

SLOUGH BOROUGH COUNCIL

REPORT TO: Council

DATE: 31st January 2012

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WARD(S): All

PART I **FOR DECISION**

RECOMMENDATION OF PLANNING COMMITTEE – PUBLIC PARTICIPATION SCHEME

1. **Purpose of Report**

To advise the Council of the recommendation of the Planning Committee on 11th January 2012 to amend the Public Participation Scheme (PPS).

2. **Recommendation**

The Council is requested to RESOLVE: That the Public Participation Scheme be amended, as set out in Appendix A, to allow objectors to speak on an application when Officers are recommending refusal.

3. **Community Strategy Priorities**

The administrative and procedural changes have no direct impact on the Community Strategy.

4. **Other Implications**

(a) **Financial**

There are no financial implications arising from this report.

(b) **Risk Management**

There are no significant risks.

(c) **Human Rights Act and Other Legal Implications**

There is no legal obligation to allow public participation at planning committees. The Council has agreed a Scheme to allow public participation at meetings and this forms part of the Constitution.

(d) Equalities Impact Assessment

Any Scheme and/or proposed changes to it should ensure absolute equality between applicant and objectors.

(e) Workforce There are no workforce implications.

5. **Supporting Information**

- 5.1 At its meeting on 6th October the Member Panel on the Constitution considered the Public Participation Scheme. The Panel had been asked by the Council to consider the following proposal that Councillor Smith had put at the Council meeting on 26th July 2011:

‘Objectors should be enabled to address the Planning Committee if officers are recommending "refusal", where the proposed development is in a Conservation Area, or in the Greenbelt, or where the objectors are statutory consultees, including Parish Councils.’

Public Participation Scheme (PPS)

- 5.2 The PPS is set out in the Constitution within the Planning Code of Conduct.
- 5.3 The PPS currently allows certain people/groups the opportunity to speak about a planning application if the application is recommended for **approval** by officers and is to be determined by the Planning Committee.
- 5.4 The Scheme states that in the case of a planning application that is recommended for **refusal** the applicant has recourse to the statutory appeal process.

Consideration by the Member Panel on the Constitution

- 5.5 Members discussed the speaking rights at Planning Committee and the proposal moved by Councillor Smith. Members were advised that, whilst there was no legal requirement to allow public participation at Planning Committees, any scheme should ensure absolute equality between applicant and objectors.
- 5.6 Whilst Councillor Smith’s proposal suggested that objectors should be able to address the Committee if an application was recommended for refusal in certain circumstances, the Panel considered that speaking rights [in accordance with the scheme] should be extended to all applications submitted to Committee whether for approval or refusal to ensure equity for all.
- 5.7 The Panel recommended that the Scheme be amended to allow objectors to speak on an application when officers are recommending refusal. The proposed amendments to the Scheme are marked with Track changes in the attached Appendix.

Consideration by the Planning Committee

5.8 On 11th January 2012, Members of the Planning Committee considered the proposed changes to the Public Participation Scheme.

5.9 Subject to a number of minor amendments to the scheme, the Planning Committee resolved that the Public Participation Scheme be amended to allow objectors to speak on an application when officers are recommending refusal.

6. Conclusion

That Council consider the recommendation approved by Planning Committee on 11th January 2012 to amend the Public Participation Scheme to allow objectors to speak on an application when officers are recommending refusal.

7 Appendices Attached

'A' - Public Participation Scheme – incorporating proposed amendments.

8. Background Papers

Agenda and Minutes – Council 26th July 2011

Member Panel on the Constitution – 6th October 2011

Agenda and Minutes – Planning Committee 25th October 2011 & 11th January 2012