



Leicester
City Council

WARDS AFFECTED:
ALL

Planning and Development Control Committee

13th May 2020

COVID 19 Temporary Measures: Remote Meeting Procedure Rules and amended Scheme of Delegation to Officers

Report of the Director of Planning, Development and Transportation

1.0 PURPOSE OF REPORT

- 1.1 To note and approve Remote Meeting Procedure Rules and associated revised Public Speaking Guidance, and to consider full delegation for householder applications (excluding those personal applications submitted by members or officers) to officers for a temporary period of 6 months.

2.0 RECOMMENDATIONS

1. That Committee note the General Procedure Rules adopted by the Council (attached as Appendix A1) and agree the proposed additions to these and the revised Public Speaking Guide at Appendix A2 as set out in the report.
2. That, notwithstanding the current scheme of delegation, with immediate effect and for a period of 6 months, all householder applications decisions be delegated to officers (excluding those personal applications submitted by members or officers).

3.0 SUMMARY

- 3.1 The report covers new Remote Meeting Procedure Rules and temporary arrangements for amended delegated decision making needed to cover the current COVID 19 restrictions.

4.0 REPORT

- 4.1 In response to current COVID 19 circumstances, in March 2020 the Government's Chief Planner said:

'It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning

system continues to function, especially where this will support the local economy and we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate'

Experience of early remote meetings held by councils elsewhere has confirmed that arrangements to facilitate robust meetings and technology need to be carefully considered. In response to this, and to reduce the length of agendas and associated burden on remote meeting attendees and technology this report notes the adoption of new Remote Meeting Procedure Rules and recommends two additions to these and also recommends revised public speaking guidance and amendments to extend officer delegation to householder applications as set out below.

4.2 New Remote Meeting Procedure Rules

The Council can now undertake remote meetings as conferred by new Government legislation, and the Council has in response adopted new General Procedure Rules which supersede the existing PDCC rules and Guidance. **It is recommended** that PDCC adds to these rules by confirming arrangements for matters specifically relating to Planning and Development Control Committee to reflect the restraints imposed by the current COVID 19 circumstances, namely:

- That speaking participation by the public and elected non-committee members is by audio link only
- That there shall be no right for a Committee member to call for a site visit before the PDCC meeting or for an item being considered at PDCC to be deferred for a site visit

Appendix A2 sets out proposed amendments to the Public Speaking Guide **for approval** to confirm how these arrangements will operate.

4.3 New Delegated Powers

The City Council's Constitution sets out the Terms of Reference to Planning and Development Control Committee. All matters within the Terms of Reference of the Planning and Development Control Committee which are not reserved to Full Council or this Committee are delegated to the Director of Planning, Development and Transportation. The existing Scheme of Delegation was approved by the Committee in April 2019. This was to be reviewed after 12 months and I intend to bring a report on that once normal circumstances for PDCC return. I do not anticipate recommending any significant changes.

The current scheme of delegation is attached at Appendix B. The proposal is that exceptions in the scheme should not apply to householder applications (house extensions and alterations) for a temporary period of 6 months to reduce the pressure on the Committee given current restrictions on physical attendance at meetings. The temporary scheme will cease at the end of the 6 months, or earlier if the Committee decides that it is no longer required. This exclusion will

not apply to those personal applications submitted by members or officers, which for purposes of transparent decision taking will continue to be presented to PDCC for determination.

4.4 Householder applications are most likely to have been made with early implementation in mind and longer than usual delays to determine these could be seen as unreasonable. Householder applications are subject to negotiable time limits for decision and also as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015/595 art. 2. These involve works within the curtilage (boundary/garden) of a house for purposes incidental to its use as a family house and includes by way of example only the following

- extensions
- conservatories
- loft conversions
- dormer windows
- alterations
- garages, car ports or outbuildings
- swimming pools
- walls
- fences
- vehicular access including footway crossovers
- porches
- satellite dishes

It does not include any of the following;

- any works relating to a flat
- applications to change the number of dwellings (flat conversions, building a separate house in the garden)
- changes of use to part or all of the property to uses which are not C3 residential uses or non-residential (including business) uses
- anything outside either the garden or curtilage of a dwelling-house (including outbuildings if in a separate area)

4.5 During the temporary delegation arrangements the Head of Planning will consult with the Chair and Vice-Chair of the Committee or nominated substitutes giving 3 days-notice before any delegated decision which previously would have been heard by PDCC is taken under these temporary arrangements. The delegated decision will then be taken by Planning Officers in accordance with the Officer scheme of delegation.

4.6 The above arrangements will ensure that when making such decisions representations from the public and members are fully taken into account.

5.0 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

There are no direct financial implications arising from this report. The use of delegated powers rather than requiring committee decisions saves staff time and money.

Paresh Radia
Finance Manager

5.2 Legal Implications

5.2.1 The Committee is entitled to delegate functions to officers. In light of the current circumstances, obligations on the authority and volume of work, it is in the Council's best interests to delegate functions expressly in order to reduce the pressure on Committee and still allow for efficient and timely processing of all applications.

5.2.2 Planning functions relating to planning enforcement and development control are matters for the Council, any Executive delegations are not relevant to the report or affected by the amendments to the scheme of Delegation. The reservations and powers of full Council can also not be amended or by passed by the scheme of delegation, it therefore relates solely to those powers as covered in the Committee's Terms of Reference.

5.2.3 The General Procedure Rules are made pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020 (The 2020 Regulations).

Jane Cotton, Solicitor (Commercial, Property & Planning)

6.0 Climate Change Implications

None

7.0 OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

Corporate Parenting	No	
Health Inequalities Impact	No	

8.0 BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Planning and Development Control Committee report 3rd April 2019
Planning and Development Control Committee report 2ndOctober 2019
Letter to Chief Planning Officers March 2020

9.0 REPORT AUTHOR

Steve Brown, Group Manager (Development Management), tel: 0116 454 3023

REMOTE MEETINGS PROCEDURE RULES

These Procedure Rules shall govern the general conduct of remote meetings of the Council, its Committees and Scrutiny Commissions conducted pursuant to The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The 2020 Regulations).

These Rules have been drafted by the Monitoring Officer pursuant to the power vested in him under Article 16.02 of the Constitution and agreed by the Chairs of the Overview & Select Committee; the Licensing Committee and the Planning & Development Control Committee.

For the purposes of compliance with the law, and the efficient administration of business, these rules may be modified from time to time for particular meetings, as advised by Legal and/or Democratic Services Officers.

How will remote meetings be conducted?

Remote meetings will take place via electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. Members may be able to participate by remote means (including, but not limited to video conferencing, live webcast, live interactive streaming) in accordance with arrangements agreed from time to time by the Council. Members should try to establish video conferencing capability however, by exception they may attend by audio only.

How will notice of remote meetings be provided?

The Monitoring Officer will give five clear days' notice of the meeting in accordance with Schedule 12 Local Government Act 1972. The notice will provide details of how the meeting shall be open to the public which shall be through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming.

Regulation 4(1) of the 2020 Regulations abolishes the need for "further" notice should we need to change that meeting time/place/venue, however the Council will use reasonable endeavours to provide notice of changes where practicable.

How will papers be provided?

Agendas and reports will be published five clear days before the meeting through the Council's website. Elected Members will be provided with paper copies of agendas and reports as a matter of course whilst meetings are held under the 2020 Regulations.

Notice of Remote Link

Democratic Support and other officers have worked with Members to establish their ability to connect to remote meetings. If, following the notice of a meeting being published, a Member is aware of an IT or other problem that would prevent them from engaging in the meeting, they must inform the relevant Democratic Support Officer as soon as possible.

The remote means must be established and tested before the commencement of the meeting

Record of Attendance

The Chair will confirm at the outset and at any reconvening of the meeting (or at the relevant Agenda item where a participant is joining for just part of a meeting), that they can see and/or hear all participating Members (to include Committee Members, and also those non-Committee Elected Members who are exercising a right to speak) as well as any members of the public who have a right to speak. Participating Committee Members must also confirm at the outset and at any reconvening of the meeting that he/she can see and/or hear the proceedings and the other attendees. Democratic Services will record attendance on behalf of Members.

Quorum

Any Member so authorised to participate by remote conferencing shall be regarded as present. In the event of any failure of the video conferencing link the Chair will immediately determine if the meeting is still quorate, if it is then the business of the meeting will continue, if there is no quorum then the meeting will, only in such circumstances, adjourn for a period specified by the Chair to allow the connection to be re-established.

Disruption to remote conferencing

Should the conference link fail for all Members, the Chair may call a short adjournment of up to five minutes to determine whether the link can quickly be re-established. If the link cannot be re-established the meeting shall be adjourned to a later agreed date.

Where the conference link that permits public access to the meeting fails, the meeting will no longer be "open to the public" and the Chair will call for an adjournment to re-establish the link, failing which the meeting will be adjourned to a later agreed date.

In the event of link failure for individual Members, Chair may use their discretion to call for a short adjournment to re-establish a connection. If the individual Member's link is successfully re-established then the remote Member(s) will be deemed to have returned at the point of re-establishment. Where a remote Member loses contact with the meeting, if debate/presentation took place during that time, which cannot reasonably be revisited when the Member re-joins, the Member will be deemed to have not taken part in that item and will therefore not be able to continue further in that item or vote

Where reconnection is not established promptly, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item providing the meeting remains quorate.

A similar approach will be applied to non-Committee Elected Members, and members of the public, who are exercising a right to speak.

Declaration of Interests

Any Member participating by remote link who declares an interest in any item of business in terms which requires them to leave the room must ensure that they cannot be seen or heard during the agenda item. This shall be confirmed by Democratic Services. This member of staff will thereafter confirm to the remote Member when they may re-join the meeting. Where possible, any declarations of interest should be established through discussion with the Monitoring Officer in advance of the

meeting and any intention to refrain from partaking in a particular item of business should be notified to Democratic Services on the working day before the scheduled meeting.

Notification of Right to Speak

The Chair shall determine at the commencement of the meeting how Committee Members should notify them that they wish to speak considering whether video or audio conferencing is being used.

Where the meeting includes participation from members of the public or non-Committee Elected Members who are exercising a right to speak, the Chair shall determine at the outset of the relevant agenda item how this right shall be exercised.

For Planning and Development Control Committee, this shall be exercised in accordance with the Guide for Public Speaking, which will be amended for virtual meetings, unless such rights have been suspended

Voting

A remote Member participating in a vote on a substantive resolution on an item of business on the Agenda will cast his/her vote as if participating in a recorded vote. Where a vote is required on a procedural matter arising within the meeting, or on approval of the Minutes, the vote will be undertaken by means which will be set out by the Chair.

Exclusion of Public

If a remote Member wishes to participate in discussion of a confidential/exempt item they must verify that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made, by any person. The members of staff present will ensure that no recording is taking place. Democratic Services will ensure that members of the public and non-Committee Elected Members (where relevant) have left the meeting.

Attendance by the Public and Press

Members of the public and press entitled to attend a meeting will be provided with details on how to access the meeting through remote means

APPENDIX A2

Leicester City Council COVID 19 Amended Guidance for Public Speaking at Planning and Development Control Committee (Applicants, Objectors and Members)

Introduction

These are the ~~normal~~ amended rules for public speaking during the COVID 19 period for remote meetings of Planning and Development Control Committee (PDCC). They should be read in accordance with APPENDIX A1: Remote Meetings Procedure Rules for the Committee as approved by PDCC on 13th May 2020.

In exceptional cases the Chair can change these.

If you want to register as a speaker please contact Democratic Support on 0116 454 6355 / 454 6357 or email committees@leicester.gov.uk no later than noon on the day before the committee meeting.

Making Representations on Planning Applications

Public speaking is an opportunity to make your views known in person to the committee; however, letters and emails sent during the consultation period are still the best way for views to be properly considered and included in the officer's report. Objectors can only speak if they have previously made their views known in writing.

Only "material planning considerations" are relevant; more advice can be found at:

https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations

Which reports are covered by the scheme?

The public speaking scheme only applies to planning applications which are being decided at the Planning and Development Control Committee.

Most planning applications are dealt with by officers under what are called delegated powers.

Generally, applications are only considered by the committee if they are recommended for approval and there are 6 or more objections or a councillor has asked for the application to go to committee.

We will write to objectors and applicant's agents in advance if and when an application is due to be considered by the Committee.

Other Committee reports

The Committee sometimes considers other matters eg planning enforcement action, Traffic Regulation Order consultations and confirmation of Tree Preservation Orders. Members of the public will not be invited to speak on these reports; however non-Committee councillors can speak with the permission of the Chair.

Who can speak?

The applicant or their representative, anyone who has made a written objection, or a lead petitioner, can speak at the committee using an audio link facilitated by Democratic Support officers.

An elected member may also speak on an application within their ward. The Chair will only allow another non-committee member to speak in exceptional circumstances.

What are the rules for speaking?

A **total of five minutes** is allowed for each category of speaker - applicants, objectors and non-committee Members.

If you wish to speak at the committee **you must let us** know before noon on the day ~~of~~before the committee meeting. Objectors must have already submitted a written objection.

By registering to speak you are accepting the conditions set out in this information.

You must also agree to abide by any decisions or advice given by the chair of the committee or council officers.

You must only speak about planning matters. Please do not make personal or derogatory remarks about anyone. Such matters are not relevant and could lead to legal action.

What if I cannot make the meeting or the Audio Link fails before or during the meeting?

Please let Democratic Support know. Your previously made representation will still be considered; however a decision on the application cannot be held back and at the Chair's Discretion the meeting will proceed to determine the application.

What if more than one person wants to speak?

The Democratic Support Officer will ask speakers to agree to one person speaking on behalf of the others. Alternatively the time might be shared between those wanting to speak (for the applicant, for objectors and as non-committee members) and this needs to be agreed and confirmed with the Democratic Support Officer in advance of the meeting. If an agreement cannot be reached, the five minutes allowed would be given to the first person to have registered their intention to speak.

Public Speaking for Applicants or Agents

A total of five minutes will be allowed for the applicant, agent -or someone else on their behalf- to speak to explain their proposal and/or to address objections. They will normally speak first; however they may, if requested by members, through the Chair, at any time before a decision is made, answer points of clarification raised by other speakers or members of the Committee.

When and where are the meetings held?

The planning committee normally meets remotely every three weeks at **City Hall, 115 Charles Street, Leicester LE1 1FZ** on a Wednesday at 5.30 pm although timings of meetings may be subject to change and this will be published on the Council's website at <http://www.cabinet.leicester.gov.uk:8071/ieListMeetings.aspx?CI=399&Year=0>.

Detailed arrangements and timings for speakers joining the meeting will be confirmed by Democratic Support with speakers who have registered to speak.

Who is on the Committee and who else will be there?

The planning committee is made up of elected councillors. Council staff attend to advise and to formally record the meeting. Any member of the public may ~~attend~~ remotely log on via the link provided on the council website and to listen to the debate. A recording of the proceedings will be made available after the meeting.

Publicity

The ~~press can attend and the~~ proceedings are broadcast through a “web cast” which can be viewed by anyone using the internet - live or later, subject to internet capability.

Anyone who chooses to take part in the committee meeting should understand that they will be ~~seen and~~ heard by the public.

What is the order of business at the Meeting?

The general order of business at the meeting is as indicated on the committee agenda; however individual applications, reports and other items of business are frequently taken out of order. This will be explained by the chair at the start of the meeting.

Can I see the officer's report?

The agenda and reports will be available ~~at the City Council offices~~ a week before the meeting ~~and~~ on the internet at <http://www.cabinet.leicester.gov.uk:8071/ieListMeetings.aspx?CId=399&Year=0>

An additional paper (the addendum report) containing information received after the reports have been written, will be available online at the meeting.

Can I speak to a Councillor before the meeting?

You may contact your local councillor about any planning matter:

<http://www.leicester.gov.uk/your-council/councillors-and-wards/>

Please note that if you wish to contact any members of the planning committee you **must copy correspondence to the planning service**: planning@leicester.gov.uk

You must not approach members of the committee at the meeting itself.

How do I present my comments?

The Planning Committee may only consider relevant planning issues. Please limit your comments to matters such as:

- Appearance of the proposal.
- Traffic generation, highway safety and parking
- Overshadowing, overlooking and privacy
- Noise, disturbance or other loss of amenities
- Layout and density of buildings

Please avoid matters that cannot be considered by the committee such as:

- Boundary disputes, covenants or other property rights
- Personal remarks (such as the applicant's motives)
- Reduction in property values
- Loss of private view over the land

Can I display photographs?

We may be able to show your own photos while you speak providing there are no more than four of these and they are capable of being shown within a Powerpoint format. They will have to be received by Democratic Support no later than two days before the Committee.

Can I ask any questions?

You can include reasonable questions relating to facts relevant to the planning consideration of the application within the time allocated for you to speak.

When making your speech please make it clear that you are asking for an answer to a specific question on a point of information.

What happens when an application is considered?

- The chair will announce the application
- A planning officer will give a short introduction
- applicants, objectors and non-committee councillors, may speak (if previously registered)
- the committee will then discuss the application.
- The chair may ask officers to respond to questions raised or to clarify certain points at any time.
- No one else can speak during the debate except the applicant (or agent) if specifically asked a question by the chair.

The Decision

The committee will make a decision on the application.

This decision may be different from that recommended by officers in the main report or addendum report.

What happens if an application is deferred?

All recorded objectors will again be invited to speak at a subsequent meeting when the application will be discussed.

~~**Can anyone speak at a committee site visit?**~~

~~If the Committee are making a site visit this will normally have been arranged before the scheduled committee. The committee site visit is for the members of the committee and advising officers only and its purpose is to observe the characteristics of a site and its relationship to the surroundings. Applicants, agents, objectors and other councillors should not take part.~~

What happens after the decision is made?

The decision notice is sent to the applicant or their agent. This will normally be the day after the Committee but sometimes there are additional procedures which can delay the final decision. For example the decision may be subject to a legal agreement or to additional decisions which may have delegated to officers to conclude on.

The decision will be available for anyone to view on our website within a few days of the notice being issued.

When an application has been refused, the applicant may appeal to the Planning Inspectorate. Any representations made on the application will be forwarded to the Inspectorate.

Where an application has been granted, there is no opportunity for objectors to appeal.

The details of the Committee's decision making are given in the published minutes of the meeting available a week or two after the meeting.

| [January 2019](#)
[May 2020](#)