



Report To: Planning Committee

5 October 2016

Lead Officer: Executive Director (Corporate Services) and Head of Development Management

Public Speaking Protocol – Review of arrangements at Planning Committee meetings

Purpose

1. To conduct a review of the public speaking protocol.

Recommendations

2. Officers recommend that
 - (a) the Planning Committee endorses the draft protocol attached at Appendix A, reflecting the changes highlighted in paragraphs 8 to 12 of this report, and Appendix B (changes included);
 - (b) The Planning Committee delegates to officers any typographical or formatting changes deemed appropriate; and
 - (c) Future reviews of the public speaking protocol be made as and when required rather than strictly on an annual basis.

Reasons for Recommendations

3. The recommendation results from situations arising during the last few months that were previously not provided for in the public speaking protocol.

Background

4. At its meeting on 24 May 2007, Council resolved that public speaking at Planning Committee be introduced, and that the Planning Committee be authorised to review and amend the scheme annually. During the last nine years, the public speaking protocol has evolved into a process that is clearly understood and which is successful. Officers consider that an annual review is no longer necessary. However, the protocol still needs to be revised from time to time to make sure that it remains relevant, and is as comprehensive as possible.
5. Planning Committee last reviewed the protocol in June 2015.

Considerations

6. Public speaking at Planning Committee meetings, which includes contributions from local Members not on the Committee and members of parish councils, has been well received generally, and has allowed applicants, their agents, and objectors to take a greater part in the planning application process.

7. During the past few years, public speaking has operated well, but unforeseen circumstances have arisen from time to time, which have been dealt with under the Committee Chairman's general discretionary powers.
8. Recent experience has shown how difficult it is to estimate what time individual applications will be considered at meetings. Factors such as withdrawal of earlier items from the agenda, the number of public speakers, and unforeseen circumstances can all play a part. Therefore, it is proposed that formal advice should be that all public speakers should be prepared to address the Committee at any time after the beginning of the meeting.
9. At the meeting in May 2016, a Parish Council was represented by an agent, Although the current protocol requires Parish Councils to be represented either by elected or co-opted Councillors, it is the case that applicants and objectors sometimes appoint agents. There have been a few instances where local Members have been represented by other Members. There is no legal reason why Parish Councils should not be represented by agents. Officers propose therefore that Parish Councils should be allowed to appoint agents, and that those agents should include their Clerks.
10. Members of the public sometimes play the numbers game: if the Chairman has allowed two people to speak in support, and it becomes clear that the Parish Council also supports, for example, an objector might argue that two additional objectors should be allowed, or that a single objector should be allowed more than three minutes to speak. This process is unacceptably cumbersome, and creates a dangerous precedent. The proposal therefore is that it be made clear that each speech should be limited to three minutes and that the rule be that there can be only one objector and one supporter. The exception to that rule should be that, where the officer recommendation is for refusal, up to two supporters will be allowed – the applicant or agent, and a supporter from the community. Each would get three minutes to speak. Of course, two or more people can share a three-minute speaking slot.
11. There have been a couple of recent instances where objectors have, in effect, been appointed by Parish Councils. While, in principle, there is nothing to stop a Parish Councillor from speaking as a local resident, there could be a perception that the Parish Council is trying to get two speaking slots for itself. Therefore, it is proposed that all applications to address the Committee must be made to Democratic Services.
12. Sometimes, members of the public have tried to circulate material at very short notice. This can place unnecessary pressure on Committee members. The proposal is that the protocol should state a clear cut-off date after which documents and statements will not be circulated, unless the Head of Development Management and / or Committee Chairman deem them to contain material information not previously shared.

Options

13. There are three options:
 - (a) To leave the public speaking protocol as it is, namely as agreed in 2015;
 - (b) To endorse and adopt the protocol, as amended and set out in Appendix A to this report.
 - (c) To amend the protocol in some other way.

Implications

14. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Equality and Diversity

15. The protocol is available electronically and can be provided in hard copy. Provision has been made for the document to be provided in alternative formats. Democratic Services Officers can advise verbally about the protocol's main requirements.

Consultation responses (including from the Youth Council)

16. External consultation was not deemed appropriate.

Effect on Strategic Aims

17. The introduction of, and subsequent agreement of improvements to, the public speaking scheme, enables effective engagement by residents and parish councils with the decision-making process.

Background Papers

None

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