

## APPENDIX 12 THIRD PARTY SPEAKING RIGHTS AT MEETINGS OF THE PLANNING COMMITTEE

### CONTEXT

- 1.1 The procedures outlined below comprise the process for allowing third parties to address the Planning Committee in respect of planning applications.
- 1.2 It is suggested that the procedures be reviewed on a regular basis to allow Members and Officers to reflect on their effectiveness and to recommend any changes that could improve the process.

### PROCESS

- 2.1 Planning Committees are held as hybrid meetings. Members of the public will be entitled to speak on any planning application that appears on the agenda of the Planning Committee either in person or online. However, there will be certain exceptions to this rule including applications for "Lawful Development Certificates" and any item which is for information only.
- 2.2 Should an application be deferred for a site meeting after speakers have addressed the Committee, when the application is reconsidered speakers will not be entitled to speak again at the Committee meeting, although the views that they have expressed will be taken into account.
- 2.3 If an application is deferred for amendment or further information, speakers will be invited to address the Committee at the next appropriate meeting. However, they will be asked to limit their comments to the changes to the application rather than repeat previous observations.

### WHO IS ENTITLED TO SPEAK

- 3.1 **Objectors:** Objectors should express their objections to a particular application in writing to the Planning Section as part of the planning application process. They should notify the Democratic Services Section of their intention to speak two working days before the start of the Committee, e.g. by 10.00am on the Monday preceding Committee on the Wednesday.
- 3.2 **Supporters:** Supporters (other than the applicant or their nominated agent) who have expressed their support for a particular application in writing to the Planning Section as part of the planning application process. They should notify the Democratic Services Section of their intention to speak two working days before the start of Planning Committee, e.g. by 10:00am on the Monday preceding Planning Committee on the Wednesday.
- 3.3 **Community/Town Council Representatives:** Should the Community/Town Council make representations on an application within its boundaries, then a representative may address the Planning Committee. Community/Town Councils should also inform the Democratic Services Section of their intention to speak two working days before the date of the Planning Committee.
- 3.4 **Ward Councillors who are not members of the Planning Committee:** Councillors who are members of the Committee are entitled to speak on any planning application

and may influence the decision. Councillors who are not members of the Committee should be given the right to address the Committee on a planning application within their own ward. The Ward Councillor would be required to notify the Chair of their desire to speak.

- 3.5 **Applicants or their Nominated Agent:** The applicant or nominated agent (the agent identified on the application details) is entitled to speak if objectors, Ward Councillors or the Community/Town Council exercise their right to address the Planning Committee. This entitlement allows the applicant to refute the oral objections made. Applicants may not address the Committee if there are no objectors to the application, or if there are objectors who do not wish to address the Committee.

## **HOW THE PROCESS WILL WORK PRIOR TO PLANNING COMMITTEE**

- 4.1 Planning Applications are publicised by either advertisement, site notice, letter or a combination depending on the type and scale of the application. Anyone making representations will receive an acknowledgement letter advising them of public speaking rights and online guidance.
- 4.2 The applicant will be informed if there are speakers to enable them to prepare to answer any objectors at the next Planning Committee.
- 4.3 The onus is placed on the Community/Town Councils and objectors and supporters to inform the Authority of their wish to speak at the Committee Meeting whether in person or on line. A person or representative will not be permitted to speak at the Committee if they do not give the Council two working days' notice. Therefore, the initial publicity for the planning application has to be sent out giving all parties a reasonable notice period, e.g. at least 21 days prior to the application being considered by the Planning Committee.
- 4.4 It is the responsibility of Objectors/Supporters to find out when a particular application is to be determined by the Planning Committee. A full list of Committee dates is available on the Council's website or by contacting the Council's Democratic Services Section.
- 4.5 Every effort will be made to inform the applicant if anyone who has made representations take up their right to address the Planning Committee. The Democratic Services Section will inform them (either in writing or by telephone, depending on time constraints) that they may attend the Committee, should they wish to reply to any of the comments made. Applicants will be able to attend the Committee as observers even if there are no objectors to their application.
- 4.6 Prior to the meeting, the Head of Planning and Development will be provided with a list of persons wishing to speak, who they are representing (if applicable) and on which application they wish to speak, by an officer from Democratic Services.

## **HOW THE PROCESS WILL WORK DURING THE PLANNING COMMITTEE**

- 6.1 The order of business on each application will be:
- Planning Officer introduces the application;
  - The Chair calls upon the objectors to speak;

- The Chair calls upon supporters to speak;
- The Chair calls upon the Community/Town representatives to speak;
- The Ward Councillor is invited to speak;
- The applicant or agent responds to the comments made;
- Officers comment on the remarks made if necessary;
- Debate by Members, with officers comments and answers to question;
- Decision.

## **TIME ALLOWED FOR SPEAKERS**

- 6.1 Each category of speaker is allowed to speak for up to five minutes. Each objector/supporter is entitled to speak, but only if there are three or less objectors. If there are more than three objectors to an application, then a nominated spokesperson will be entitled to speak on their behalf. The spokesperson will be entitled to speak for up to ten minutes. A committee room will be available, if required, prior to the Committee meeting for both objectors and supporters (separately) to discuss their concerns and nominate a spokesperson. Objectors/supporters will be advised of this prior to the meeting.
- 6.2 The time limits for each speaker will be closely monitored and adhered to.
- 6.3 Speakers can use media (i.e. an overhead projector or a lap top projector) or other material to aid their presentation during the Planning Committee but only if they have advised the Democratic Services Officer no less than 10am the day before the meeting commences and have provided a copy of any presentation needing to be loaded on to a laptop by this deadline. If a speaker wishes, a copy of their presentation or any written submissions can be included with the minutes of the meeting.
- 6.4 The right to use media or other material is subject to:-
- The media or other material not containing new points that are not referred to within their previous written comments;
  - All media or other material to be used must be submitted to the Democratic Services Officer prior to the committee meeting to allow Planning Officers to carry out a check of content.
  - The Chair of Planning Committee has an absolute discretion to disallow media or material on a case by case basis.
  - Speakers should also be aware that any media or material which contains personal or sensitive information relating to them will be asked to give written consent to its use at Planning Committee, if consent is not provided the media or material supplied will not be permitted to be used at the meeting. Additionally, if media or material contains personal or sensitive information relating to third parties it will not be permitted to be used at the meeting.
- 6.5 The Chair will have the discretion to extend or curtail the speaking arrangements in exceptional circumstances. For instance, if an application is particularly controversial. This would happen on rare occasions only.
- 6.6 The members of the Committee will not be allowed to directly question the objectors, Community/Town Council representatives, the Ward Councillor or the applicant. The Chair will clarify points on behalf of the Committee.

- 6.7 Objectors, supporters, Community/Town Council representatives, the Ward Councillor or the applicant may not speak directly to any member of the Committee during the meeting.
- 6.8 In very clear extenuating circumstances when the objector cannot attend at the last minute, a statement can be read out by the Democratic Services Officer.

#### **FOLLOWING THE DECISION**

- 7.1 Following the decision, a copy of the decision notice, webcast of the meeting and the minutes of the meeting will be available on the Council's website.

