
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	2nd MARCH 2017	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	TONY SYLVESTER Ext.5743 PLANNING SERVICES MANAGER	DOC:
SUBJECT:	SPEAKING AT PLANNING COMMITTEE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS

1.0 Recommendations

- 1.1 That the Committee agrees or amends the wording of the advice literature as set out on the Council's website and as sent with letters to those invited to speak at Planning Committee.

2.0 Purpose of Report

- 2.1 To seek the Committee's view of the content of the advice literature as set out on the Council's website and as sent to those eligible to speak at Planning committee.

3.0 Detail

- 3.1 Public speaking at Planning Committee was first introduced at South Derbyshire in 2006 following a study on the subject commissioned at that time. The report set out its research into the process adopted by other authorities that already had public speaking and so made recommendations based on best practice.
- 3.2 The report concluded that if speaking was to be introduced the rules should be clearly set out. The current scheme was agreed at the Environmental and Development Services Committee.

In the main body of the commissioned report it stated that:

'Most councils allow the public to speak on any issue, and none of those surveyed indicated that people needed to submit their main points prior to the meeting. As such, it is recommended that South Derbyshire allow people to raise any issues. However, this will potentially require the chairman to intervene if an individual brings up inappropriate points.'

It is recommended that the council produce guidance on the procedure for public speaking, and that in addition to the process for requesting to speak and an indication of the process during the meeting, the guidance also indicates what presentations should include.

It is also recommended that this be tried and reviewed, with the potential of limiting people to the points made in written representations. If the speakers are to be restricted in this way, and there is one speaker representing many objectors, the individual should be able to comment on points made in all the representations rather than only their own.'

The report recommended that people should be able to speak on any issue, although advised of the scope of planning issues but that this should be reviewed if it becomes problematic.

3.3 Although the scheme has been very successfully run over the years since 2006, it would be good practice to review the advice provided to speakers to give members an opportunity to consider whether any amendments are necessary.

3.4 The current advice is attached at Appendix A. of particular note on the issue of content is: *'You should not make statements that are personal or defamatory.'* Thus the question for members now is whether this statement is sufficient to be enough of a reminder to speakers that personal or defamatory remarks should not be made.

4.0 Financial Implications

4.1 None

5.0 Corporate Implications

5.1 Ensuring that members of the public fully understand the planning process is an action in the Corporate Plan and this report is an important part of that process.

6.0 Community Implications

6.1 The process of public speaking at committee has introduced more accountability and transparency to the decision making process and is arguably more democratic.

7.0 Background Papers

7.1 Guidance for Speaking at Planning Committee.

APPENDIX A

SPEAKING AT PLANNING COMMITTEE

What are Planning Committee Meetings?

Planning Committee meetings are held to consider planning applications which are not decided by planning officers. The Committee considers applications in relation to planning policy, the representations received from members of the public, consultation responses and the recommendations of the planning officer.

Where are the meetings held?

The meetings are normally held every three weeks on a Tuesday evening at 6.00 p.m. in the Council Chamber at the offices of South Derbyshire District Council in Swadlincote. The layout of the Council Chamber can be found on our website at

http://www.south-derbys.gov.uk/planning_and_building_control/planning_permission/public_speaking/default.asp

Can I speak at meetings?

Anyone wishing to speak at the Committee may be able to do so, subject to the procedure set out in this guidance. Only those members of the public who have already submitted a written representation will be allowed to speak. When people speak about an application, their comments are considered in the light of planning policy along with other relevant information, including any written representations.

Who can speak?

Two people are able to speak on an application. One person is allowed to speak on behalf of any objectors and one person may speak in support of the application. If more than one person wishes to speak for or against the same application, they should choose a representative to speak on behalf of everyone. The contact details of the first person to register will be passed on to others so that they can nominate a representative. If no representative is chosen, the first person to ask to speak will be given the opportunity.

How do I arrange to speak?

If you wish to speak about an application that is being considered by the Committee, you must register by telephone during office hours with the Democratic Services Unit. Registration is from 10.00 a.m. on the Tuesday 7 days prior to the meeting until 5.00 p.m. on the day before the meeting (normally Monday). Office hours are 8.45 a.m. until 5.00 p.m. on Monday to Thursday and 8.45 a.m. until 4.30 p.m. on Friday. The contact details are at the end of this leaflet.

How long can I speak for?

The chosen person will be able to speak for 3 minutes. The Chair will advise you when you have 30 seconds left. After 3 minutes, you will be asked to stop speaking

and you will not be able to address the Committee after this time.

What can I speak about?

You should state your views and comments. You should not ask questions of other speakers or the Committee. The Committee is only able to consider planning issues. Therefore, you should limit yourself to comments on these issues.

The suitability of the site for this particular development;

- The design, appearance and layout of the proposal;
- Any loss of light or privacy;
- Any noise, disturbance or smell;
- Highway safety or traffic;
- The effect on the character or amenity of an area; or
- Whether the development is consistent with the Council's planning policy and government guidance.

You should avoid speaking about matters that are not planning issues, such as the following:

- Matters covered by other laws (e.g. alcohol licences or health and safety laws);
- Private property rights (e.g. boundary or access disputes);
- Personal remarks (e.g. the applicant's morals or motives);
- The effect on the value of property;
- The effect on competition for other businesses;
- Possible future development; and
- Loss of views over other people's land.

You should not make statements that are personal or defamatory. You should not be abusive or interrupt other speakers or Members of the Committee. You will not be able to present documents or photographs at the meeting. If you wish to check about what you want to say, you should contact the planning officer for the application.

What happens at the meetings?

The agenda for the meeting will list the applications to be considered. For each application, there is normally a short presentation by the planning officer. After the presentation, the Chair will announce whether there are any speakers. He will then invite the objector or representative of the objectors to come to the front of the room. The objector will then be able to make their presentation. Once they have finished speaking, the objector will return to the public seats at the rear of the Chamber. They will not be able to ask any questions and the Committee will not ask questions of them. The Chair will then invite the applicant, their representative or supporter to come to the front of the room. The applicant will then be able to make their presentation. Once they have finished speaking, the applicant will return to the public seats at the rear of the Chamber. They will not be able to ask any questions and the Committee will not ask questions of them. The Committee will then discuss the

application. If there is a debate, the Chair will ask for comments from Members of the Committee (for example, whether they wish to express support for granting permission or express a desire to refuse permission). Applicants, objectors and members of the public cannot make any comments during this discussion.

Normally the Committee will vote on a motion moved by a Committee Member to approve, refuse or defer consideration of the application. The decision will be one of the following:

- To approve the application subject to conditions;
- To refuse the application for specific reasons;
- To defer consideration to allow additional information to be collected or negotiations to be carried out;
- To defer consideration to allow the Committee to visit the application site (for example, where the Committee considers that viewing the site would help them to reach a decision); or
- To delegate the final decision to the planning officer (for example, where a legal agreement or amended plans are required before the application can be decided).

Further Information

For further information, or to register to speak about an application, please contact us at:

Legal and Democratic Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire DE11 0AH

Telephone: 01283 595848