

**CONSTITUTION COMMITTEE:**

**27 JULY 2009**

**REPORT OF THE MONITORING OFFICER**

---

**REVIEW OF CONSTITUTIONAL ARRANGEMENTS –  
PLANNING COMMITTEE MEETINGS**

**AGENDA ITEM:**

---

**Reason for this Report**

1. To consider the results of the Committee's consultation exercise regarding potential changes to the role of, and arrangements for, meetings of Planning Committee and to consider any potential changes to the existing Constitution that arise there from.

**Background**

2. In October 2006, the Council received a report concerning the Wales Audit Office baseline assessment of the Planning Service. The report dealt with a number of issues, including service delivery matters, and specifically addressed whether the Planning Service was being delivered in a fair and transparent way (see paragraphs 62-76). The report noted (amongst other matters) that:
  - The Council's Constitution is not a user friendly document;
  - The Council has no Code of Practice for Councillors and officers involved in the planning process as recommended by the Nolan Committee;
  - The Committee does not have a permanent "home", thus making it difficult to arrange conveniently for members of the public and members of the Committee;
  - The schedule of report is lengthy and the Committee can sit for many hours;
  - Public speaking is not permitted at the Committee;
  - The consequence of the way that the business is conducted may give the impression that matters have been previously discussed;
  - Some training has been provided, but not all Councillors have attended.
3. Paragraph 87 of the Wales Audit Office report also set out the following clear actions for the Council to take forward:

- Review the procedures for public speaking and operation of the Planning Committee;
- Prepare a Code of Practice for Councillors and officers involved in the planning process, having regard to best practice across Wales;
- Provide on-going training for all Councillors, particularly with regard to helping them deal with the conflicts that can arise between their roles as Ward Members and as members of the Planning Committee.

### **Action to date**

4. The Planning Service has revised its processes and procedures as a result of the Wales Audit Office report. The Council's Standards and Ethics Committee has also considered the report and has played an influential role in securing a permanent venue for the Planning Committee in the Ferrier Hall at City Hall.
5. On 6 July 2007, this Committee considered a draft Members Planning Code of Good Practice, which was endorsed for further consultation with the Planning Committee. This Committee has also previously considered a draft protocol for Members and officers involved in the planning process which arose from the Wales Audit Office's baseline assessment of the planning service. However, there has been a subsequent delay in finalising this protocol due to the introduction of a new Member Code of Conduct, which was adopted by the Council on 15 May 2008. The current draft protocol and Members' Planning Code of Good Practice are attached, as **Appendix A**, to this report.
6. Whilst the Council's Constitution includes procedure rules for Council, the Executive, Scrutiny and Committees, there are currently no specific procedure rules for the Planning Committee.

### **Issues**

7. At its meeting on 17 October 2008, the Committee agreed to undertake a review of the constitutional procedures and arrangements for the Council's Planning Committee. As part of this review, it was agreed that all Members should be consulted on potential changes to the role of, and arrangements for, meetings of Planning Committee. To that end, the Committee agreed that a questionnaire be circulated to all Members, with an invitation to complete and return their questionnaires for consideration by this Committee at a future meeting.
8. Completed questionnaires have been received from twenty three individual Councillors. This is a disappointingly low return given the importance that is placed on planning issues by the citizens and communities of Cardiff. A discussion document, outlining a summary of the views expressed by Members in the completed questionnaires together with potential ways forward, is attached as **Appendix B** to this report. Further details of the responses received from Members are included in **Appendix C** to this report for the Committee's information and consideration.
9. The Committee is asked to consider the outcome of this consultation exercise and to consider any potential changes to the existing Constitution that arise

there from that it would wish to recommend to Council. In addition, there may be other issues that the Committee may wish to consider, for example, increasing the membership of the Planning Committee from 12 to 18 Members to enable greater representation from across all 29 electoral divisions in Cardiff.

10. The Committee are also asked to consider a set of Planning Committee procedure Rules should be drafted for future consideration by this Committee.

### **Finance Implications**

11. There are none arising directly out of this report.

### **Legal Implications**

12. Any changes or alterations made to our existing arrangements must be fully compliant with the Local Government Act 2000 and the Local Authority's Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001. However, within these regulations and associated guidance there is scope for flexibility to ensure that the Constitution meets the needs of the organisation.

### **Conclusion and Recommendation**

13. The Committee is asked to:

- i) Consider the outcome of its consultation exercise regarding potential changes to the role of, and arrangements for, meetings of Council;
- ii) Consider any potential changes to the existing Constitution that it would wish to recommend to Council, including the potential drafting of Procedure Rules for Planning Committee, and;
- iii) Agree that the Monitoring Officer prepares a further report on any proposed changes to the Constitution relating to the Planning Committee for consideration by the Committee at its next meeting on 11 September 2009.

**KATE BERRY**  
**City and County Solicitor**  
**21 July 2009**





# **Members Planning Code of Good Practice**

## **1. Purpose of the Code**

This Code has been being prepared for the guidance of Officers and Members in their dealings with planning matters. This includes decision-making meetings of Council, which exercise the planning function of the planning authority or less formal occasions such as meetings with officers or the public or consultative meetings. Whilst much of this Code of Good Practice relates to the submission and determination of planning applications it also applies to discussions / submission relating to the preparation of the Local Development Plan and to Planning Appeals and enforcement. The Code has been prepared in accordance with: -

- Code of Conduct for Members and Co opted Members of the County Council of the City and Council of Cardiff
- The Royal Town Planning Institute Code of Conduct for Chartered Planners

The Code has the following objectives:-

- **To guide and protect Officers and Members in dealing with planning related matters from criticism and challenge**
- **To inform potential developers and members of the general public of the standards adopted by Cardiff County Council and the performance of its planning function**
- **To ensure that, in the planning process, there are no grounds for suggesting that a decision has been biased, partial or not well founded in anyway**

## 2 Key Principles

Planning decisions made by Council's can have a considerable effect on the value of land, the nature of its development and on the lives and amenities of people living in the vicinity. The process of arriving at decisions on a planning matter must be open and transparent. The involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regard for are:-

- The key purpose of planning is to control development in the public interest
- Your overriding duty as a Councillor is to the whole local community
- You have a special duty to your constituents including those who do not vote for you
- Your role as a member of the planning authority is to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons
- Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which Councillors have to decide
- You should never do anything as a Councillor, which you could not justify, to the public. Your conduct and what the public believes about your conduct will effect the reputation of the Council
- It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct
- You should treat with extreme caution any offer of gift or favour or hospitality that is made to you personally. You are personally responsible for all decisions connected to the acceptance of such gifts or hospitality and for avoiding the risk of damage to public confidence in local government
- Section 54a of the Town and Country Planning Act requires you to take planning decisions in accordance with the provisions of the development plan unless material considerations indicate otherwise. You should ensure that all decisions that you make have regard to proper planning considerations and are made impartially and in a way, which does not give rise to public suspicion or mistrust
- The Code applies to all decisions of the Council on planning related matters. This includes Members involvement in any planning application, whether or not it is reported to a committee, all applications determined by any committee or by Full Council acting as a local planning authority

### **3. Relationship to the Code of Conduct for Members and Co Opted Members of the County Council of the City and County of Cardiff**

The Code of Conduct adopted by Cardiff County Council on 13<sup>th</sup> December 2001 sets out requirements and guidance for Members on the disclosure and registration of interests. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any planning matter you should have primary regard for the Code of Conduct, and particularly the requirement to properly declare all interests:-

- **Do** apply the rules in the Code of Conduct for Members first which must always be complied with
- **Do** then apply the rules in this planning Code of Best Practice



## 4 Development Proposals and the Declaration of Members' Interests

When considering planning matters Members may find that they need to:

- Declare a personal and / or prejudicial interest or
- Indicate that they have come to a view prior to the meeting (i.e. fettered their discretion)

The existence and nature of any interest should be disclosed at all relevant meetings including informal meetings or discussions with officers and other Members. A member may at any time declare a personal interest under the Members Code of Conduct however it is preferably disclose your interest at the beginning of the meeting and not just at the commencement of the discussion on that particular matter.

### Where your interest is personal and /or prejudicial:

- **Do Not** participate or give the appearance of trying to participate in the making of any decision on the matter by the planning authority
- **Do Not** try to represent Ward/local views. Get another Member who is not a member of DC to do so instead
- **Do Not** get involved in the processing of the application and direct any queries or technical matters to the relevant officer
- **Do Not** seek or accept any preferential treatment or place yourself in a position that could lead the public to see that you are receiving preferential treatment because of your position as a Councillor. This would include using your position to discuss any proposal with Officers or Members when other members of the public would not have the same opportunity to do so. You may need to identify another local member who is prepared to represent local interests
- **Do** be aware that whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal interest to an appropriate Officer in person or in writing, the Member's Code of Conduct places greater limitations on you in representing that proposal than would apply to a normal member of the public (for example where you have a personal and prejudicial interest in a proposal to be put before a meeting you will have to withdraw from the room or Chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to observe the meeting's consideration of it from the public gallery)
- **Do** notify the Monitoring Officer in writing of your own interest and ensure that a proper record of the interest is noted at any meeting (use the form at Appendix 1)

### **Where you have fettered your discretion**

The allowance made for Councillors to be predisposed to a particular view is a practical recognition of:

- the role played by party politics in Local Government
- the need for Councillors to inform constituents of at least an initial view on a matter as part of their public role
- the structure of local government which ultimately requires the same Councillors to make decisions

It is therefore particularly important for elected Councillors to have a clear understanding about the implications of expressing an opinion or view on planning matters. If you make up your mind or clearly appear to have made up your mind (particularly in relation to an external interest or lobby group) on how you will vote on any planning matter prior to formal consideration of that matter (i.e. at the meeting of the planning authority, prior to the hearing of the Officers presentation and evidence and arguments on both sides) you may be seen to have fettered your discretion. For example:-

- Where the Council is the landowner, developer or applicant and you have acted as or could be perceived as being a chief advocate for the proposal. Through your significant personal involvement in preparing or advocating the proposal you may be perceived by the public as being no longer able to act impartially or to determine the proposal purely on its planning merits
- Where you are a member of an organisation or lobbying group, which has publicly expressed a view on the planning matter. (A lobbying group is a body whose principle purposes include the influence of public opinion or policy). You may also have a personal interest in a matter before committee. The test of establishing a prejudicial interest under the Code is analogous to the common law test for bias - "that a member of the public with knowledge of all of the relevant facts would regard your interest as so significant that it is likely to prejudice your judgement of the public interest"

However where you act as part of the consultee body (e.g. where you are also a member of a community council;) you may take part in its debate provided that:-

- the proposal does not substantially effect the well-being or financial standing of the consultee body, and
- you make it clear that your views are expressed on limited information before you only, and

- that you reserve judgement and the independence to make up your own mind on each separate proposal based on your overriding duty to the whole community and not just to the people in that area, ward or parish, and
- you clearly state you will not in anyway commit yourself as to how you or others may vote when the proposal comes before the Planning Committee and
- you disclose your personal interest regarding your membership or role when the Planning Committee comes to consider the proposal

**In all other circumstances**

- **Do not** speak and vote on a proposal as a Member of the Development Control Committee where you have fettered your discretion. You do not also have to withdraw but you may prefer to do so for the sake of appearances
- **Do** explain that you do not intend to speak and vote because you have or could reasonably be perceived as having judged the matter elsewhere so that this may properly be recorded in the minutes
- **Do** take the opportunity to exercise your separate speaking rights as a ward member where you have represented your views or those of local electors and have fettered your discretion but do not have a personal/prejudicial interest. In these circumstances advise the Chair that you wish to speak in this capacity before the commencement of the item, remove yourself from the Members seating area for the duration of that item and ensure that your actions are recorded.

The flow chart at Appendix 2 provides guidance for you in deciding whether you have a declarable interest

Given the issues set out above Members of Planning Committee may wish to consider whether they should take an active role on consultee bodies such as Community Councils.

## 5 Contact with Applicants, Developers and Objectors

Local Authorities are encouraged by Government policy to enter into pre-application discussions with potential applicants. There will also be discussions and meetings on strategic plans for the Council (e.g. matters arising from the local development plan or major development sites). Such strategic discussions lie within the remit of the Executive Member with responsibility for Environment and Transportation and may be distinguished from discussions on specific planning applications, and therefore not subject to the caveat set out below. In addition negotiations and discussions are likely to be ongoing after an individual application has been submitted. Such discussions can often be interpreted by the public (and especially objectors) as prejudicing the planning decision-making process. In order to allay such perceptions all discussions should take place within clear guidelines.

One particular aspect of application discussions relates to lobbying. Lobbying is a normal part of the political process. However, it can lead to impartiality being brought into question and accordingly there is a need to declare publicly that an approach of this nature has taken place. Lobbying can take place by professional agents as well as un-represented applicants/landowners and community action groups.

- **Do not** agree to any formal meeting with applicants, developers or groups of objectors if you are a member of Development Control Committee and therefore likely to be part of the decision-making process. There may be exceptional circumstances where meetings do take place. Such meetings must always have been formally convened by the Development Control Manager. The officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file, and that a record of the meeting will be made available for public inspection and will form a background paper to any Committee report
- **Do** refer those who approach you for planning procedural or technical advice to officers
- **Do** report to the Development Control Manager any significant contact with the applicant and other party, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file
- **Do not** attend any private planning presentation unless an Officer is present and/or that it has been organised by Officers. These may be differentiated from major public presentations when members may seek information but should not enter into discussions or express a view

- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Committee of the planning authority
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals
- **Do** explain to those lobbying or attempting to lobby you that whilst you can listen to what is said it prejudices your impartiality and therefore your ability to participate in the Committee's decision-making to express an intention to vote one way or another, or such a firm point of view which amounts to the same thing
- **Do** remember that your overriding duty is to the whole community not just the people in your local area, and taking account of the need to make decisions impartially, you should not improperly favour or appear to improperly favour any person, company, group or locality
- **Do not** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable ensure that it is of the minimum and its acceptance is declared as soon as possible (remembering to register any gift with a value of over £25).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity as this will enable proper officer advice to be given in the report and avoid the situation where officers are asked to respond to new information at the meeting itself, leading to deferral or decisions made on partial advice
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development
- **Do** inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches
- **Do** note that unless you have a personal and prejudicial interest you will not have fettered your discretion or breached this Planning Code of Good Practice through listening or receiving view points from residents or other interested parties making comments to residents, interested parties, other members or appropriate officers providing they do not consist of or amount to prejudging the issue. Provided that you make clear that you are keeping an open mind, seeking information through appropriate channels or being a vehicle for the expression of opinion or speaking at the meeting as a ward member provided you explain your actions at the start of the meeting or item and make it clear that having expressed the opinion or ward view you have not committed yourself to vote in accordance with those views and you will make up your own mind having heard all of the facts and listened to the debate

## 6 Ward Interests

A Development Control Committee Member who represents a ward affected by a particular application is in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duty to be an active ward representative and the overriding duty as a Councillor to the whole local community. In these circumstances

- **Do not** lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Do not** decide or discuss how to vote on any application at any sort of political group meeting or lobby any other member to do so. Political group meetings should never dictate how Members should vote on a planning issue
- **Do not** become a Member or lead or represent an organisation whose primary purpose is to lobby, to promote or oppose specific planning proposals. If you do you will have fettered your discretion and are likely to have a personal and prejudicial interest and will have to withdraw from any meeting
- **Do** of course join general interest groups which reflect your areas of interest or which concentrate on issues beyond particular planning proposals (such as your local civic society) but make sure that you disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the committee that you have reserved judgement and the independence to make up your own mind on each separate proposal

**7 Development Proposals Submitted by Officers or Councillors of the Council**  
**(the advice in this section applies to both planning applications and Development Plan Policy matters)**

Officers should never act as agents for people pursuing a planning matter with their Authority. Members may in law advocate on behalf of a proposal or act as an agent on behalf of a specific proposal. However, it is likely that you will then have a personal and a prejudicial interest which must be declared in accordance with the Members Code of Conduct and which will debar you from taking part in the decision. Where Members are likely to do this on a regular basis they should not accept membership of the Development Control Committee.

Should any Member or Officer connected with the planning service submit their own proposals to the Authority they should declare the interest to the Monitoring Officer and to the Chief Strategic Planning and Environment Officer at the earliest opportunity and take no part in the processing. Any such proposal/application will be reported to the Development Control Committee **and not** dealt with under delegated powers.

## 8 The Decision-Making Process

A decision on a planning application cannot be made before the committee meeting when all of the relevant information is to hand, any political group meeting prior to a Committee meeting should not be used to decide how Councillors should vote. Accordingly Agenda Briefing meetings and any pre-Committee meetings will solely be for the purpose of enabling an exchange of briefing material between Officers and Members on planning issues of concern in relation to particular applications, and will be open to Members of all political groups. All applications considered by Development Control Committee or by a report on the circulated schedule shall be the subject of written reports and clear recommendations. If the recommendations are contrary to the provisions of the Development Plan the material considerations, which justify this, shall be clearly stated. If in the view of the officer the matter is finally balanced the report will say so. The recommendations put forward by officers and the decisions by members are separate parts of the same process, which should be justified by the report and debate respectively.

The Conduct of the meeting will be in accordance with the Committee Procedure Rules found within the Council's Constitution

- **Do not** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Development Control Manager which may be incorporated in to any Committee report)
- **Do** recognise that officers are part of a management structure. Only discuss the proposal outside of any arranged meeting with a Chief Officer, or those officers who are authorised by the Chief Officer to deal with the proposal at Member level
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Councils Code of Conduct for Officers and their Professional Code of Conduct. As a result planning officers views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence which may on occasions be at odds with the views, opinions or decisions of the Committee or its Members
- **Do** have regard to the Councils Member/Officer Protocol, which governs the working relationships that you have with officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.



- **Do** come to meetings with an open mind and demonstrate that you are open minded
- **Do** ensure that if you have requested a proposal to go before the Committee rather than be determined through officer delegation that your planning reasons are recorded and repeated in the report to the Committee
- **Do** comply with the Section 54a of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise
- **Do** come to your decision only after due consideration of all the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary defer or refuse
- **Do not** vote or take part in the meeting's discussions on a proposal unless you have been present to hear the debate including the officers introduction to the matter
- **Do** have recorded the reasons for the Committees decision to defer any proposals
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge
- **Do not** allow members of the public to communicate with you during the committee's proceedings (or in writing) other than through the scheme for public speaking as this may give the appearance of bias
- **Do** ensure that you comply with the Councils procedures in respect of public speaking

## **9 Training**

Training on planning matters will be made available at convenient times for all Members of the Council, and in particular those serving on the Planning Committee.

Subject to resource availability places will be made available for new Members of the Planning Committee to attend the Annual Planning Summer School (run by the Royal Town Planning Institute "RTPI")

Refresher training for all Members of Planning Committee will be held throughout the year in the form of Briefing Sessions at Planning Policy Committee Meetings.

- **Do** ask the Chair of or the Committee Clerk for the Planning Committee if you have not attended Planning Summer School and you would like to
- **Do** endeavour to attend any training sessions provided since these will be designed to extend your knowledge and thus assist you in carrying out your role properly and effectively

## **10 Site Visits**

Site visits by Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision.

The purpose of a site visit is to enable Committee Members:-

- to view the site of a planning application together with surrounding land;
- to place the application in its physical context;
- to assist the appraisal of constraints and opportunities afforded by the proposed development, and its potential impact on surrounding land;
- to have officers point out material considerations

A consistency of approach is required for site visits to ensure that any site visit undertaken adds to the Planning Process, and also that the interests of the applicant, any objectors and the local community are dealt with equitably

Members are asked to alert officers to impending requests for site visits at the earliest opportunity. This will then allow them to inform the Chairman and consider jointly whether site visits could be arranged in a way which minimises any delay to the processing of the application

When a member makes a request for a site visit the reason for the request must be stated and will be minuted. The decision on whether to agree a site visit lies with the Committee.

Site visits should only be made where necessary. Consideration should be given to what will the Planning Committee gain from a site visit that is not already evident from the Officer's Report and other supporting information.

Committee members should consider requests critically because they generally cause delay to the process, and are time consuming and costly. Alternative methods of obtaining the information should be considered i.e. digital photography.

When considering a request for a site visit which could lead to the deferment of the determination of the application, the Chairman will require the proposer and seconder of the motion to state the reason for the proposed visit and what the Committee will gain and this shall be recorded in the Minutes.

Whenever a site visit has been agreed by the Committee, it should specify whether the site should be viewed

- from the public highway or public land only
- from the application site
- from other private land outside the application site

This should be recorded in the Minutes. This will enable officers to make appropriate requests to enter onto private land.

The Head of Development Control (or their representative) will make arrangements for site visits. This will include

- obtaining the relevant permission to enter private land
- informing Local Members, Petitioners, and anyone who has made observations / representations / comments on the application
- sending a copy of the Site Inspection Protocol to the applicant or owner who has given consent for the site to be entered, the owner of any other land who has agreed that their land may be entered
- arranging for an attendance list to be taken of the visit

On attending a site visit Members should follow the Site Inspections Protocol (attached at Appendix )

- **Do** try to attend site visits and ensure that you treat them only as an opportunity to seek information and to observe the site
- **Do** ask the Officers at the site visit questions or seek clarification for them on matters which are relevant to the site inspection
- **Do not** express opinions or views to anyone
- **Do not** hear representations from any parties other than as set out in the Site Inspections Protocol. Make it clear that any representations must focus only on site factors and site issues. Where you are individually approached by an applicant or a third party advise them that they should make their representations in writing to the authority and direct them to or inform the officer present
- **Do not** enter a site which is subject to a proposal other than is part of an official site visit even in response to an invitation as this may give the impression of bias unless
  - (a) you feel that it is essential for you to visit the site other than through attending the official site visit
  - (b) you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and you can ensure that you will comply with these good practice rules on site visits

## 11 Sanctions

The purpose of this Code is to provide guidance to Members in relation to the performance of the Councils planning function. The application of and adherence to the Code is intended to build public confidence in the Councils planning system and to produce a strong platform for planning decision-making. The Code does not remove the responsibility of Members to exercise their statutory discretion to determine the merits of individual applications or proposals.

A failure to adhere to the Code gives rise to potential consequences to the Council and individual Members, especially if this results in a pattern of inconsistency. The normal sanction of the democratic process is through the ballot box. Councillors may make a reputation in their community not only for their beliefs but also for their general conduct.

Consistency and fairness are important qualities in the public eye and they are vital to the conduct of the Planning Committee.

Beyond the normal democratic process a number of specific consequences can be identified

- **The Local Government Ombudsman**

Although the Local Government Ombudsman will not investigate the balance of argument in any planning decisions she/he may agree to investigate a planning complaint if it concerns the manner in which a decision was taken. If it is found injustice has been caused by maladministration in the light of statutory or established Council procedures she/he will recommend redress which may take the form of compensation.

Councillors who breach the national Code of Conduct may open themselves up to complaints of misconduct which will be dealt with by the Local Government Ombudsman. The Local Government Ombudsman has extensive powers to investigate a complaint. If a complaint is upheld a formal report can be sent either to the Council's Standards and Ethics Committee or the Adjudication Panel for Wales.

Such complaints may be referred to the Council's Monitoring Officer for investigation and the Standards Committee for determination and remedy.

- **The Adjudication Panel for Wales**

The Adjudication Panel for Wales is an independent body established under Part III of the Local Government Act 2000. The role of the panel is to form tribunals to

consider whether Members have breached their authority's statutory Code of Conduct.

The panel will also hear appeals by Members against decisions of the Council's Standards and Ethics Committee.

- **Appeals to the National Assembly for Wales**

An applicant who has been refused planning permission has a right of appeal to the National Assembly for Wales. If an appeal is successful and it shown that the Council's conduct in dealing with the matter was unreasonable to the appellant costs may be awarded against the Council. All appeals are administered by the Planning Inspectorate.

- **Powers of the National Assembly for Wales**

The National Assembly for Wales possesses a range of powers which could be exercised where a Local Planning Authority appears to make inconsistent decisions or decisions which are seriously in conflict with National and Development Plan Policies. This could involve the greater use of the power to call in applications whereby an application will be determined by the National Assembly following a Public Inquiry. Where permission has already been granted by the Council powers exist to revoke or modify permissions or to require discontinuance of a land use which if exercised would give rise to a liability to compensate on the part of the Council

- **Judicial Review**

If objectors are convinced that the Council in determining to grant an application did not observe their statutory observations to carry out all necessary procedures base their decision on the development plan and take in to account all representations they may apply for Judicial Review of the decision which might result in it being quashed. In such circumstances it would be normal for the costs of the applicant to be awarded against the Council.

- **District Auditor**

Each of the above courses of action could result in significant extraordinary costs to the Council. These costs will be closely examined by the District Auditor. Where it appears to an Auditor that a loss has been incurred or a deficiency caused in the Council's accounts by the wilful misconduct of any person she/he is required to certify that the loss or deficiency is due to that person and it may therefore lead to a formal report to Council in accordance with the powers granted to District Auditors under the Local Government Act 2000.

**APPENDIX 1 – Declaration Form**

**APPENDIX 2 – Declarable Interest flow Chart**

**APPENDIX 3**

<h2><b>Sites Visit Code of Practice</b></h2>
--

- 1) Sometimes Members of the Planning Committee need to visit a site to help them make a decision on a planning application. These visits are an extension of the Committee Meeting to enable members to make a visual assessment of the site and its surroundings
- 2) When a site visit is required the Development Control Section of Regulatory Services notifies the owner, if access to the premises is necessary
- 3) Site visits are open to all interested parties, including the general public
- 4) The owner or applicant is advised that although he or his agent may be present at the site visit, it is not an opportunity to make representations to Committee Members. This does not prevent the owner, the applicant, or their advisers pointing out factual matters such as the height of the proposed buildings, position of a window, proposed parking spaces etc. This factual information may be brought to the attention of the planning officers who will communicate it to the Planning Committee.
- 5) The Development Control Section will notify those who have also submitted written objections to the application. However, where a petition of objection has been lodged, only one of the petitioners is notified of the site visit. Objectors should be aware that the Council cannot require an owner or applicant to allow objectors onto his land, and that their ability to attend the site visit is at the discretion of the owner or applicant. Objectors are advised that the site visit is not an opportunity to make representations to Committee Members. Factual matters may be pointed out to the planning officer who will communicate it to the Planning Committee.
- 6) Local Ward Members will also be notified of the site visit. Ward Members should be aware that they are also allowed to make representations to Planning Committee Members at the discretion of the Chair during the site visit. If a Ward Member wishes to raise a matters of fact, they should bring it to the attention of the planning officer who will then communicate it to the Planning Committee
- 7) The visit will follow a structured format as follows:-
  - If the applicant, owner or agent (“the applicant”) is present, the Chair and planning officer will introduce themselves and thank them for the right to enter their land, the Chair or officer will remind the people attending the site visit of this Code of Practice
  - The Chair will call the site visit to order and will ask the planning officer in attendance to summarise; the application, site history, features of the site, any other relevant matters
  - The officer will also explain to all those attending the site visit that :

- i) the purpose of the site visit is to enable the Planning Committee Members to see the site to enable them to consider and determine the planning application;
  - ii) the visit is not the opportunity for interested parties to lobby any Council member to support or oppose the application;
  - iii) if there are matters of fact, that have not been indicated by the planning officer, or if an interested party would like the Members to consider the site from a particular position they should communicate this to the planning officer who will then bring this to the attention of the Planning Committee;
  - iv) interested parties should put any representations in writing to the Development Control Section of Regulatory Services prior to the application being considered at the Planning Committee Meeting;
  - v) interested parties may discuss the matter with Local Ward Members prior to the Committee Meeting at which the application is to be considered, and be informed that the names, addresses and telephone numbers of Local Ward Members are available.
- At no time during the site visit will the applicant, or any member of the public be allowed to address or question Members of the Planning Committee. Only the Chair or an officer may address the applicant for clarification of matters of fact. Other Members should not address comments to the applicant or other interested parties.
  - At no time will Planning Committee Members debate the merit(s) of the application, and no decision will be made.
  - No hospitality will be accepted during the course of the site visit.
  - The Chair/ officer will close the site visit and if appropriate thank the applicant again for the right to enter the land and for any other assistance.
  - No formal notes will be made at the site visit. An officer will orally update Planning Committee at the Committee Meeting on any new findings or further developments when it next meets to consider the application.



**RESPONSES TO MEMBERS' QUESTIONNAIRE ON PLANNING COMMITTEE  
– DISCUSSION DOCUMENT**

**Background**

In May 2009, to inform their deliberations regarding the arrangements and procedures for the Council's Planning Committee, the Constitution Committee circulated a questionnaire to all Members of the Council and requested that responses be returned by 5 June 2009, to enable all such responses to be analysed and collated, prior to consideration by the Constitution Committee.

There was a 31% response rate to the recent survey, with questionnaires being returned by 23 of the Council's 75 Members. A summarised analysis of the key findings from the questionnaire survey is set out below:

**TIME LIMITS AND TIMING OF MEETINGS / INDIVIDUAL ITEMS**

74% of respondents believed that there should be a time limit for Planning Committee meetings. Most of those respondents who provided an indication of a preferred time limit for Planning Committee meetings (39%) favoured a time limit of 4 hours. It was also suggested that comfort breaks should be included in this time period and that this should be a maximum time limit except in exceptional circumstances.

There was no clear preference expressed in terms of whether it would be useful for Planning Committee meetings to start earlier or for the time to stay as it is. There was less support for moving the start time of the meeting to later in the day, but evening meetings were considered to be helpful in allowing residents or Councillors who work to attend.

Whilst 48% of respondents believed that there should not be a strict time limit for individual agenda items for Planning Committee meetings, 39% believed that there should be. It was suggested that it would be helpful if approximate times

could be provided for each agenda item as this would assist in the management of the Planning Committee meeting and ensure that it does not overrun. However, one respondent felt that this was not practicable due to the varying size and impact of each planning application.

39% of respondents said that they would support Planning Committee meetings being held every four weeks as opposed to on a monthly basis. One respondent commented that the meetings should be held as frequently as needed in order to keep the meeting length reasonable. 26% of respondents did not support this proposal and believed that the dates of the meetings should be kept as present.

There was no clear support for the establishment of two Committees based on areas or maybe complexity of application (i.e. minor and major).

Other Member suggestions/concerns included:

- Planning Committee should have smaller sub-committees (e.g. 3 Members) like the Licensing Committee, which could potentially meet weekly and have a rotating membership.
- No time limit as the deferral of items not considered in the time available could lead to an appeal against non-determination within timescales.
- At the end of a long meeting when there are no public present, the majority of the remaining applications are nodded through without any discussion.

#### **Options/Proposals for Consideration**

**1:** Implement a time limit of 4.5 hours on meetings of Planning Committee (to include a 30 minute break). Any items not considered within that timescale to be considered at the next meeting or delegated to officers, as appropriate.

**2:** Meetings of the Planning Committee to be held every 4 weeks.

**3:** Indicative timings for each agenda item to be included on the Agenda for future meetings, in line with the current practice at Full Council, but this would be able to be extended at the discretion of the Chair

## **ROOM LAYOUT/ACCESS**

52% of respondents agreed that the access arrangements for the public and Members of Planning Committee meetings in the Ferrier Hall are appropriate or adequate.

It was noted, however, that the steps into the Ferrier Hall do not assist the disabled or provide wheelchair access. In addition, one respondent commented that the Ferrier Hall was draughty and, for months of this year, had no heating.

There were some suggestions that there should be improvements to the microphone system and speakers provided for the public to ensure that Members can be heard properly. It was also suggested that a screen should be provided for the projection of documents and drawings.

One respondent believed that the Planning Committee should meet in a dedicated facility equipped with audio equipment and visual aids, including technology support as well as an appropriate layout that is visible to Members of the public and agreeable to the Committee to scrutinise officer's information. They also recommended that the Council Chamber at County Hall should be converted into a permanent committee room where the planning and licensing committees could meet.

### **Options/Proposals for Consideration**

**4:** Develop an action plan to improve the accessibility of the Ferrier Hall

**5:** Improve the microphone and speaker system provided at the Ferrier Hall

**6:** Provide a projector and screen at every meeting to assist with the presentation of detailed information in maps, plans and diagrams

## **PETITIONS**

61% of respondents agreed that the rule on petitions should be reviewed in order to allow a greater level of representation to be made by members of the public at Planning Committee meetings. It was suggested that more members of the public should be allowed to speak (e.g. two in favour; two against each application) or that an extra couple of minutes should be given to the lead objector.

In terms of the criteria that could be used to determine how Members of the public should be allowed to address the Planning Committee, one respondent suggested that it would be better if 20 or 30 signatures should be required on the petitions. In contrast, one respondent commented that *"50 signatures aren't hard to achieve, so the rules works well."* It was also suggested that there should be a limit on the number of petitions accepted by the Planning Committee.

### **Options/Proposals for Consideration**

**7:** Allow open access to the meeting for objectors by removing the requirement for 50 signatures on petitions to allow for the public to speak at Planning Committee meetings and allow **one** member of the public to speak on each application, which could be a Councillor or other community representative who has been designated to speak on their behalf. Members would be allowed to submit written representations to the Planning Committee.

## **LOCAL MEMBER REPRESENTATIONS**

74% of respondents felt that the current protocol on local Member representations should be reviewed. It was also suggested that, in order to help save time, there may be value in having a time limit on how long Members can speak and a limit on the number of Members that are able to speak at the Planning Committee.

### **Options/Proposals for Consideration**

**8:** Depending on the Committee's views on Option/Proposal No. 7, Ward Members be allowed to speak for 3 minutes per Ward, which would mean that if there are two Members from differing parties or with differing views then they will only be allowed to speak for 1 min. 30 secs.

### **Order of speakers**

With regard to the order of speakers at Planning Committee meetings, nearly half of the respondents expressed the view that Local Members should have the right to address the Committee after officers had introduced the report.

39% of respondents believed the current arrangements work fine, with one respondent suggesting that no Members should be allowed to respond to comments made by the officers, but to be at the discretion of the Chair.

78% of respondents believed that the time allocated to Members to speak at Planning Committee should be limited. However, suggestions on a proposed time limit varied from 2 minutes to 15 minutes per speaker, with no clear preference being expressed for a particular time limit for Members to speak.

It was also suggested that, "unless ward Councillors are from different parties, one Member per ward is all that should be allowed to speak. One nominee to represent all Members in same Ward from same political party".

Some respondents felt that the Chair should manage the comments made by the Members in order to keep the points being made relevant. “If the Member is making pertinent points then they should be able to make them regardless of time”.

Most respondents (87%) agreed that the process for allowing Members to speak at Planning Committee is helpful in supporting an open and transparent decision making process.

### **Options/Proposals for Consideration**

**9:** Revise the order of speakers as follows:

- Application to be presented by officers (3 mins)
- Applicant to speak ( 3 mins)
- Public objector to speak (3 mins)
- Ward Member(s) to speak (3 mins) – *this would be dependent on the Committee’s view in relation to Option/Proposal No. 7*
- Planning Committee to open debate and make decision (8 mins)

**10:** The time limit for each agenda item/application is 20 minutes, but this would be able to be extended at the discretion of the Chair

### **LATE REPRESENTATION SHEETS**

57% of respondents thought that the deadline for late representations should be brought forward in order to allow for better and more informed debate. However, one respondent emphasised the need to ensure that any important matters are brought to the attention of the members of the Committee.

It was also suggested that the late representation sheets should be available to all the public at the meetings as well as Councillors, as not all concerned

objectors and Members are able to see the late representations so the process is not transparent.

**Options/Proposals for Consideration**

**11:** The cut off time for late representations to be 24 hours prior to the scheduled start of the meeting

**12:** All late representations to be made available at the meeting for Members to consider prior to the meeting and any comments on the late representations will be made in the officer presentation as part of the debate

In response to the question on whether matters should be dealt with by officers under the Scheme of Delegations when Members request items to be included on the agenda but then do not attend the meeting, there was a small response and this proposal was not supported.

57% believed that there should be some form of penalty for Members who consistently (e.g. on more than two occasions) request items to be included on the agenda but then do not attend the meeting (e.g. any further requests being denied). One respondent also believed that Members should be able to ask for matter to be referred to next Planning Committee. In terms of the 30% that responded 'No', one Member pointed out that there may be genuine reasons for a Member's continued absence.

70% of respondents believed that Local Members should only be able to make representations at the Planning Committee on applications which are within their wards or would have a direct impact on their own ward as the proposed development is in an adjoining ward.

**Options/Proposals for Consideration**

**13:** Agree that Local Members should only be able to make representations at the Planning Committee on applications which are within their wards or would have a direct impact on their own ward as the proposed development is in an adjoining ward.

**OFFICER ATTENDANCE / REPRESENTATIONS**

Whilst officer attendance at Committees is a matter for the relevant Chief Officer, 61% of respondents did not believe that the number of Council Officers attending Planning Committee should be reduced. In one instance, it was suggested that more Officers should attend the Planning Committee (e.g. Tree Officer).

57% of respondents believed that the number of Council Officers who are allowed to speak at Planning Committee should not be reduced. 35% believed that the number should be reduced.

**Options/Proposals for Consideration**

**14:** Officer attendance at the meeting to be at the discretion of the Chief Planning Officer and be applicable in the context of the agenda item. Other officers will be available to provide answers to specific questions from the Committee Members only in order to assist in their decision-making.



## **SITE VISITS**

39% of respondents believed that the arrangements for site visits could be improved.

30% did not believe the current arrangements could be improved or were generally happy with the existing arrangements.

It was noted that, whilst objectors are not always happy that they are not allowed to speak to the Committee, Members of the public are advised of the protocol at site visits by lead officers or by the Chair.

### **Options/Proposals for Consideration**

EITHER

**15:** Retain the existing informal arrangements for site visits

OR

**16:** Formally constitute a Site Visit Sub Committee of the Planning Committee to provide formal feedback/recommendations to the Planning Committee. This would also mean that Members that have not attended a site visit cannot participate in the discussion on that particular application.

## COMMUNITY ENGAGEMENT/PUBLIC INFORMATION

65% of respondents believed that the Council did not provide sufficient information to the public about Planning Committee meetings and how the planning process works. It was commented that:

- *“the public are not aware of the remit of the Committee, why their presence is more like that of an audience than somewhere they can make comment, what to do next after the Committee makes a decision.”*

In terms of suggestions from Members regarding the ways of communicating with the public on planning matters, the following points were made:

- *“More plain speaking information leaflets are necessary”*
- *“People are not always informed of when a meeting to discuss their application is being heard”*
- *“Webcasting of the Planning Committee meetings would improve how Members of the public would interact with the committee, and would also improve the reporting of outcomes from the meeting.”*
- *“Improve public information provided on the Council’s website, especially for those applications of great public interest (e.g. a separate page for these applications with a clear meeting date displayed and outcome of the meeting itself).”*
- *“a short information leaflet or sheet could be provided to all those attending, outlining what is happening and what they can expect from being there as well as what the decisions of the committee mean and an explanation of a permission including the important of conditions applied to one”*
- *“The protocol for the meeting should be on a sheet of paper which Members of the public receive when entering the meeting. There should also be a rough timetable for when applications are expected to be heard at the meeting.”*

### **Options/Proposals for Consideration**

- 17:** Information leaflets written in plain language to be made available at Planning Committee meetings
- 18:** The Chair to provide an explanation of the role, procedures and protocol of the Planning Committee for the benefit of the public at the start of the meeting
- 19:** Introduce webcasting of Planning Committee meetings
- 20:** Improve the provision of public information on the Council's website relating to the Planning Committee and planning applications

### **FORMAT OF REPORTS AND MINUTES**

61% of respondents believed that Planning Committee papers are currently written, formatted and presented in a way that is accessible and easily understandable to Members and the public.

Other Member suggestions/concerns included:

- *“They should be split into either wards, or constituencies making it easier for Members of the public to attend applications that may affect them or that they may at least be interested in.”*
- *“They need to either be written in plain English, not ‘planning speak’ or more realistically, a guide to what they actually mean could be provided?”*
- *“Papers are written, formatted and presented in a way that is understandable to those who are used to seeing them but for those seeing them regularly, the list of condition, reasons, and references per application, some running to many pages can be confusing”*

- *“The votes of members at planning committee should be recorded and open for public inspection, this is vitally important to make sure that any allegations of Members voting for political gain are able to be defended.”*

**Options/Proposals for Consideration**

- 21:** Planning Committee reports to be printed on different coloured paper according to which part of the city they relate to (e.g. Central/East/West)
- 22:** Clear maps, plans or diagrams to be provided at Planning Committee meetings in support of planning applications (in line with Option/Proposal No. 6)

**SCHEME OF DELEGATIONS**

70% of respondents agreed that there is an effective balance between those applications that are considered by the Planning Committee and those that are dealt with under delegations.

**Options/Proposals for Consideration**

- 23:** No change to the current practice

## **MEMBER DEVELOPMENT**

74% of respondents believed that mandatory training on planning matters should be provided to all Members of the Planning Committee.

52% of respondents believed that mandatory training on planning matters should be provided to all Members of the Council. However, there was a suggestion that this should not be to the same level as that provided to the Planning Committee.

### **Options/Proposals for Consideration**

**24:** A basic level of training on planning matters to be provided to all Members on a mandatory basis and in accordance with their respective needs

**QUESTIONNAIRE RESPONSES**

**1. TIME OF MEETINGS**

**Do you agree that there should be a time limit for Planning Committee meetings?**

<b>Option</b>	<b>Members feedback</b>
Yes	17
No	6

“Planning should do what licensing do, have smaller sub-committees (of 3 Members) to decide applications. This means shorter meetings, and a more manageable task for the chair and officers.”

“There must not be a limit as to carry over planning applications to future meeting risks an appeal against non-determination within the timescales.”

“No – But it would be an option to discuss, especially for those attending to listen or to speak. However, If it overran they, and the committee, would only have to arrange a further date and time. In exceptional circumstances a cut off would be needed but generally it is probably best to put it all into the one meeting where possible. It is a shame that near the end of the meeting, when there are no public present and the meeting has been going for 4-5 hours, the majority of the remaining schemes are nodded through without any discussion.”

**If yes, how many hours should Planning Committee meetings last?**

<b>Option</b>	<b>Members feedback</b>	<b>Comments</b>
3 Hours	2	
3.5 Hours	1	
4 Hours	9	“With comfort breaks”.  “This should be an aimed max except for exceptional circumstances”.
4.5 Hours	2	
As long as it takes	1	
Other		“If a time limit is set, then 5 hours”  “It depends when the start time is. Would favour evening meetings”.  “Commencing at 2.30pm and finishing no later than

		5.30pm-8.00pm”.
--	--	-----------------

**In your opinion, would it be useful for Planning Committee meetings to start earlier or later?**

<b>Option</b>	<b>Member feedback</b>	<b>Comments</b>
Earlier	9	<p>“Probably 1.00pm”</p> <p>“1.30 ish”.</p> <p>“Say 2.00pm”</p>
Later	4	<p>“Evening meeting so residents who work, or Cllr who work can attend”</p> <p>“4.00pm would be an ideal time or 4.30pm”.</p>
Other/Leave it as it is.	9	<p>“It would it be useful for Planning Committee meetings to start earlier, for example at 10.00am or at Noon?”</p> <p>“Leave it as it is”.</p> <p>“Either starts them in the morning, or having them at 4.30. The current time suits no-one!”.</p> <p>“Definitely not earlier, it is ok as it is if there is a clear order of cases identified. However, speaking personally, because I also have a job it would be very difficult for me to go on to the planning committee because it takes up two afternoons a month in addition to the time needed to read the papers”.</p> <p>“Afternoon starts enable working Members to have a reasonable day at their job before the meeting, at the expense of part of the evening. Later starts would give the potential of meeting lasting until very late and earlier starts would take up”.</p>

**Do you agree that there should be a strict time limit for individual agenda items for Planning Committee meetings?**

<b>Option</b>	<b>Member feedback</b>	<b>Comments</b>
Yes	9	
No	11	<p>“A rough guide with approximate times would be helpful”</p> <p>“Impossible, due to varying size and impact of application”</p> <p>“There should certainly be notional times put against each item to help steer the Planning Committee and make sure they do not overrun. From what I can see there is not anything currently”.</p>

**Would you support Planning Committee meeting being held every four weeks as opposed to on a monthly basis?**

<b>Option</b>	<b>Member feedback</b>	<b>Comments</b>
Yes	9	“As frequently as needed to keep the meeting length reasonable”
No	6	“Keep as present”
Other	4	<p>“Have regular (weekly?) sub-committees with a rotating Membership”</p> <p>“I don’t really see the particular benefit of this”</p> <p>“This questions isn’t clear – If you mean e.g. the first wed each month then I would agree”</p> <p>“No view”</p>

**Would you support the establishment of two Committees (based on areas or maybe complexity of application, i.e. minor and major)?**

<b>Option</b>	<b>Member feedback</b>	<b>Comments</b>
Yes	11	
No	9	
Other	1	“I’m not sure”



## 2. ROOM LAYOUT/ACCESS

**Do you agree that the access arrangements for the Public and Members of Planning Committee meetings in the Ferrier Hall are appropriate/adequate?**

Option	Member feedback	Comments
Yes	12	<p>“Could be a smaller room providing more intimate and less formal atmosphere for small applications and the meeting discussing time”</p> <p>“Improvements to the microphone system so Members can be heard would be good”</p>
No	6	<p>“Screen with documents and drawings projected”</p> <p>“Microphones, speakers for the public”</p> <p>“Seating arrangement not satisfactory. Meetings end with stiff neck. Viewing of plans cramped and inadequate”.</p> <p>“The steps into the Ferrier Hall probably do not assist the disables. Apart from that the room is fine”</p> <p>“I believe that the committee should meet in a dedicated facility that has been equipped with audio equipment and visual aids, including technology support as well as an appropriate layout that is visible to Members of the public and agreeable to the committee to scrutinise officer’s information. I would recommend that the council chamber at county hall be converted into a permanent committee room where the planning and licensing committees can meet.”</p> <p>“At least not form the main way in. It is ok for able body’s people but the steps prevent wheelchair access and may be difficult for some ambulant disabled. Regarding facilities for the public at the meeting, they are appropriate for those in seats to watch the proceeding. The PA system is not ideal but satisfactory most of the time. The environment of the Ferrier Hall is poor in other respects with lots of draughts and, for months this year, no heating! A regular location is important but for many, they will only ever attend a planning committee once and it more important that they leave having felt that it was worth their being there and understood what they were watching”.</p>

Other	2	<p>“It seems better to have it in the Ferrier Hall. The first meeting I spoke at was in the Lower Assembly Room and because the room was so big it was quite intimidating. The second committee I went to was in the Member dining room and because the room is so long that was not ideal either”</p> <p>“Not sure”</p>
-------	---	--

### 3. PETITIONS

**Do you agree that this rule should be reviewed in order to allow a greater level of representation to be made by Members of the public at Planning Committee meetings as happens at many other authorities? This could result in a greater number of the public making representations.**

**If yes, please outline below your views on what criteria could be used to determine how Members of the public should be allowed to address the Planning Committee:**

Option	Member feedback	Comments
Yes	14	<p>“20 or 30 signatures required would be better I think”</p> <p>“More, say two against each application and two in favour, or give an extra couple of minutes to the lead objector”.</p> <p>“What happens if a neighbour objects to a planning application by another neighbour? Presumably 50 people would not want to sign a petition if it only really affected one or two people. It would be available if a Member of the public could put their point of view across. I appreciate this would need to be managed carefully due to time constraints. It may be that their local councillor could not attend.”</p> <p>“The time limit should be retained though and although many talk on matters outside the committee remit it does give them some satisfaction to have been able to make their views known and to be able to take their part in the process. Retain the rule of one speaker per petition and, to avoid possible abuse, perhaps put a limit on the number of petitions, accepting that it would be difficult to decide which not to accept. First come, first served basis perhaps. Are petitioners given guidance on what is relevant for the committee to consider and what is outside its remit?”</p>
No	9	<p>“50 signatures aren’t hard to achieve, so the rules works well.”</p>

#### 4. LOCAL MEMBER REPRESENTATIONS

**Do you believe that the current protocol should be reviewed?**

Option	Member feedback	Comments
Yes	17	
No	3	
Other		"To help save time there may be value in having a time limit on how long Members can speak and if the Member is on the "same side" to only allow one to speak".

**Do you have any views on the order in which the participants in discussions on an application can speak at Committee?**

Option	Member feedback	Comments
Yes	12	<p>"Local Members should have the right of final address to the Committee"</p> <p>"Cllrs should be able to respond to officers statements particularly if inaccurate or leading statements are made"</p> <p>"Officers should present the report, followed by petitions, applications and finally ward Cllrs"</p> <p>"If two or more Cllrs wish to speak, one should be allowed to respond to officer comments, but Cllrs should only speak once."</p> <p>"Yes, the lead objector(s) and applicant(s) should speak first, then ward Members, but they should have an opportunity to briefly sum up (2mins max) at the end of the debate before the vote is conducted."</p> <p>"Ward Members should either speak last or have the right of rebuttal following officer comments".</p> <p>"After officer verbal reports"</p> <p>"1/Petitioners, 2/Applicant, 3/ Officers and 4/ Ward Members".</p> <p>"1 Officer 2 applicant 3 Petitioner 4 public 5 local Cllrs"</p> <p>"As officers appear not to provide impartial advice to the Committee (but rather argue in favour of their own recommendation) the ward Members should speak after the Officers e.g. as the last representation before the Committee undertakes its deliberation (accepting of course that Officers can provide factual advice as</p>

		<p>requested by the Committee)".</p> <p>"Reasonable time to express concerns".</p> <p>"Applicant put the case for approval, Petitioners to respond on why they oppose/agree, Members to put constituent's views. Officers to put case for recommendation and to respond to points raised. I would support restriction on time for members, as at Council, especially in multi member wards where the message is commonly repeated! The last meeting saw members have up to 10 minutes with petitioners only 3. The purpose of the right to speak is to enable members of the committee to gain information and understand objections and concerns. It is for them to respond to officer representations, not petitioners or other Cllrs. However, it might be useful for clarification if petitioners, member or applicant could be recalled by a member of the Committee to expand on a point where required, at the discretion of the Chair of the meeting."</p>
No	9	<p>"Members should be allowed to respond to comments made by the officers, but to be at the discretion of the chair"</p> <p>"Status quo"</p> <p>"Current arrangements work fine".</p>

**In your opinion, should the time allocated to Members to speak at Planning Committee be limited?**

Option	Member feedback	Comments
Yes	18	<p>"5 minutes per local Member, sometimes 3 Members speak"</p> <p>"3 minutes with chairs having discretion to extend".</p> <p>"15 minutes"</p> <p>"Two minutes"</p> <p>"Six minutes?"</p> <p>"Five minutes"</p> <p>"Five minutes initially, at chairman's discretion"</p> <p>"Ten minutes per Member (each) per ward. If only 1 Member speaking for ward then 15 mins"</p>

		<p>“10 minutes with discretion to chair”.</p> <p>“Maybe 3-5 minutes maximum”</p> <p>“All speakers three minutes”</p> <p>“5-10 minutes”</p> <p>“Five minutes and unless ward Cllrs are from different parties, one Member per ward is all that should be allowed to speak.”</p> <p>“Somewhere between 3-5 mins, the ward Members has had an opportunity to express detailed option in their submissions included in the Planning Committee papers, so this should simply be a summary briefing”.</p> <p>“Five minutes, with one nominee to represent all Members in same Ward from same political party.”</p> <p>“10 – 15 mins”</p> <p>“But option to be recalled for questions, at discretion of the chair, of the meeting to clarify or expand on a point if required. Same as for petitioners and applicant”.</p>
No	3	<p>“The chair should manage the comments made by the Members, keeping the points relevant. If the Member is making pertinent points then they should be able to make them regardless of time.”</p>

**Do you agree that this process is helpful in supporting an open and transparent decision making process?**

<b>Option</b>	<b>Member feedback</b>	<b>Comments</b>
Yes	20	“But late representation sheets should also be available to all the public at the meetings as well as Cllrs.”
No	2	“Not all concerned objectors and Members are able to see late reps so it is not transparent”.

**In your opinion, should the deadline for late representations be brought forward in order to allow for better and more informed debate?**

Option	Member feedback	Comments
Yes	13	
No	8	“So long as any important matters are brought to the attention of the members of the Committee. I agree with the earlier issue of the late representations, as happened this month.”
Other		“It may be easier for the committee if the deadline for late representations were brought forwards”.

**If Members request items to be included on the agenda but then do not attend the meeting, should these matters be dealt with by officers under the Scheme of Delegations?**

Option	Member feedback	Comments
Yes	3	
No	5	
Other	2	“Only if no Members of the public have attended”  “Perhaps, unless good reason is given for absence or at the discretion of the Chair of the meeting. Alternatively, they could, subject to the above comment, be dealt with as a final item on the agenda, to be approved as per officer recommendation.”

**Should some form of penalty be imposed on Members who consistently (e.g. on more than two occasions) request items to be included on the agenda but then do not attend the meeting (e.g. any further requests being denied)?**

Option	Member feedback	Comments
Yes	13	“Members should be able to ask for matter to be referred to next Planning Committee”
No	7	“There may be genuine reasons for their continued absence”.
Other	2	“I am not sure what is meant by requesting items to be put on the agenda. Do you mean that they are asking to speak?”  “Two occasions over what period of time? Consistent would need to be more than two occasions and regularly.”

		As for penalty, perhaps, but not as far as denial of request because it is not the Member who would be being penalised but the aggrieved constituents”
--	--	--

**Should Local Members only be able to make representations at the Planning Committee on applications which are within their wards or would have a direct impact on their own ward as the proposed development is in an adjoining ward?**

<b>Option</b>	<b>Member feedback</b>	<b>Comments</b>
Yes	16	<p>“This should also be at the discretion of the chair”</p> <p>“‘ex ward’ Members should pass on reps to local Members to make appropriate comment”.</p> <p>“Members from other wards should only be allowed to comment on applications when they directly affect their ward or are within a mile of the ward boundary”.</p> <p>“Restrict representation to ward issues”</p> <p>“Cllrs in adjoining wards should be able to make representations”.</p> <p>“There are occasions when an application will have the greatest impact on residents in an adjoining ward, in which case those residents should be represented by their ward Cllr.”</p> <p>“All Members should be allowed to submit written comments for inclusion in the papers for the meeting, but it is impractical to allow all Members to address Committee irrespective of their ward location.”</p>
No	5	<p>“Some Members receive objections from their residents; they should be able to represent them.”</p> <p>“No otherwise it could be political representations. They can put them in writing”.</p> <p>“The city belongs to all of us and Members are responsible for the well-being of the whole city, not just their own ward. If a Member feels strongly about a certain application, they should be allowed to speak. In some wards, the local Member may not be available to speak on an application, yet they may be happy for another Cllr to speak on their behalf another colleague might”.</p>

		<p>“Generally I would agree, but some applications have a city wide impact that all Members should be able to comment on”.</p> <p>“Members are CITY Cllrs as well as WARD Cllrs.”</p>
Other		<p>“Perhaps – This holds some merit in principle but would need to be discussed to see if this rule would restrict or prevent relevant points being raised by a member with specific knowledge. They could of course write like others but being a Cllr does have additional rights and enables a point to be put directly to the committee rather than through officers. Provided it does not happen too often and it doesn’t appear to, it is not really a problem.”</p>

## 5. OFFICER ATTENDANCE AND REPRESENTATIONS

**Do you believe that the number of Council Officers attending Planning Committee should be reduced?**

Option	Member feedback	Comments
Yes	6	
No	14	“We often need more (tree officer is one that should attend more often”.

**Do you consider that the number of Council Officers who are allowed to speak at Planning Committee should be reduced?**

Option	Member feedback	Comments
Yes	8	<p>“Their role should be to advise and not to persuade, as seems to be the case currently”</p> <p>“I am concerned about the amount of influence an officer is able to make over a planning application. For example, I understand an officer comment when a planning application is first submitted and liaises with the developer on how it should look. Then an officer writes up the report and can be unduly subjective in their comments and gives their judgement. Then the officer speaks at the planning committee as well – often just after a petitioner has spoken and can refute each of the points they make. Sometimes the officer speaks so much at the planning committee there is not enough time for the committee themselves to discuss the application.”</p>
No	13	“They should not merely repeat the written disposition”



--	--	--

## 6. SITE VISITS

### What are your views on how site visits are currently organised?

"I am generally content with the way in which site meetings are conducted"

"The arrangements are ok, Members of the public are advised of the protocol at visits by lead offices or chair".

"Little experience"

"It is very annoying to objectors that they are not allowed to speak to the committee"

"Most site visits appear to be requested for political reasons and not for the practicality of the committee; we should use new technology where available (Google street view covers 95% of the city)."

"Fine".

"Site visits are well organised but Members should have attendance at these recorded. This is to prevent Member for voting for a site visit then not attending".

"More information should be given to Members attending site visits in particular matters raised by Members of the public and Cllrs and should be highlighted by officers."

"Do not know, but site visits are essential to fully appreciate the planning aspects of the committee"

"Current arrangements, properly organised are fine, by this I mean that clear explanation given to any objectors of the protocol and the reason for the visit i.e. not lobby/shout but to ascertain facts and context of application."

"No opinion as not been on one, appear to be arranged well".

"Fine"

"Reasonable"

"About right".

"Not comfortable and sometime cramped mini bus".

"No problem here!"

"Pretty good, but if there is no local Cllr present it can be difficult".

"Seems in order"

“Organised well, attended poorly by Members”

“The requests for site visits are sometimes based on political rather than planning aspects but whilst the relevance of some is questionable a site visit can be invaluable for putting things into perspective especially as aspects that cannot be put into an application, or are deliberately missed, can become apparent”.

**In your opinion, can these arrangements be improved?**

Option	Member feedback	Comments
Yes	9	<p>“It is very annoying to objectors that they are not allowed to speak to the committee”</p> <p>“Requests for site visits should only be made if it is determined there are exceptional circumstances surrounding the application. Using new technology where practicable removing the need for a large number of site visits”.</p> <p>“Improve time keeping”</p> <p>“Perhaps a video taken of the sites and available before a visit and some form of written commentary on the issues is available to hand prior to any visit. Feedback forms or queries ought to be considered as part of the end of process in final considerations.”</p> <p>“Cut down site visit or reduce site visit”.</p> <p>“There is always room for improvement”</p> <p>“Arrange a better form of transportation”</p> <p>“Maybe allow members of the public to make a point, especially when they are smaller visits and it will directly affect those who are present”.</p> <p>“Better Member attendance of Committee”.</p>
No	7	<p>“Attendance by Members should be recorded whether they are ward or planning committee Members”.</p>
Other		<p>“I do not have strong views on this”.</p>

## 7. COMMUNITY ENGAGEMENT/PUBLIC INFORMATION

**Do you believe that the Council currently provides sufficient information to the public about Planning Committee meetings and how the planning process works?**

Option	Member feedback	Comments
Yes	4	
No	15	<p>"If is doesn't happen already, it should be made clear to all members of the public consulted on proposals (including the applicant) that a petition of 50 people will be required in order to be able to speak on the matter at the meeting itself".</p> <p>"I am not fully aware of what information is provided but from the view expressed by some member of the public leaving or attending the meeting, they are not aware of, the remit of the Committee, why their presence is more like that of an audience than somewhere they can make comment, what to do next after the Committee makes a decision. Waiting sometimes for hours to hear a five minute decision does not make them supportive of the process! Visitors also do not know the difference between Building Control responsibilities and those of the planning department or the potential effect of conditions that are applied".</p>
Other		"I'm not sure"

**What are your views on the suitability of various methodologies of communicating with the public on planning matters (e.g. web casting of Planning Committee meetings; improved website pages; information leaflets etc)?**

<p>"The more methods that are used inform Members of the public about Planning Committee meetings and decision the better"</p> <p>"More plain speaking leaflets are necessary"</p> <p>"Information leaflets"</p> <p>"People are not always informed of when a meeting to discuss their application is being heard"</p> <p>"Web casting would improve how Members of the public would interact with the committee, however the way in which the current committee make decisions once Members of the public have left would mean that the meetings would double in length. Once Members of the public leave the committee move rapidly through the agenda"</p>
---

and if this were to be viewed on a web casting it would appear that business is not being conducted correctly and those opposing applications would become infuriated”.

“Yes to all e.g.’s in the question (e.g. web casting of Planning Committee meetings; improved website pages; information leaflets etc)?”

“The protocol for the meeting should be on a sheet of paper which Members of the public receive when entering the meeting. There should also be a rough timetable for when applications are expected to be heard at the meeting. Meetings should also be web cast.”

“The public should be given an approximate time when applications will be heard”.

“Do not know enough to comment”

“Review and use best practice from other Councils i.e. reading council produces a very good leaflet for the public”.

“Web casting would be welcome, especially as the reporting of the outcomes of meetings is delayed and does not reflect the nature of the debate or who voted for which item. Improve webpage’s, especially for application of great public interest, would be useful e.g. a separate page for these applications with a clear meeting date displayed and outcome of the meeting itself.”

“More and better leaflets/downloadable PDFs on areas of Council policy (SPGs, LDP etc)”

“Should be web casting”

“All of the above and a wider distribution of letter to the residents affected, bigger street signs on lampposts”.

“Web casting is welcomed by other methods must be used for residents with no access to a computer i.e. public notices in press.”

“Use it all”.

“Web casting is essential so that those who cannot attend can see what happens. Many members of the public (and some Cllrs) are confused when application is deferred for refusal so information leaflets describing the procedure and the options available to the committee would be useful.”

“More people should, by right, be notified of initial application”.

“More needed all round in whatever form and more in other languages”.

“I do not think that web casting would improve communication but it would allow others to access information after the meeting to check information or to see what happened if they had been unable to attend. Website pages could provide information on how the system works, the rights of those attending, ideas as to timescales and programming of the meeting and a layman’s description of the

planning process from application to enforcement with applicants and appellants rights stated. However, these should be readily located and not found a few layers down. Information leaflets are useful but require people to know they exist and to go somewhere to pick one up. Many will only want to know something when they make an application, (although I suspect most re through agents who know the procedure) or are affected by one. Perhaps a short information leaflet or sheet could be provided to all those attending, outlining what is happening and what they can expect from being there as well as what the decisions of the committee mean and an explanation of a permission including the important of conditions applied to one”

## 8. FORMAT OF REPORTS AND MINUTES

**Do you believe that Planning Committee papers are currently written, formatted and presented in a way that is accessible and easily understandable to Members and the public?**

Option	Member feedback
Yes	14
No	6

**In your opinion, how could the presentation of meeting papers be improved?**

“These are generally clearly written and set out accordingly to a format. The use of some technical language and terminology is inevitable.”

“Agenda issued with reference to relevant pages in the bundle available to public”

“Write clearer English”

“They should be split into either wards, or constituencies making it easier for Members of the public to attend applications that may affect them or that they may at least be interested in. The constituency of Cardiff North should also be created in planning terms, this always causes confusion. Papers should start on page one and should follow through in order, not have many pages before the agenda even starts. Copies of plans and overhead maps should be included in every application as standard”

“Full detail is unfortunately necessary in the papers, but it is total confusion when items are taken out of the printed order (I understand the reasons why, but it is still confusing)”

“Do not know enough to comment”

“They need to either be written in plain English, not ‘planning speak’ or more realistically, a guide to what they actually mean could be provided?”

“I think current process is fine”

“I do not think they are that clear. I am happy to meet with colleagues to discuss”

“May be signposting to the analysis section at the end of the front page, but no other changes”.

“Papers are written, formatted and presented in a way that is understandable to those who are used to seeing them but for those seeing them regularly, the list of condition, reasons, and references per application, some running to many pages can be confusing. The fact that not all drawings are attached can sometimes limit the understanding of the proposals. Accepting that the full sets are available, it would be extremely time consuming for members of the committee to look through all the files to see all the drawings for each application. More than a few submissions are also atrociously presented with poor levels of information and accuracy. Perhaps there should be a minimum standard of submissions requirements in respect of quality of submission”.

## 9. SCHEME OF DELEGATIONS

**Do you agree that there is currently an effective balance between what applications are considered by the Planning Committee and what are dealt with by officers in accordance with the Council’s Scheme of Delegations?**

Option	Member feedback	Comments
Yes	16	
No	1	
Other		<p>“Not sure”</p> <p>“I don’t know”</p> <p>“I am not sufficiently aware of the balance to be able to comment”</p>

## 10. MEMBER DEVELOPMENT

**Specific training on planning matters is currently provided for Members of the Planning Committee. Should this training be mandatory for:**

**a) All Members of the Committee**

Option	Member feedback
Yes	17
No	1

**b) All Members of the Council**

<b>Option</b>	<b>Member feedback</b>	<b>Comments</b>
Yes	12	"But perhaps to a lesser level"
No	9	

**11. MEMBER PROPOSALS**

**Do you have any other ideas or suggestions for the improvement of Planning Committee meetings?**

<p>"I have sometimes waited all day for an item I am interested to be heard. There is never a clear time list and often the items chop and change".</p> <p>"Print a 'running order' and stick to it. Planning Members must not indulge themselves by simply repeating points that have already been made. Strong chairmanship to control timings is essential (no criticism of incumbent chair)".</p> <p>"Public should receive a sheet with the protocol for the meeting and a rough timetable for when applications are to be heard. All meetings should be web cast."</p> <p>"All Cllrs have attended meetings and have had to wait many long times for applications to be considered. On occasions, personally I have waited over 3hours! A total waste of time for a matter which then could be referred for a site visit! The agenda schedules should be re-examined".</p> <p>"Should be less formal and more openly welcoming in layout and deliver. It may be that the venue is of itself to formal and overwhelming to any person attending and even to members. The committee could perhaps meet less formally more often for all small matters but major issues maintain the resent format and venue."</p> <p>"The votes of members at planning committee should be recorded and open for public inspection, this is vitally important to make sure that any allegations of Members voting for political gain are able to be defended. Currently, I believe some Members of the planning committee vote not on the merits of the application but because of the political impact in their own Wards. Alternatively Members should not be allowed to vote on applications from their own Ward, but open and transparent recording of the votes would be preferred. What is the practice in other Councils?"</p> <p>"It is wrong that, unlike most Committee and Full Council meetings, the Planning meetings start in mid-afternoon rather than 4.30pm. This significantly reduces the opportunities for Cllrs employed in other jobs to attend the meeting and make representations. This is compounded by late decisions about which applications will be heard at which meeting, making it particularly difficult to book time off work far in advance. Meetings held in the day rather than evening also limits the ability of some of the more able Cllrs to put themselves forward to be Members of the Planning Committee, hence why many of the members of the current Committee are some of the least able Cllrs in the Council. Finally, early starts also make it harder for</p>
---

employed members of the public to attend, and gives the impression that the interests of the developers (for whom it is probably convenient to attend in the day) are put ahead of normal residents. I do not understand why all applications need to be heard by the whole Committee. The Licensing Committee operates with a series of sub-Committees, and I do not understand why a similar system could not be employed for planning. This would mean a greater number of meetings, but they would be shorter and the agenda more manageable. It is completely unacceptable that, at present, there is no timings provided for agenda items, meaning Members and members of the public can be left waiting hours before their application is even heard.”

“Planning should do what licensing do, have smaller sub-committees (of 3 members) to decide applications. This means shorter meetings, and a more manageable task for the chair and officers. Officers need to stop trying to influence committee, they should give them objective factual reports and then allow the Committee to come to a decision without seeking to influence them (again, Licensing Committee is a good practice example)”.

“Happy with the current process”.

“I feel that a clear order of applications due for consideration should be available at least one hour before the planning committee starts. There is currently no agreed agenda circulated before the meeting. This makes it very difficult for the public and members to engage with the planning committee. For example, I recently wanted to object to a planning application at the 11 March 2009 meeting. It was the first time I had attended a planning committee meeting. I only became aware of the application on the weekend before the committee meeting. (Since the papers are circulated a week in advance I only had time to read them the weekend before.) Since I have to work full time I asked at short notice on the Monday morning if I could nip out of work on the Wednesday afternoon to speak to my planning committee item. I told them I would not be long. Since I was clearly told it was unclear when the planning application in my ward would be heard, I arrived at the meeting at 2.30pm. However, at 5.45pm the application had still not come up. Since I had a very important work commitment starting at 6.30pm I had to leave before my application had been heard. It was practically a complete waste of 3 and a half hours and the item I wanted to object to was approved without my input. At the April 2009 planning committee I wanted to object to another application. To try and avoid spending a whole afternoon at the planning committee, I asked in advance about what time the application was due. I was told it was unlikely to be much before about 3.30pm. I arrived at 2.50pm to make sure I allowed plenty of time. When I arrived I was told that it had already been heard and again the application had been approved without my input. You can imagine how I felt. It was my worst experience so far as a councillor and I felt I let my resident down. Although really, I had done my best in the circumstances. While I appreciate the exact time may not be clear, if at least there was an agenda with the order of the planning applications that would help a lot. I have already been told by another councillor that for the time it takes to attend a planning committee trying to object to a planning application, I am better spending my time elsewhere. I do not believe that this is the Chair’s fault who is doing a great job and is fair. I believe it is the fault of the system.”

“If meetings are not to be time constrained then adequate provision must be made for the welfare of Member and officer. The facilities provided at the moment are totally



inadequate”.

“A loosely timed agenda, so that ward members do not have to sit for many hours awaiting their turn and miss work.”

“When the committee gathers around a plan for officers to provide information, then members of the public should be able to listen to this too. Items should have a start time, e.g. no “non petition” items would be dealt with before 4pm (assuming there are petitions). Timings were tried once with petitions, but it didn’t work because they nearly all went to site visits. This could be anticipated and factored in. With some thought, it could be that members of the public and Cllrs would not have to wait around for some time to make their representation to the committee.”

“I don’t know about that but I am often concerned at the way officers rubbish local members concern, often rudely, members of the public have commented! What does concern me is the fact that officers will never admit a mistake, classic case in my ward. Colleagues told committee that measurements were wrong, rubbished by officer, site visit ask and agreed to where to and be hold found measurements were wrong! Application was refused! Evidence that maps used lease a great deal to be desired!”

“Just to reinforce one point above that members of the public attending the committee may feel detached from the proceedings because they do not understand the process and the fact that they are in effect just watching and unable to take part, unless they are the applicant or petitioner, much as if they were watching a TV programme. An information sheet describing the process would be beneficial with FAQ’s such as: Why is the application allowed to speak when I can’t? What does a deferment mean? Does a refusal mean, (for one already built) that it is going to be pulled down? Does a refusal mean that no further application can be made? I could also explain that the y committee is made up of their representatives who are considering it on their behalf. For the committee itself, members would benefit form training session on particular aspects of the process e.g. What exactly the officer’s role is at the meeting and why they are able to speak so often and apparently argue against member’s statements and views. Exactly what additional rights, listing or conservation area status gives to buildings. What degree of involvement officers have in an application from pre applications discussions through to a committee and beyond, including appeals and how committee members could help at appeals in some circumstances. A talk through the process with indications of the actions of the application, planning officer, ward members, those writing in against an application, etc would help members understand what happens, before it comes to committee. When it comes to refusals against officer recommendation it might be useful for members to watch a “set up” appeal both a simple one with office, inspector and appellant, and one with solicitors on both sides. This could include questioning an officer, and perhaps members, on points that the officers did not object to but which the committee decide to refuse”.

“Something I feel very strongly about is that Local members should speak AFTER the appropriate Planning Officer has presented "planning's" case! often Members can correct misinformation, but we are not allowed - at present - to correct anything an officer says after we have spoken INITIALLY, and we are not allowed to speak more than once”