

APPENDIX

PUBLIC SPEAKING AT THE PLANNING SERVICES COMMITTEE (Minute 169/02)**1 SUMMARY**

- 1.1 This report seeks Members' views on the proposed arrangements for public speaking at the Planning Services Committee. The introduction of public speaking was agreed as part of the action plan for improving the planning services as agreed through the Best Value Review of Development Control and Building Control.

2 INTRODUCTION

- 2.1 The proposal to introduce public speaking to the Planning Services Committee was agreed as one of the items in the action plan that emerged from the Best Value Review of the Development Control and Building Control Services.
- 2.2 The action plan indicated that public speaking would commence in December 2002.

3 PROPOSED ARRANGEMENTS

- 3.1 It is intended that the arrangements for public speaking be published in an information leaflet. A copy of the initial draft is attached to this report as appendix one.
- 3.2 In summary it is proposed that any person who has previously made written representations whether against or in support of an application may make a short 2-minute statement to the Committee. A maximum of two speakers against and two speakers for a proposal will be able to make a statement.
- 3.3 The leaflet explains that speakers will not be able to ask questions of the Committee and conversely that the Members of the Committee will not ask questions of the speakers. The speaking arrangement will simply allow supporters of objectors to make a short statement to amplify and reinforce the views previously expressed in writing.
- 3.4 In cases where there are many people who would like to speak for or against a proposal, the order of registration with the Committee Administrator will determine whether a person is able to speak. Where a petition has been submitted, the leaflet advises that a spokesperson should be selected to make the statement.

- 3.5 In terms of the arrangements at the Committee it is proposed that the Planning Officer be first invited to update the Committee on additional letters of representation and any other pertinent issues. The Parish/Town Council representative and objectors and supporters will then make their statements. It is proposed that objectors and supporters be allowed a maximum of 2 minutes each to present their views. Once the statement has been made, the Committee will then proceed to determine the application in the normal way with, if required, further comments from the Planning Officer.

6 RESOURCE IMPLICATIONS

- 6.1 The public speaking proposals do not have any significant resource implications and can be dealt with as a minor alteration to officer duties in respect of preparations for the Planning Services Committee.

9 RECOMMENDATION

That, subject to comments from Members, the Planning Services Committee be recommended to approve the arrangements for Public Speaking at the Planning Services Committee and that the new procedure commences on 1 December 2002. (HPS)

Shaun Scrutton

Head of Planning Services

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APPENDIX ONE**Speaking at the Planning Services Committee
A Guide for the Public****Introduction**

This leaflet explains the procedures to be followed if you are interested in speaking at a meeting of the Planning Services Committee. The arrangements explained here apply to applicants or their agent and to objectors or supporters of a proposed scheme. Separate arrangements are in place for Parish/Town Council representatives to address the Committee.

The right to address the Committee is in addition to representations received in writing, which will continue to be summarised by officers and reported to Members. The opportunity to speak to the Committee is to enable you to reinforce the comments you have previously made in a written representation.

Deciding whether to speak

Members of the public in whatever capacity are welcome to attend meetings of the Planning Committee to listen to the determination of planning applications. While there is the right to speak, there is no obligation to do so, and indeed, it is important to bear in mind that the authority must be previously notified of an intention to speak: ad hoc presentations to the Committee will not be accepted at the meeting.

Copies of the officers' reports will be available at least three days in advance of the meeting. For each report, officers' will make a recommendation to the Committee on how it is considered the application should be determined. When you see the recommendation, you may decide there is no need to address the Committee, though you do need to be aware that final decisions do not always follow the officers' recommendations. It is also important to bear in mind that many applications are determined under delegated powers and are not reported to the Planning Services Committee. Only major and more controversial applications are automatically reported to the Committee.

To speak at the Committee either against or in support of an application you must first have submitted a written representation in response to the application consultation procedure. Assuming you have made formal representations, you must then register your intention to speak with the Committee Clerk by 4pm on the day of the meeting, and at the same time provide a short summary of your case.

In deciding whether to speak, you must also bear in mind that you will not be able to ask questions of either the Members of the Committee, the applicant or other speakers. Equally, Councillors will not ask you or others questions about the application or seek any clarification of your views.

At the Committee

You must arrive at the Council Chamber in the Civic Suite, Rayleigh by 6.45pm on the evening of the meeting, that is 45 minutes before the meeting is due to commence, and identify yourself to officers. You will then be shown where to sit and the arrangements explained to you.

You will be allowed a maximum of two minutes to make your statement. Two speakers will be allowed to speak for and two against the proposal, that is a maximum of four speakers in all. The Chairman has discretion to allow additional speakers.

You will be called to speak after the Planning Officer has been allowed an opportunity to update the Committee on additional letters of objection or support or other matters pertinent to the case. Do please bear in mind that the Committee will not answer questions about your statement. If present, the Parish/Town Council representative will also be called to make their statement. Once all statements have been made, it is likely that the Planning Officer will make some further comments prior to the Committee then determining the application. The Committee may proceed to debate the proposal before making a decision, though it may also be that a decision will be taken immediately.

If more than two people want to speak either for or against an application, it will be necessary to select someone to act as a spokesperson. In any event, this may be a sensible arrangement to follow where a petition has been submitted by a number of people. The applicant or his agent will be counted as one of the speakers in support. In other cases, the order of registration with the Committee Clerk will be the determining factor on whether you will be allowed to speak.

When you speak, please remember to say who you are, where you live, and whether you are representing a person, a firm or an organisation. You must address your comments directly to the Chairman of the Committee.

In making your statement it is important to bear in mind that there are strict guidelines set by Central Government within which planning authorities may decide applications. Therefore there are limits on the matters that the Committee can take into account in reaching a decision. These so-called 'material planning considerations' are fully explained in a free leaflet published by the Council and available from the receptions in Rochford and Rayleigh and on the Council's official website.

Finally, it is worth bearing in mind that where a decision has been reached to refuse an application, this may not be the end of the matter since applicants have the right to appeal to the Office of the Deputy Prime Minister for an independent assessment of the application.

Add address and contact details, etc.

Shaun Scrutton
Head of Planning Services
Etc...

MINUTE 435 OF ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE, HELD ON 19 SEPTEMBER 2002

PUBLIC SPEAKING AT THE PLANNING SERVICES COMMITTEE

The Committee considered the report of the Head of Planning Services which sought Members' views on the proposed arrangements for public speaking at the Planning Services Committee. The introduction of public speaking had been agreed by Council as part of the action plan for improving the planning services as agreed through the Best Value Review of Development Control and Building Control. This had indicated that public speaking would commence in December 2002.

If Members agree the arrangements for public speaking at Planning meetings, the details would be published in an information leaflet, which would be widely available. A copy of an initial draft had been appended to the report.

Members noted the Audit Commission's conclusion, which had been appended to the report for the preceding Agenda item. This was that a lack of public speaking at Committee contributed to a low score on the ten point checklist which had been developed by the former Department of Environment, Transport and the Regions (DETR). Members noted that whatever decision is ultimately taken, they would need to be able to justify their decisions and give reasons for not supporting this action.

However, during debate, the following Member concerns were noted:-

- The decision to implement public speaking at Planning meetings had been taken during the previous municipal year.
- Public speaking at these meetings might prolong the planning process.
- Members of the public may consider that speaking at a meeting would necessarily influence the decision.
- People who are not comfortable with making an initial written representation could feel disadvantaged by this process.
- Some people may find it difficult to register their attention to speak on the actual afternoon of the meeting or to arrive well in advance of the commencement of the meeting.

In support of the proposal the following was noted:-

- Parish/Town Councils would be provided with an additional opportunity to give their views.
- Ward Members would become more approachable to local residents.
- People should be encouraged and given the confidence to submit questions.

- It is not likely that the introduction of public speaking at Planning Committees would lead to a significant increase in either the length of Planning meetings or the planning process.
- Public questions can be posed at all other Committees.

Members agreed on a show of hands that a decision to proceed with the introduction of public speaking at meetings of the Planning Services Committee should not be taken by this Committee and it was

Recommended to Council

That Council reconsider its recommendation to introduce public speaking at meetings of the Planning Services Committee. (HPS)

MINUTE 552(6) OF FULL COUNCIL, HELD ON 29 OCTOBER 2002

PUBLIC SPEAKING AT THE PLANNING SERVICES COMMITTEE

Council considered the report of the Environment Overview & Scrutiny Committee on public speaking at the Planning Services Committee.

A motion that public speaking be introduced at Planning meetings on the basis of the proposals reported to the Environment Overview & Scrutiny Committee was moved by Councillor C I Black and seconded by Councillor Mrs M A Weir.

In favour of the motion, reference was made to its fit with the advice of the Audit Commission and the practice of some other Councils, including the County. Concerns which had been raised about a public speaking facility should not be seen as so significant as to prevent its introduction. Given that Planning Service Committee Members made decisions based on evidence available at meetings, there should be an opportunity for Members of the public with genuine concerns to speak. It would be incorrect to assume that the public are unable to make comment based on planning grounds. The introduction of speaking would also bring Planning Services more in line with other Council Committees for which there is provision for public questions. It was observed that the speed at which a high level of business had been transacted at recent planning meetings indicated that there was room to include public speaking without adversely impacting on business throughput.

Against the motion, reference was made to the nature of the planning decision making process which meant that decisions had to be made in accordance with prevailing planning law, not on the basis of the emotions of those involved. A public speaking facility may lead to people investing time and energy to contributing, only to find that no account can be taken of their views. Reference was also made to the possibility that a public speaking facility could be used by some as an opportunity for self-publicity. It was noted that there remained a facility within the Council's planning protocol for Parish Councils to speak at meetings of the Planning Services Committee and observed that the public could communicate views to the Parishes.

The public could also lobby Members of the Planning Services Committee prior to meetings. Statistically, the Council's Planning Service could be seen as efficient. The introduction of public speaking may have an adverse impact in terms of the maintenance of effective business throughput.

The motion was lost on a show of hands.

Note: Councillors C I Black, D F Flack, C R Morgan, Mrs M S Vince and Mrs M A Weir each wished it to be recorded that they had voted in favour of the motion.