

SUBJECT:	Amendments to the Protocol on Public Speaking at Planning Committee
MEETING:	Council
DATE:	June 2016
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

To adopt a revised Protocol on Public Speaking at Planning Committee.

2. RECOMMENDATION:

- 2.1 That the Planning Committee endorses the revised Protocol on Public Speaking at Planning Committee for adoption by Single Cabinet Member.

3. KEY ISSUES:

- 3.1 Public speaking has been a key part of the Council's Planning Committee since 2012. It has largely worked in an effective and efficient manner and has added value to the experience of the service's customers, as well as helping Members to reach a considered decision on applications before them.
- 3.2 Recently, circumstances have arisen where it has become apparent that the Protocol needs some clarity - primarily this has stemmed from the way the five or more representations are measured (this being the threshold that leads to certain applications qualifying for consideration at Planning Committee rather than via the Delegation Panel and to be eligible for public speaking at the meeting). The practise has developed in allowing objections received at a late stage after the committee agenda has been published to qualify toward the public speaking threshold and this places officers in Democratic Services and Development Management in difficulty and puts too much emphasis on late objections which should have been submitted in a more timely fashion. The proposed amendments consider the following key changes to make the process clearer and fairer:
- Speaking will be limited to applications where, by the deadline (set out below), letters of objection / support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils, or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday. *It should be noted that there are other circumstances where applications would qualify to be considered by Committee such as being referred to Committee for a planning reason by the Local Member, the applicant being a County Councillor (or a close relative), or an officer / close relative of the Planning*

service or an officer who works closely with that service, or the application has been subject to an objection by a statutory consultee.

- Speakers must register their request to speak between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. This has brought the registration period forward by a day to provide the applicant or their agent with more time to prepare a right of reply, should they wish to exercise that right. At present the applicant or agent are only notified that there is an objector speaking on the afternoon of the day before Committee. This is considered to be too late in the process and unfair to the applicant.
- It is made clear that parties are welcome to address Committee in Welsh or English, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

3.3 The proposed changes to the Protocol are shown in red in Appendix 1 below.

4. REASONS

The recommended changes will allow officers to manage the process more effectively and setting a deadline for representations to count towards the public speaking threshold will enable officers to advise the public with more certainty and precision.

5. FINANCIAL IMPLICATIONS

The proposed changes to the Planning Committee Public Speaking protocol are to add clarity to the process only and should have no implications on existing budgets, and therefore there are no financial implications resulting from these proposed changes.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS

Sustainable Development: The proposals will improve the service to the Council's customers.

The Future Generation Assessment is attached at Appendix 2. It is considered that the proposals which aim to ensure consistency and equality of treatment on planning matters do not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person. The Protocol on public Speaking and Code of Practice for Members and officers will be regularly monitored to address equality implications.

7. CONSULTEES:

Senior Leadership Team
All Cabinet Members
Head of Legal Services
Head of Planning
Planning Committee
County Councillors
Community and Town Councils

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Appendix 1

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee **in opposition to an application.**

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out **above.**

The Council will maintain a list of persons wishing to speak at Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights

- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- **If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.**
- **If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.**
- The Chair will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to speak for a maximum of 5 minutes.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
 - The Chair or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- **Officers will be invited to respond to points raised if necessary.**
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.

- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Appendix 2 (separate document)