Agenda Item 9

Planning Committee 8th January 2024

Review of Process and Procedures at Planning Committee

For Publication

1.0   Purpose of Report

1.1   To consider a review and amendment of the processes and procedures applicable to planning committee meetings in the light of safety risks and concerns.

2.0   Background

2.1   The Council has an agreed process and procedure guidance note relating to the conducting of planning committee. This was agreed at Planning Committee on 5th January 2009. It was reviewed and updated on 9th October 2017.

2.2   A separate guidance note was agreed by Planning Committee in November 2019 which considered good practice and procedure when the committee decided applications against officer advice.

2.3   There is also an agreed protocol for speaking at planning committee supported by a leaflet "Your View Your Voice." This was reviewed and updated in April 2010. The protocols were temporarily suspended as a result of the Covid 19 pandemic but have now returned to pre covid arrangements.

2.4   The Councils Health, Safety and Risk team has recently introduced a "Personal safety for Councillors" document in November 2023.

2.5   Following planning committee meetings on 24th July and 21st August 2023 when major controversial applications were determined in respect of land at Dunston Road and Tom Lane, it has been

necessary to consider a review of process and procedures to ensure that the optimum safety measures for both Members, officers and those visiting the Council premise are in place for subsequent meetings.

3.0   The Need for Review

3.1   At the two meetings referred to above different issues were raised.

3.1.1 At the Dunston meeting the main issue concerned the suitability and capacity of the room resulting from about 150 people attending the meeting. It resulted in the public standing around the whole room, including directly behind members and officers. In this case the public were against the recommendation. As a result they were annoyed and potentially aggressive. A number interjected and disrupted the meeting. This raised issues concerning the safety of members and officers in continuing with the meeting and the safety of all present in terms of fire and evacuation.

3.1.2 At the Tom Lane meeting the main issue did not arise until after the committee had decided the application when one particular member of public became abusive, threatening and was reluctant to leave. Photos were taken of some members in an intimidating way.

3.2   This report considers the changes necessary to ensure the safety of Members, officers and the public without reducing the ability of the committee to consider applications in public with the public able to make representations at the appropriate stage. It includes a risk assessment and update of the various guidance notes and procedures referred to above.

4.0   Room Capacity/Suitability

4.1   The Council has a number of committee rooms which can accommodate planning committee and different numbers of attendees as follows:

- Committee room 1 - 40 seated at tables, 70 cinema style and 145 standing capacity
- Committee room 2 – 30 seated at tables, 40 cinema style and 80 standing capacity
- Council Chamber – 110 seated / 225 standing capacity

4.2 There have been occasions where meetings have been held at other venues such as the Winding Wheel and the Market Hall Assembly Room when it has been known that large numbers of interested parties were to attend the planning meeting. The use of such venues has a cost to the Council but the option of arranging a meeting in such a larger venue remains available in appropriate cases.

4.3 For the vast majority of meetings committee room 1 will be more than adequate with the opportunity to increase the space by opening up into committee room 2.

4.4 The key issue here is with the safety of those attending the meeting - members, officers or members of the public (MOTP). Committee room 1 or with 2 provides the best opportunity to distance members and officers from the public since there are two / three doorways. This gives the opportunity for alternative routes of escape. Such segregation is also possible in the Council Chamber. There is an anteroom and there are public gallery areas above the main room and segregated.

4.5 To avoid overcrowding arising at a particular meeting it is appropriate to horizon scan for controversial cases or issues to be considered by planning committee. This will enable appropriately sized rooms to be selected in advance and to enable any additional safety measures and briefings to take place before the meeting. RAG rating meetings with anticipated attendees and a collaborative officer/chairperson decision taken on room choice is considered necessary to ensure health and safety risks are properly taken into account.

4.6 Planning meetings are meetings held in public rather than public meetings, but are a key part of the transparent democratic process of

deciding on development proposals. The correct balance of allowing a continuation of public access at the same time as operating a safe process should also consider ways in which the public can still participate.

4.7   The government decided that from 7 May, 2021 the opportunity to hold virtual planning committees under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came to an end, not to be extended. As a result, all active participants in meetings under the Local Government Act 1972 must now attend in person. This includes councillors who are members of Planning Committee but also those registered to speak (members of the public, applicants or agents).

4.8   One key way of potentially reducing the risk of many members of the public from attending the meeting room would be to re-introduce live streaming of meetings (as was operated through part of the Covid 19 pandemic). This would provide an opportunity for those wishing to just observe the meeting to do so remotely, and may well increase public attendance, albeit virtually. This service would introduce a cost and may have technical limitations. If commenced a decision would be needed on how long recordings of such meetings should be retained. It is not considered necessary at this stage to re-introduce live streaming of meetings, however this could be considered further in the future.

4.9   The letters sent out to potential interested parties on an item to be considered at planning committee should seek information about proposed attendance, taking account of the capacity of the available meeting rooms. A system whereby entry may be prevented should the limit on room capacity be reached should be introduced. With the recent Dunston application it was estimated that between 130-150 persons were present across committee rooms 1 and 2. While this number is not much over the limits referred to above (40 seated in committee room 1 and 80 standing in committee room 2 = 120) it was considered too congested given the nature of the matter being

discussed and was regarded by attendees as overcrowded. It is considered necessary therefore to encourage interested parties to confirm proposed attendance at planning meetings in advance. Democratic Services will also need to monitor attendance at the entrance to the meeting room and to prevent further entry once the limit has been reached. Social media communications can also be used to build awareness of potential risks on such controversial cases and so there is an opportunity to discuss in advance with Comms any potential controversial application which is to be included on a meeting agenda.

5.0   Aggressive Customers/Safety

5.1   Planning applications considered at Planning Committee meetings can generate strong feelings by applicants/their representatives or those objecting to the proposals. All parties have vested interests in the decisions made by the committee. As there is public speaking for and against an application this can often bring people in the meeting into conflict.

5.2   Whilst there are at least two means of access/doors to committee rooms 1/2 and the Council Chamber which will undoubtedly assist in separate exit by officers/Members and the public, they are accessed via a single enclosed corridor which is used by all parties attending the meetings. There remains potential for Members and officers to be confronted by disgruntled third parties in the corridor or other areas of the building. By virtue of the layout and size of the room and nature of the corridor access such confrontations are likely to take place outside of the scope of vision of other officers who are attending the meeting thereby posing a risk.

5.3   Democratic Services officers administer the meeting and are generally the first point of contact for third parties attending a meeting and they have provided support/help at times of difficulty. It is important that Members and officers attending a meeting are clear about the escape route plans should the meeting become

disruptive or threatening to their safety. The ability of the chair to adjourn the meeting if necessary should be one of the tools to ensure safety. Where appropriate in known sensitive or controversial cases to use security staff or request the Police to also attend the town hall.

5.4   Officers who are presenting controversial or sensitive cases should not attempt to leave the committee room until such time that the third parties who have attended the meeting for that item have left the room and had time to leave the building. This approach should also be taken by Members.

5.5   Again it is important to focus on horizon scanning for controversial cases to be considered by planning committee to enable appropriate measures and briefings to be put in place in advance of the meeting. A process of RAG rating meetings with anticipated attendees is considered necessary to benefit from any intelligence available.

5.6   As a matter of standard practice, as part of the chair's introductions at the committee meeting it would be appropriate to not only refer to the Fire Evacuation procedure but also to read out a statement setting out how the meeting will be run and the role of Members and officers in the decision making process and that they should not be approached by members of the public, applicants or agents after the conclusion of items. The statement should also make it clear that the meeting is one being run in public rather than a public meeting, and the opportunity for public to participate is limited by set public speaking procedures. For health and safety reasons any persons leaving the meeting should not congregate in the corridors but should proceed to leave the building without delay. This requires the amendment of the current guidance and protocol leaflets as well as the opportunity to include appropriate references to guidance in the letters which are sent out to potential interested parties of an item to be considered at committee meetings.

5.7   Where a meeting agenda contains an item which includes a controversial item it is necessary to ensure all officers and Members attending are aware of this in advance of the meeting and are familiar with exit routes and the procedure to follow in the event of an safety incident. This is likely to involve a pre-committee briefing. On the rare occasion that it may be determined that assistance is required from security and/or the police then the Democratic Services officer present in the meeting should send a Teams or email message to main reception to call the police. If it is known that an item to be considered has the potential to be disruptive through the process of horizon scanning and shared intelligence information then advance warning should be given to the police.

6.0   <u>General</u>

6.1   It is considered necessary to provide on-going training for members on meeting etiquette so that any Member comments made are not likely to inflame the situation, particularly if the subject under discussion is sensitive or controversial. This will involve an on-going process of keeping members up to date over matters such as local plan review updates, 5 year housing supply position and other matters which are of relevance and material to planning decision making.

6.2   Benchmarking with other local authorities should also be an on-going process through which the Councils process and procedures can be refined and updated to reduce risks.

7.0   <u>Recommendations</u>

7.1   That the updated guidance and leaflets attached as appendix A and B be agreed and used immediately.

- o   A - Planning Committee process and procedure guidance note
- o   B - "Your View Your Voice" leaflet

7.2   That invitation letters sent to potential attendees of planning committee be amended in line with appendix C

7.3   That the Risk Assessment matrix attached as appendix D be accepted.