

PLANNING CONTROL COMMITTEE

WEDNESDAY 20 MARCH 2019

REPORT OF THE DEVELOPMENT CONTROL MANAGER

PUBLIC SPEAKING ON PLANNING APPLICATIONS, TREE PRESERVATION

ORDERS AND ENFORCEMENT CASES

1. Purpose of Report

- 1.1 To provide an opportunity for members to consider whether to recommend reducing the time allowed for speakers to address the committee on planning applications, TPOs and enforcement cases from 10 minutes to 5 minutes.

2. Background

- 2.1 In the 10 years leading up to 2011 the system for public speaking at Planning Committee was to allow up to two objectors to a planning application (provided that they had different issues to raise), the applicant or applicant's agent, a parish representative and a ward member to speak for 5 minutes.
- 2.2 In 2011 Council agreed to the committee's recommendation to permit the maximum time for speeches to be extended from 5 minutes to 10 minutes for an experimental period of one year, after which the protocol for public speaking was adopted on a permanent basis to allow
- (i) The time allowed for public speakers to address Planning Committee from 5 to 10 minutes.
 - (ii) To allow equal numbers of supporters to speak on an application as objectors, limited to one objector and the applicant or applicant's agent.
 - (iii) No limit on the number of ward members who can speak.
 - (iv) In the event of a parish council objecting and officers not minded to recommend refusal the application shall be referred to Planning Committee.

3. Practice Elsewhere in Staffordshire

- 3.1 At the time of the previous decision in 2011 a study was undertaken into current practice throughout Staffordshire. A similar exercise has been undertaken in 2019 and so where possible current practice in respect to the length of time for speakers is also given.

Local Authority	Time Allowed for Speakers	
	2011	2019
Lichfield	5	5 but ward Members 10.

Newcastle-under-Lyme	5	5
South Staffordshire	5 on majors/ 3 on others	5 on majors/3 on others
Stafford Borough	3	5 on majors/ 3 on others /5 for each ward councillor <u>Special Planning</u> 10 for speakers and 10 minutes shared for all ward councillors*
Staffordshire Moorlands	3	3
Stoke	5	5
Tamworth	5	3
Staffordshire County Council	5	5
East Staffordshire	0	3

*subject to Cabinet approval

- 3.2 Your officers are of the opinion that although the current arrangements are not onerous for meetings with a smaller agenda it does result in lengthy meetings when several controversial applications appear on the same agenda and there are a large number of speakers. This did occur in a recent meeting on 27 February 2019, when two members had to leave early as they had other meetings that evening.
- 3.3 It is also noted that the current arrangements are particularly generous compared to current practice throughout the county.
- 3.4 Under the current arrangements speakers have to register to speak by 12 noon on the Friday before Planning Committee which again is set out in the Local Protocol for Planning Decision Making. It is recommended that this practice is extended to enable people more time until 15:00hrs on the Monday before Planning Committee.

4. Process for Changing the Practice

- 4.1 If Members wish to consider extending the time limit in public speaking, this would need to be in the form of a recommendation to Council to make a change to the Local Protocol for Planning Decision Making which forms part of the constitution. A copy of the relevant part of the Local Protocol for Planning Decision Making is attached at Appendix 1.

5. Recommendation

- 5.1 Members are invited to consider whether to recommend changing the time limit on public speaking at Planning Control Committee and the deadline by which speakers have to register.

Appendix 1:
Extract of the Local Protocol for Planning Decision Making
(April 2013)

PROTOCOLS FOR PUBLIC SPEAKING AT PLANNING CONTROL COMMITTEE

1. **Protocols**

1.1 Who is Entitled to Speak

i. In relation to a planning application:

- a. The applicant or a person representing the applicant.
- b. A supporter of the application.
- c. An objector who is acting on his or her behalf or on behalf of a group of objectors or a person representing objectors. Normally, only one person will be permitted to speak on behalf of all objectors unless it can be demonstrated that there are significantly differing points of view that are wished to be expressed when a maximum of two people will be permitted to speak.
- d. A Ward Councillor(s).
- e. A representative of the Parish Council.

ii. In relation to Tree Preservation Orders:

- a. A person or representative of a person supporting the making of an order.
- b. A person or representative of a person objecting to the making of an order.
- c. A Ward Councillor(s)
- d. A representative of the Parish Council.

- iii. In relation to planning enforcement cases:
 - a. A person or representative of a person making a complaint about a planning enforcement matter.
 - b. A person or representative of a person responsible for the alleged unauthorised development.
 - c. A Ward Councillor(s)
 - d. A representative of the Parish Council.

1.2 Making an Application to Speak

Requests to speak must be made by completing an application form obtainable from the Planning Control Unit at the Civic Centre. The completed form must be delivered to the Civic Centre by, at the latest, 12 noon on the Friday before the meeting of the Planning Control Committee due to take place the following Wednesday. Receipt of the completed form will be acknowledged in writing. Ward Councillors need not complete an application form but should inform the Chairman of the Planning Control Committee that they wish to speak on a particular application.

1.3 Procedure following Receipt of Application to Speak

If an application to speak has been received from one of the parties, other than a Ward Councillor, officers will use their best endeavours to contact the other parties to give them an opportunity of speaking if they so wish. In cases where there are a large number of objectors, it may not be possible to contact everyone. As information about speaking rights will already have been sent to applicants, people notified of applications and Parish Councils at an early stage in the processing of an application, failure to contact other parties following receipt of an application to speak from one of them will not invalidate the procedure. No contact will be made in writing at this stage.

1.4 Procedure at the Meeting

Applications and other matters on which there are speakers will be dealt with at the start of the meeting. The procedure for dealing with these matters will be as follows:

- i. An officer will give a verbal report updating the written report with any information received after its completion.
- ii. Speakers will be called to speak in the following order:

- objector(s);
 - Parish;
 - Ward Councillor(s)
 - A supporter of the application
 - Applicant or supporter or alleged contravener (where applicable)
- iii. Speeches must last no longer than TEN MINUTES. The Chairman will invite the speaker to sum up before the ten-minute time limit is reached.
- iv. Members of the Planning Control Committee may then ask questions of any of the speakers.
- v. The Planning Officer may then answer any points arising from the speeches.
- vi. The speakers will then withdraw to the public gallery and a decision will be made following whatever further discussions members of the Planning Control Committee wish to have.
- vii. In the event that Committee decide to defer a decision before any speakers have been called to speak on the matter speakers will be invited to decide whether they wish to defer their speeches until the deferred date. Only one opportunity to speak will be allowed.
- viii. In the event that the Committee decide to defer consideration of a matter after any speaker has addressed the Committee on that matter all the speakers on that matter will be allowed to speak again on the deferred date. If a speaker is unavailable on that date they may nominate a substitute to speak on their behalf.

1.5 Procedure after the Meeting

Speakers will be sent written notification of the Planning Control Committee's decision.

1.6.1 Chairman

The ruling of the Chairman of the meeting as to the construction or application of any of the above shall not be challenged.