

18TH JANUARY, 2023

REPORT NO. DEM2301

**UPDATES TO THE CONSTITUTION – PUBLIC SPEAKING PROCEDURES AND
STANDING DEPUTIES**

1. INTRODUCTION

1.1 This report proposes amendments to the following parts of the Constitution which relate to the Development Management Committee:

- Part 4 - Standing Orders, Appendix 1 Scheme for the Appointment of Standing Deputies
- Part 4 - Public Speaking Procedure Rules, Scheme for Public Speaking at Development Management Committee
- Part 3 - Section 6 – Roles and Responsibilities of Council Decision Making Bodies – Development Management Committee

1.2 The proposals that are set out in this report were considered and supported by the Constitution Working Group at its meeting in December 2022 and are part of a wider suite of updates for the Constitution which will be considered by the Corporate Governance Audit and Standards Committee at its meeting in late January. (The Constitution Working Group comprised councillors P.J. Cullum, Sue Carter, Christine Guinness, and S. Trusler)

2. SCHEME FOR THE APPOINTMENT OF STANDING DEPUTIES

2.1 The Scheme for Standing Deputies applies to the Development Management Committee, Corporate Governance Audit and Standards Committee, Overview and Scrutiny Committee and the Policy and Project Advisory Board. It currently allows for the attendance of one named substitute member per political group when an appointed Member cannot be present at a meeting.

2.2 It is proposed that the scheme be amended to allow the attendance of up to **two nominated substitutes per political group** in future. This will help to increase resilience for cover, and ensure quorum, on occasions when more than one Member from a political group is unable to attend a meeting. Research on provisions at other authorities in the local area showed that most authorities

have a more generous provision for standing deputies than Rushmoor's current scheme.

- 2.3 A copy of the proposed amendments to the scheme for Standing Deputies, showing track changes, is attached at **Appendix 1**.

3. **SCHEME FOR PUBLIC SPEAKING AT DEVELOPMENT MANAGEMENT COMMITTEE**

- 3.1 The scheme for public speaking at Development Management Committee currently permits one speaker against the proposal and one in support, with each speaker allowed a maximum period of three minutes to speak.

- 3.2 There are two main proposals for change to the scheme, to enable greater public participation, which are set out in **Appendix 2** with amendments shown as track changes. The changes are summarised as follows:

(i) It is proposed that the number of public speakers on planning applications be increased to allow two people to speak against the application and two people to speak for the application. All current requirements as to eligibility to speak would remain in place (Para. 8.1 of Appendix 2).

(ii) It is proposed that in the case of a major planning application where there is expected to be a high level of public interest and the decision is expected to have a significant impact on the Borough as a whole, a maximum of seven speakers may speak against the recommendation and a maximum of seven speakers in support. In such cases, it is proposed that the Chairman of the Development Management Committee, in consultation with the Head of Planning/Executive Director be delegated authority to decide the appropriate number of speakers up to the maximum, decide the speakers to ensure a representative range of views, and balance the time allocated to those speaking for and against the application (Para 8.2 of Appendix 2).

- 3.3 Major planning applications as described in 3.2 (ii) above are infrequent, however the Farnborough Civic Quarter application is expected to be considered by the Development Management Committee in early 2023. The current scheme for public speaking does not make any separate provision for major applications, and the proposed amendments will enable the flexibility to increase the number of speakers to reflect the large amount of public interest that might be anticipated for a major planning application.

- 3.4 In the case that the Farnborough Civic Quarter application is considered by the Committee before the Council next meets to approve the updated Scheme for Public Speaking for the Constitution, it is recommended that the Committee agrees the proposed new arrangements to be applied to the Civic Quarter

application. In the past, the Committee has agreed similar arrangements for public speaking on major applications on a one-off basis.

4. **RESPONSIBILITIES OF THE DEVELOPMENT MANAGEMENT COMMITTEE**

4.1 The decision-making responsibilities of the Development Management Committee are prescribed in Para. 6.5, Part 3 - Section 6 of the Constitution.

4.2 For completeness, it is proposed to add an additional responsibility under this section which reflects the Committee's existing work in practice:

Insert at the end of Para 6.5:

"The Development Management Committee will also receive updates on progress on Committee decisions, planning enforcement, and performance of the planning service with regard to the nationally set performance standards and associated matters."

4.3 These are information reports that the Committee already receives but are not specifically acknowledged in the current terms of reference for the Committee.

5. **CONCLUSION**

5.1 The Council has a responsibility to monitor and review the Constitution. The proposals set out in this report will feed into an update report that is being prepared for the Corporate Governance, Audit and Standards Committee, with a report to Council planned in February 2023.

5.2 The Committee is invited to consider the proposed updates as set out, which offer increased flexibility for standing deputies and for public speaking at meetings – with new provisions in the case of major planning applications where the level of public interest is expected to be high.

6. **RECOMMENDATIONS**

6.1 Subject to any amendments agreed by the Committee, **it is recommended to the Council that:**

- (i) the Scheme for the appointment of Standing Deputies, as it relates to the Development Management Committee, be amended to allow up to two nominated substitutes per political group as set out in Appendix 1;
- (ii) the Scheme for Public Speaking at Development Management Committee be amended as set out in Appendix 2; and
- (iii) the Committee's terms of reference be updated to include reference to the information and update reports as stated in Para. 4.2 above

6.2 That the Committee approves the arrangements for public speaking for the Farnborough Civic Quarter major application, as set out in Appendix 2.

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