appropriate at the meeting in respect of the speaking time and number of speakers.’

Paragraph 6 to read: ‘Speakers and others.....not be circulated.’

Paragraph 10 to read: ‘Each Ward Councillor will have a maximum of five minutes speaking time to address the Planning Committee.’

Paragraph 12 to read: ‘Please note that meetings of the Planning Committee are audio recorded by the Council for subsequent public broadcast and may also be filmed by the Council for live or subsequent broadcast. The meeting may also be audio recorded and/or filmed for live or subsequent broadcast by members of the public.’

Voting: Unanimous

8. Planning Committee Site Visit Protocol

The Committee considered a report of the Development Services Manager which set out a proposed protocol for Planning Committee site visits. A copy of the report appears as Appendix ‘B’ to these minutes in the Minute Book.

The Development Services Manager explained that the purpose of site visits was to enable the Planning Committee to familiarise themselves with a site to understand the issues more clearly when considering the planning application. It was noted that site visits should only be proposed in exceptional cases, as detailed in paragraph 3 of the report. The report outlined the timing and procedure for arranging such visits, and the protocol to be followed when the Planning Committee was on site. The Development Services Manager also drew attention to the proposal at paragraph 26, that the Members of the Planning Committee unable to attend the site visit would be unable to vote on the application at the committee meeting.

On the advice of the Senior Solicitor the Committee agreed to amend the wording in paragraphs 5 and 13 of the report so that the references to ‘postpone’ and ‘deferral’ should read ‘adjourn or defer’ in all cases. The Senior Solicitor advised members that whilst there was no legal requirements that supported paragraph 26, this was nevertheless best practice.

The Development Services Manager and the Senior Solicitor responded to questions from the Committee on the following issues:

- The purpose of the site visit was to establish matters of fact. It was not proposed that any formal debate or decisions be made on the site visit, as this should take place with the public present. The landowner might choose not to allow anyone other than members of the Planning Committee onto the site.
- Substitute Members could attend the site visit and the committee meeting (i.e. they could substitute for both, not one or the other).
- There was no legal requirement for Members of the Committee to attend the site visit in order to be able to vote on the application.
- The protocol set out the proposed conduct of the site visit, including the roles of the planning officer and Ward Councillors.
- Officers were mindful that the Committee was now considering applications across Bournemouth, Christchurch and Poole, and Members might be more familiar with some areas than others. Every effort would be made to ensure that the Committee was provided with adequate plans and visual material, so that site visits were only required in exceptional cases.

The Committee discussed the provision in paragraph 26, which required Members of the Committee to attend the site visit in order to vote on the application at committee. Some Members felt that this was too restrictive. They advocated adopting a more pragmatic approach, where Members would be expected to attend the site visit, unless for example they were able to demonstrate that they already had a good knowledge of the site. Other Members felt that the site visit was an integral part of the decision-making process, so that only those Members who had attended should take part in the debate and vote at the committee meeting. The Senior Solicitor explained that matters of fact may be established during the site visit which Members not present would not be party to. This could lead to a subsequent challenge to the decision-making process. It also raised issues of public perception.

A move to delete paragraph 26 from the protocol was not carried.

RESOLVED that the Planning Committee Site Visit Protocol be adopted, with the following amendments:

Paragraphs 5 and 13: References to 'postpone' and 'deferral' should read 'adjourn or defer' in all cases.

Paragraph 26 to read: '...and where Members of the Planning Committee are unable to attend they will be unable to take part in the debate or vote on the application.'

Voting: Unanimous

9. Any other business

Applications referred to Planning Committee by Ward Councillors

The Vice-Chairman referred to the requirement for Ward Councillors to request that an application be referred to the Planning Committee before

the expiration of the relevant neighbour consultation period, that is 21 days. This was set out in the Planning Committee's functions, in Section 2.2 (g) (iii) of Part 3 of the Council's Constitution.

The Committee did not feel that this allowed Ward Councillors sufficient time to make a considered assessment of applications and any representations received, prior to making an appropriate referral. Members felt that the referral period for Ward Councillors should be extended to 28 days. The Committee asked about the process for getting this changed. The Committee was informed that one of the functions of the Audit and Governance Committee was to maintain an overview of the Council's Constitution and governance arrangements. It was noted that the Constitution as a whole would be subject to review by the new BCP Council.

Members were advised to consider whether it was appropriate to make a recommendation on this issue under the urgency requirements of any other business. The Committee acknowledged that the existing 21 day timescale for referral remained in operation until the outcome of any recommendation was agreed.

RESOLVED that the Planning Committee recommends to the Audit and Governance Committee that Section 2.2 (g) (iii) of Part 3 of the Council's Constitution be reviewed to enable Ward Councillors a period of 28 days in which to request that a planning application be referred to the Planning Committee.

Voting: Unanimous

Note: The Chairman agreed to take this matter as an item of any other business to allow the Committee to record and act on its concern at the current timescale for Ward Councillor referrals as set out in the Constitution.

The meeting ended at 2.20 pm

CHAIRMAN