

Response by John Bint (Cllr) to the proposed Scheme of Delegation & speaking rights changes, (including my proposed amendments). 5/4/2017

It is disappointing that the officers have only shown their revised proposals alongside their earlier proposals, and have not shown the existing arrangements that they propose to change!

Officer proposals to change the Scheme of Delegation:

Item 1 & Item 2

I believe the 28 day limit is insufficient to allow Town/Parish papers to be circulated and meetings held, with no mechanisms for anyone but the full T/PC to exercise this power. I therefore propose:

- The T/PC should be given 42 days
- An individual response from the Clerk or Chair/Deputy of the T/PC or Chair/Deputy of the T/PC's Planning Committee or equivalent should also be treated as a valid trigger
- Para (b) be amended to say, in respect of material planning considerations "which can be explicit by mention of a policy or implicit from the substance of the objection"
- The bold wording about "failure to attend" should be deleted. We should presume good faith on the part of all T/PCs and the bold wording is entirely inappropriate.
- There should be a further paragraph (d) added, saying that "An objection from a T/PC will not automatically be treated as a request for the application to be decided at Panel/Committee, and changes 1 & 2 do not automatically apply to objections, they only apply where the T/CP specifically REQUESTS the application is determined by Panel/Committee"

Items 3 & 4

I believe it would be better to be explicit than implicit, and therefore I propose the following amendment (additional wording):

- An Objection from a Member will not automatically be treated as a request to speak nor as a basis for the application to be determined in any particular manner (officer/panel/committee). However if the Member is asking to speak, and gives 28 days notice and material planning reasons, the matter can be sent to Committee/DCP as appropriate.
- The "own ward or neighbouring ward" criteria be deleted from Item 4.

Item 5

I object to the deletion of ANY process for members of the public to trigger a Member determination. I can envisage too many scenarios where the Ward Councillors and Parish Councillors and perhaps Cabinet Member(s) are in effect one single small group of people, perhaps supportive of a planning application by the Council itself or one of its partners,

leaving local residents no route to have their views heard. However I believe that (as with the previous points) we should differentiate between simple objections, and requests for a Committee/Panel determination. I therefore propose the following amendment:

- Officer amendment 5 is deleted and replaced with the following: Objections from members of the public, irrespective of the quantity, will not automatically trigger the application going to Committee/Panel. However, 5 requests from MK Borough residents that the matter goes to Members for determination will be sufficient for the application to go to Panel/Committee as appropriate.

Item 6 (enforcement powers)

I object to deleting the power of DCC to determine (in complex enforcement scenarios) whether a breach has occurred and whether planning enforcement is expedient. I will therefore be urging my colleagues to reject this change from the status quo.

Item 7 (rights of way)

I believe we have a good set of arrangements currently and I don't see any convincing case for why the existing arrangements need changing. There have been several important debates at committee over the last couple of years which convinces me that this is not an onerous burden on the committee and is considered very important by residents. I will therefore be urging my colleagues to reject this change from the status quo.

Turning now to the proposed changes in Speaker Rights (p95-96 of the agenda):

Change 1:

I object to officer attempts to reduce the quantity of objectors (from normally 3 but more in exceptional circumstances) and to reduce the total time available for objectors (from 3 minutes per objector). I also object to the total "supporters and Right of Reply" time being increased, potentially to a much longer time than the total time given to objectors. The revised officer proposal is still unacceptable in my view and I will be urging my colleagues to reject this change from the current speaking arrangements.

Change 2:

If the change means those people "may ask questions instead of making their speech", I object to this change.

But if it means speakers "may ask questions and get proper answers from officers prior to making their speech" then I would support this change in respect of objectors, but not for supporters of the application (because the applicant has enough opportunity to present the information they want to present, without needing syncophantic questions asked on their behalf).

- I therefore propose the wording should be clarified to say "in objection to an application" and
- That the words "or support" be deleted

Change 3:

I think it is completely unreasonable for Officers to be accepting that any member of the public can submit comments (including objections) on a planning application anywhere in the Borough, but proposing that most Ward Councillors are disqualified from doing so. I therefore will be urging my colleagues to reject this change. ANY ward councillor must be allowed to submit comments (without any presumption that such comments will influence whether the application is determined by officers or members)

Change 4:

I believe this officer wording conflates the issue of whether any Ward Councillor is allowed to register to speak, with the issue of whether/when the applicant deserves a Right of Reply. I propose both these issues can be resolved by the following replacement wording:

- Any Borough Councillor can register to speak in objection to any application (and this has the effect of requiring the application to be determined by Members rather than officers). All objectors' allocated minutes will count towards the applicant's Right of Reply time. Except in respect of a site in their ward or having a significant impact on their ward residents, Councillors may not register to speak in support of an application (but may of course offer to speak within the Applicant's time allocation). If the site is in their ward or having a significant impact on their ward residents, a Councillor registering to speak must say whether they will be speaking in objection, in support, or a mixture. Unless they are speaking entirely in support, their time must be added to the applicant's Right of Reply allocation.