

07 ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	3 November 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Representation Procedure
REPORT NUMBER	COM/22/252
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Alan Thomson
TERMS OF REFERENCE	1.5

1. PURPOSE OF REPORT

- 1.1 To seek approval from the Committee for the procedure to allow interested parties to make representations on planning applications at Planning Development Management Committee.

2. RECOMMENDATION(S)

That the Committee: -

- 2.1 Approve the Procedure and Guidance notes at Appendix 1;
- 2.2 Note that the Procedure will take effect from 4 November 2022 and will apply to future Planning Development Management Committee meetings thereafter;
- 2.3 Delegate to the Chief Officer – Strategic Place Planning, following consultation with the Convenor and Vice-Convenor, to amend the Procedure; and
- 2.4 Instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.

3. CURRENT SITUATION

- 3.1 Prior to 2019, there was an informal process where Elected Members could make representations at the Planning Development Management Committee after declaring an interest. There was no formal procedure in place for interested parties who wished to make a representation.
- 3.2 In 2019, during the Scheme of Governance Review, it was identified that this practice was not compliant with the Councillors Code of Conduct (the Code) which required that there be an agreed procedure in place that afforded equal

opportunity to any party that wished to make a representation. As only elected members could make representations, the process was not fair in terms of an individual's right to a fair hearing. Council agreed, through the Scheme of Governance, that elected members no longer make representations at PDMC as there was no procedure in place to allow equal opportunity. The only circumstance during the consideration of a planning application that elected members could make verbal representations is when a Hearing is to be held and they have made a written representation during the public planning process. They then are invited to speak to their representation along with members of the public both supporters, objectors, and the applicant.

- 3.3 As with the previous version of the Code, Section 7 of the 2021 Code requires that members *“follow procedures agreed by [the] council which afford equal opportunity to any parties wishing to make representations to do so”*.
- 3.4 At the adjourned meeting of Council on 25th August 2022, the Chief Officer – Strategic Place Planning was instructed to draft a procedure to allow all interested parties, including ward members, to make representations at Planning Development Management Committee and report this draft procedure to the November meeting of that Committee for approval.
- 3.5 The proposed Procedure is attached as Appendix 1. Guidance notes for people seeking to make a representation are also included at Appendix 1.
- 3.6 For the purposes of the procedure, an Interested Party is the applicant or their agent, someone who has submitted a written representation through the planning process, or a ward member. A representation can be in support or objecting to the application.
- 3.7 In line with this proposed procedure, Elected Members who wish to make a representation at PDMC do not need to have submitted a written representation through the planning process. If a committee member wishes to make a representation on behalf of individuals or groups who are seeking to make representations for or against an application at PDMC, the Code at 7.11 requires them to (a) follow the Councils procedure, (b) declare an interest in the matter and (c) only remain in the meeting, while that item is being discussed, for the purposes of acting as the representative of the individual or group throughout the duration of their participation. Non-committee members may also make representations on behalf of individuals or groups, however, as per 7.12 of the Code they must (a) follow the procedure and (b) also only remain in the meeting, while that item is being discussed, for the purposes of acting as the representative of the individual or group throughout the duration of their participation. It is suggested that the right of a member to make a representation at PDMC should only apply to ward members for the application site.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications of adopting the Procedure, however, it should be noted that if the representation procedure results in PDMC meetings becoming longer than they currently are, there will be an impact on resources.

5. LEGAL IMPLICATIONS

5.1 The Procedure is required by the Councillors Code of Conduct if Elected Members wish to make representations at PDMC on behalf of their constituents. It is important that all Interested Parties are given the same opportunity to make verbal representations to the Committee.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications of adopting this Procedure.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified.			N/A
Compliance	Procedure is required to comply with requirements of Code of Conduct	Procedure and guidance notes drafted to comply with requirements of the Code of Conduct.	L	Yes
Operational	Impact on the efficient running of PDMC if there is a lot of interested parties wanting to speak at PDMC.	Procedure has been drafted to minimise the impact on the efficient running of PDMC. Interested parties have limited time to make their representations, and are restricted to groups rather than individual speakers.	L	Yes

Financial	No significant risks identified.			N/A
Reputational	No significant risks identified.			N/A
Environment / Climate	No significant risks identified.			N/A

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposals in this report have no impact on the Council Delivery

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required
Other	None

10. Appendices

Appendix 1 – Procedure for making representations at PDMC and associated guidance notes.

11. REPORT AUTHOR CONTACT DETAILS

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