

WEST OXFORDSHIRE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE
MONDAY 10 DECEMBER 2018

PUBLIC SPEAKING AT PLANNING MEETINGS

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Phil Shaw Tel: (01993) 861687)

1. PURPOSE

To review the scheme for public participation at planning meetings and make some suggested amendments.

2. RECOMMENDATION

That the procedures and guidelines for public speaking included in the Appendix to the report be approved.

3. BACKGROUND

3.1. A recent meeting of the Uplands Area Planning Sub-Committee highlighted an anomaly in the scheme for public participation at planning meetings, because the scheme stated that it did not allow any speaking on free-standing agenda items, but limited participation to items included on the schedule of applications to be determined. In other words, the scheme assumed that any application requiring determination would be included in the schedule and not as a separate agenda item. In practice some applications were being reconsidered as agenda items. Public speaking was in fact allowed but an objector commented that his expectation was that it would not be.

3.2. As a consequence, it is proposed to amend the scheme by the inclusion of words stating that participation will also be allowed for applications elsewhere on the agenda which are for determination at the meeting, or where confirmation of a previous decision is being sought. This is reflected in the highlighted text on the first page of the Appendix.

3.3. The opportunity has also been taken to review the wording in the document as a whole, and the remaining highlighted text in the Appendix indicates where changes are proposed.

3.4. None of the proposed changes are in any way fundamental to the way in which the scheme operates, but are intended to provide clarity and/or to reflect actual practice in its operation.

4. ALTERNATIVES/OPTIONS

Members could decide not to agree to the proposed changes, or to suggest others.

5. FINANCIAL IMPLICATIONS

This report has no financial implications.

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Date: 11 November 2018

Background Papers:

None



West Oxfordshire District Council

Public Speaking at Planning Committees

PROCEDURES AND GUIDELINES FOR PUBLIC SPEAKING AT MEETINGS OF THE PLANNING COMMITTEES

Introduction

Most planning decisions are made by Planning Officers, in accordance with an agreed scheme, under so-called delegated powers. However, some decisions are made by the Area Planning Sub-Committees or, occasionally, by the Development Control Committee. These decisions usually relate to very controversial applications, applications made by officers or members of the Council or any other application where a member considers that the decision should be made by the Committee, rather than by officers under delegated powers.

When planning applications are heard by the Committees, there is an opportunity for applicants, members of the public and other interested parties to speak for or against the application. The information that they provide is considered to be very useful in helping the Committee to reach a sound planning decision.

It should be noted that applications cannot be brought to Committee solely to give the opportunity for public speaking.

When is public speaking allowed?

Public speaking will be allowed on any application on the schedule of planning applications to be considered by the Planning Sub-Committees i.e. applications for planning permission, listed building consent, conservation area consent, advertisement consent and applications to fell trees the subject of Tree Preservation Orders. It will also be allowed in respect of any other of those types of application included on the agenda for determination at the meeting, or where confirmation of a previous decision is being sought.

Public speaking will not be allowed on items within the Agenda, such as potential enforcement action cases where there is no associated retrospective planning application or Lawful Development Certificates which are legal determinations based on the facts.

If public speaking has taken place on an application and the application is then deferred – for example, to continue negotiations – further public speaking will be permitted when the application is reconsidered by the Committee. In cases where an application has been deferred to allow Members to undertake a site inspection, a second opportunity to speak will be allowed.

Who is allowed to speak?

Participants in public speaking must have made written representations to the Council on the application in the first instance. The following individuals or groups of individuals and/or organisations can speak (in the order shown) after the case officer has made a short factual presentation of the proposals:-

- A representative on behalf of objectors;
- A representative on behalf of the local Town or Parish Council or Parish Meeting
- Local District Councillor(s), if they are not a member of the committee
- A representative in support of the proposal – the applicant or other supporter

Members, through the chairman, can ask questions for clarification purposes or on points of information. No one is required to speak – it is an entirely voluntary opportunity.

After the speakers have finished the planning officer will enlarge on and update his/her report, confirm the officer recommendation and answer questions posed by members of the committee.

What happens if the speaker representing the local council has an interest or conflict in respect of the application?

The speaker representing the Parish Council/Meeting must put forward the considered views of that Council/Meeting, rather than their own personal views. The speaker must be seen to be truly independent and must not have a direct interest in the application or be related to, or be a business associate of, the applicant. Town and Parish Councillors are also reminded of their responsibilities under the agreed Code of Conduct.

Please be aware that, generally, the District Council will not be aware of any interests or conflicts which town or parish councillors have, in which case the responsibility for complying with this rests with the council and councillor concerned.

Do public speakers have to be professionally qualified or represented to speak?

There is no need for representatives of Town/ Parish Councils/Meetings, objectors, supporters or applicants, who wish to make representations, to be professionally qualified or represented.

For how long are public speakers allowed to speak?

Within each speaking slot, a maximum of three minutes per allocation will be allowed. The time must be strictly adhered to and speakers are encouraged to practice their presentation in order to use the time constructively. If more than one speaker wishes to contribute within one category of speaker, for example two supporters, the maximum time of three minutes will then have to be shared between them.

If there are two applications for the same development, for example where there is both a planning application and an application for listed building consent, double time will be allowed, i.e. three minutes on each application when the speaker should concentrate only on issues relevant to that application.

Speakers do not need to spend time introducing themselves or their organisations to the Committee, as the Chairman of the Committee will introduce the speakers.

When and where will public speaking take place?

Committee meetings are held at the Woodgreen Council Offices and usually start at 2:00pm. They can be quite lengthy, so speakers are advised that they may have to wait some time until the application in which they are interested is heard; and that whilst they are of course entitled to arrive at the meeting after it has started, the consideration of an application will not be delayed in their absence.

If you require any additional assistance to make your representation, for example a hearing loop, help with access etc, please let us know.

The Chairman of the Committee will announce the application and ask the Planning Officer to describe the proposals by reference to the submitted plans, etc. Public speakers will then be asked to make their representations. Speakers will be invited to sit directly in a position facing the members of Committee and public. A microphone is provided so that the speaker can be clearly heard by all those present and there will be a countdown timer visible to the speaker and the audience. No presentation materials are allowed and at the end of the three minute slot the Chairman will ask if there are any points of clarification required by the Councillors. If not/once they have been answered speakers should return to their seats in the public seating area. They are not allowed to take any part in the debate.

What are speakers allowed to say?

Speakers should clearly outline their views concerning the application, although it is important to remember that all comments must relate to the applications being considered and to matters relevant to planning. We have a leaflet entitled 'Commenting on Planning Applications' which provides some clarification about this. Prior to the meeting the case officer will be able to provide advice on what the key issues are felt to be and on any matters that may not be material considerations (i.e. that cannot be considered in reaching a planning decision).

Please remember that Planning meetings are held in public and, therefore, no comments of a personal, slanderous, defamatory, or otherwise offensive or abusive nature should be made. The Chairman of the Committee has the right to stop anyone speaking if such comments are made and the speaker may then forfeit their opportunity to continue to speak.

Representations should be confined to spoken comments only. No further written material, photographs or drawings can be provided at the meeting. Any such material should have previously been sent to the case officer as part of the initial representation and shall not normally raise issues which have not been previously raised in written representations. It would be helpful if speakers could provide a written summary of their representations to hand to the Committee Officer at the meeting. The speaker will not be allowed to question other speakers, councillors or officers, and no questions will be asked of those who have made presentations, except by members of the Committee, as outlined above.

Record of what speakers say

If you have registered to speak, you will be asked whether you can supply a copy of your presentation or notes. This is not obligatory, but is requested so that we can be sure that we have a fully accurate record of what was said.

Filming and recording

The law allows the proceedings of council meetings which are open to the public to be filmed and/or recorded. Any such filming or recording can be by any member of the public, whether or not he/she is connected with the media. As any contribution you make will be part of the meeting, this right extends to filming or recording what you say. For more information about this, please see <http://www.westoxon.gov.uk/media/1237645/Filming-and-Recording-of-Meetings-Protocol.pdf>

How and when will speakers be contacted and invited to speak?

As soon as it is known that an application is to be included within the Schedule of applications, usually around 10 days before the meeting, details will be published on the dedicated public speaking page on the Council's website. At 9am on the Monday preceding the meeting those wishing to participate will be able to phone Committee Services to register their intention to speak. Speakers will be logged by Committee Services on a first come first served basis for each category and where more than one person registers in a particular category the first person will be asked to share their slot up to a maximum of three speakers per slot, or to appoint a joint spokesman - the onus will be on them to decide who will speak and to make the appropriate arrangements.

If you wish to speak you must contact Committee Services on (01993) 861523 or 861533 by no later than 12 noon on the Friday before the meeting as the presence or otherwise of Speakers impacts on the preparation/ordering of the main presentation by Officers.

However, the Chairman may at his or her discretion allow public speaking by persons who have not adhered to this deadline if he/she is satisfied that it will not disadvantage other parties or the conduct of the meeting.

WODC Planning Services

Dated: December 2018