

Report to Planning applications committee

10 September 2020

Report of Director of place

Subject Review of Arrangements for Public Speaking

Item

6

Purpose

This report proposes to amend the committee's public speaking arrangements. This follows recent amendments to both the scheme of delegation and public speaking arrangements during the coronavirus pandemic.

Recommendation

To approve an amendment to the public speaking arrangements as set out in Appendix C of this report.

Corporate and service priorities

The report helps to meet the corporate priorities of great neighbourhoods, housing and environment, people living well and inclusive economy.

Financial implications

There are no direct financial implications arising from this report. However, if the recommendation is accepted it will minimise the resource needed to take legally robust planning decisions.

Ward/s: All wards

Cabinet member: Councillor Stonard, cabinet member for sustainable and inclusive growth

Contact officers

Graham Nelson, Director of place

01603 989205

David Parkin, area development manager

01603 989517

Mark Brown, area development manager

01603 989246

Background documents - None

Report

Background

1. On 4 April 2020, the “Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings((England and Wales) Regulations 2020 came into effect. These regulations set out specific and robust guidelines to allow Council’s to set up remote meetings using various technology, including conference calls and video conferences.
2. Notwithstanding the introduction of the 2020 regulations, the resolution of the meeting of planning applications committee on 23 April 2020 sought to allow for most decisions to be determined under delegated powers rather than hold virtual meetings.
3. This decision took account of government advice that it is important to keep the decision-making process going through this time of international crisis so as to minimise, as far as is possible, the impact upon the economy. It also took account of the increased demand on council services in responding to the crisis with some planning officers and colleagues who support the planning process (administrative officers and internal consultees) as well as those who support the committee process being re-deployed to other tasks.
4. The scheme of delegation was revised again on 09 July 2020 with the view to going back to holding planning applications committee’s albeit virtually. A decision was also made at that meeting to cease public speaking at planning committee meetings on a temporary basis but allow for statements to be submitted and read out by officers at the meeting. This was to trial the success of a virtual meeting and to ensure that access and involvement was equitable.
5. It should be noted that the planning applications committee is a meeting that is held in public, there is no requirement in legislation that requires members of the public to be able to address the committee directly. Indeed, the April Coronavirus Regulations, referred to above, only require that members of the public are able to hear the proceedings.
6. The committee has so far had one such virtual meeting on 13 August 2020.

Proposal on public speaking

7. Arrangements for public speaking at planning committee prior to the coronavirus are outlined at Appendix A and the temporary arrangements involving the submission of statements are set out at Appendix B.
8. The formal arrangements prior to coronavirus allowed for an unlimited number of people who have previously made a written representation (either in support or in opposition) on a planning application to speak for up to 3 minutes. The applicant or agent may also speak in support of an application for 3 minutes where objectors have registered to speak.
9. The proposed arrangements are set out at Appendix C of this report. The key changes proposed are:
 - (a) Limiting the number of speakers to 6 people excluding the applicant/agent and ward councillor and allocated on a first come first serve basis;
 - (b) Allowing for fair representation where more than 3 people register in objection and 3 in support;
 - (c) Allowing the agent or applicant to address the committee for a longer period of 6 minutes where more than one objector is registered to speak;
 - (d) Setting out alternative arrangements where a virtual meeting is held and the person registered is unable to participate in such a meeting.
10. The changes are intended to allow public participation in the meeting but also to have some restrictions on the length of time and therefore resources taken via the public speaking arrangements. They also seek to allow fairer representation.
11. A concern expressed in relation to virtual meetings was that it may hinder the ability of certain members of the public to participate. Arrangements have been proposed which seek to minimise this so far as possible and provides the option of appointing an advocate or submission of a statement to be read out at the meeting. The proposed arrangements will also advise of the council's partnership with INTRAN and the ability for translation services to be available on request.

APPENDIX A – Public speaking arrangements prior to Covid-19

Planning committee public speaking procedures

The procedures for speaking at planning applications committee are as follows:

- (1) Persons or parties who have made representations on planning proposals which are referred to committee may address the committee provided that they have notified the committee officer by 10:00 am on the working day before the meeting. Only persons or parties that have submitted written representations will be allowed to speak, unless in exceptional circumstances, the chair has chosen to exercise discretion. Members of the public who have submitted written submissions in advance will be allowed to appoint an advocate to speak on their behalf if they so wish.
- (2) Ward councillors or other councillors who have commented on the planning proposal may speak provided they have given notice by 10:00 am on the day before the meeting.
- (3) The chair will consider changing the order of the agenda where there is public interest to avoid numbers of objectors having to wait.
- (4) The chair will advise those speaking that they may:-
 - (a) speak for up to three minutes;
 - (b) direct their comments to planning issues;
 - (c) make their points concisely.
- (5) The chair may allow a longer period for representations to be made in complex cases.
- (6) Any speaker will be stopped by the chair where he or she:
 - (a) reports comments already made;
 - (b) introduces non planning issues;
 - (c) makes defamatory comments about councillors, Officers or any other individual or party involved in the matter under discussion;
 - (d) has spoken for three minutes.
- (7) Where several people have expressed the wish to speak, the chair will request that a spokesperson is nominated and that other speakers to add any points which have not already been made.
- (8) The applicant or agent may also address the committee provided that there are other speakers registered to speak. The applicant or agent will be permitted to address the committee for 3 minutes. Where there is a large number of objectors or the proposal is complicated then the chair may use their discretion and extend the permitted time beyond 3 minutes.
- (9) Where the application is recommended for approval and no speakers have registered, the applicant or agent will not be invited to address the committee. Where the application is recommended for refusal the applicant or agent will be permitted to address the committee.

APPENDIX B – Temporary arrangements for statements to be submitted

Members of the public may submit written statements that can be read out by officers at the meeting. The number of statements which will be read out is limited to 6 for a major application and 4 for a minor application and this will be subject to the following:

- (a) where such statements exceed 500 words they will be summarised by officers rather than read out word for word;
- (b) if more than the above number of statements are submitted officers will summarise the contents the statements;
- (c) the applicant or agent will be able to prepare one statement which will be read out; and
- (d) statements from members of the public may be in objection or support.

Ward councillors may speak for up to three minutes at the meeting.

Alternative arrangements would be made on a case-by-case basis for any party unable to submit a written representation.

APPENDIX C – Proposed public speaking arrangements

Planning committee public speaking procedures

The procedures for speaking at planning applications committee are as follows:

- (1) Persons or parties who have made representations on planning proposals which are referred to committee may address the committee provided that they have notified the committee officer by 10:00 am on the working day before the meeting and subject to paragraph (7) below. Only persons or parties that have submitted written representations will be allowed to speak, unless in exceptional circumstances, the chair has chosen to exercise discretion. Members of the public who have submitted written submissions in advance will be allowed to appoint an advocate to speak on their behalf if they so wish.
- (2) Ward councillors or other councillors who have commented on the planning proposal may speak provided they have given notice by 10:00 am on the day before the meeting.
- (3) The chair will consider changing the order of the agenda where there is public interest to avoid numbers of objectors having to wait.
- (4) The chair will advise those speaking that they may:-
 - (a) speak for up to three minutes;
 - (b) direct their comments to planning issues;
 - (c) make their points concisely.
- (5) The chair may allow a longer period for representations to be made in complex cases.
- (6) Any speaker will be stopped by the chair where he or she:
 - (a) reports comments already made;
 - (b) introduces non planning issues;
 - (c) makes defamatory comments about councillors, officers or any other individual or party involved in the matter under discussion;
 - (d) has spoken for three minutes.
- (7) There will be a limit on the number of people who can speak and/or submit statements on any one item of 6 people. This number excludes the applicant or agent and the ward councillor. Where more than 6 people have tried to register to speak, speakers will be prioritised on a first come first serve basis. However where there are a mixture of members of the public seeking to speak in objection and support of the application and there are more than 3 of each, 3 may speak in support and 3 in objection. The chair may at his discretion allow more than 6 members of the public to speak on significant major proposals.
- (8) The applicant or agent may also address the committee provided that there are other speakers registered to speak. The applicant or agent will be permitted to address the committee for 3 minutes. However, the applicant or agent may address the committee for up to 6 minutes where more than one objector is registered to speak.
- (9) Where the application is recommended for approval and no speakers have registered, the applicant or agent will not be invited to address the committee. Where the application is recommended for refusal the applicant or agent will be permitted to address the committee for 3 minutes.
- (10) Where a virtual meeting is held and the person registered to speak under paragraph (7) is unable to participate in such a meeting they will be allowed to appoint an advocate to speak on their behalf if they so wish and subject to the committee officer being made aware by 10:00am on the working day before the

meeting. Alternatively a written statement may be submitted and which will be read out by officers at the meeting and circulated to members of the committee, subject to the statement being no longer than 500 words (longer statements may be summarised) and subject to the statement being received by the committee officer by 10:00am on the working day before the meeting.



Translation services are available on request.