

North Tyneside Council

Report to Planning Committee

Date: 14 March 2017

ITEM 7

Title: Review of the Planning Committee's Speaking Rights Scheme

Report from: Head of Law and Governance

Report Author: Michael Robson, Democratic Support Officer (Tel: 643 5359)

Wards affected: All

1. Purpose of Report

Following a review of the Planning Committee's Speaking Rights Scheme this report presents a revised Scheme for approval.

2. Recommendation

The Planning Committee is recommended to

- a) approve and adopt the revised Speaking Rights Scheme as set out in Appendix 1; and
- b) authorise the Head of Law and Governance, in consultation with the Chair and Deputy Chair of the Planning Committee, to make any minor amendments to the scheme considered necessary in the light of experience gained from operating under the revised scheme.

3. Background

- 3.1 A scheme for public speaking at Planning Committee was introduced from 1 January 2003. The scheme has subsequently been reviewed and updated in 2005 and again in 2009.
 - 3.2 Following consultation with the Chair and Deputy Chair of the Planning Committee a review of the Speaking Rights Scheme was undertaken during the Autumn 2016 with the following aims:-
 - a) to address a number of issues to arise from the operation of the existing scheme, for example the late submission of documentary evidence by speakers;
 - b) to simplify and clarify the terms of the scheme for councillors, officers, applicants and members of the public; and
 - c) to ensure that the Planning Committee focuses its deliberations on major and contentious applications.
 - 3.3 The proposed revised scheme was presented to members of the Committee at a workshop held on 21 February 2017 when members made a number of comments and suggestions. These comments have been taken into account in preparing the revised scheme attached as Appendix 1.
- #### 4. Proposed Changes
- 4.1 Members may wish to consider the following significant changes to the scheme.

- 4.2 Section 1 of the Scheme clearly sets out the key principles of the scheme, namely that:
- a) the Council is committed to providing members of the public with opportunities to become involved in decision making;
 - b) the role of the Planning Committee is to consider major and contentious planning applications; and
 - c) the scheme provides a clear set of rules which will ensure there is fairness and that the Committee complies with the rules of natural justice.
- 4.3 Section 3.2 of the Scheme allows members of the public to request to speak to the Committee up until 10 working days prior to the meeting. At present requests to speak have to be submitted during the consultation period.
- 4.3 Section 3.3 of the Scheme provides the Chair and/or Deputy Chair of the Committee with the authority to grant or reject requests to speak at the Planning Committee. This formalises current practice. This Section also lays down three tests which must normally be met in order for speaking rights to be granted, including that the matter must be so significant or contentious that it warrants consideration by the Committee and the granting of speaking rights.
- 4.4 Section 4 provides members of the Council with the right to request to speak at Planning Committee meetings. Such requests must be submitted at least three working days before the meeting. Requests will be determined by the Chair and/or Deputy Chair and will be judged against the same “significant or contentious” test.
- 4.5 This is separate from the right of a Councillor to request that an application, which would otherwise be determined by officers, be referred to the Planning Committee. The Council is to be recommended to amend the Officer Delegation Scheme so that there is a consistent approach to both types of request in that the Chair and/or Deputy Chair will normally accept requests if the matter is so significant or contentious that it warrants consideration by the Planning Committee.
- 4.6 It is proposed that implementation of the revised scheme will be on a date to be determined by the Heads of Law and Governance and Environment, Housing and Leisure once all the relevant documentation and procedures have been amended to reflect the revised scheme.

5. Options

- 5.1 The Committee has the following options:
- 1.) Approve the revised Speaking Rights Scheme as set out in Appendix 1 and authorise the Head of Law and Governance, in consultation with the Chair and Deputy Chair of the Planning Committee, to make any minor amendments to the scheme considered necessary in the light of experience gained from operating under the revised scheme; or
 - 2.) Reject the revised Speaking Rights Scheme and continue to operate under the existing scheme.

6. Recommendation

The Committee is recommended to agree option 1 because the revised Scheme will address a number of issues to arise from the operation of the existing scheme, simplify and clarify the process and ensure that the Planning Committee focuses its deliberations on major and contentious planning applications.

7. Appendices

7.1 The revised Speaking Rights Scheme is attached as Appendix 1.

8. Background Information

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

- Review: Speaking Rights for members of the Public – report to Planning Committee September 2009
- Planning Officers Society – Planning Guidance Note 1 – Public Speaking in Planning Committees
- Public Speaking at Planning Committee – Guidance Note – June 2013
- North Tyneside Council Constitution

North Tyneside Council**Panning Committee****Speaking Rights Scheme****1. Introduction**

- 1.1 The Council's Planning Committee meets regularly to make decisions on major and contentious planning applications. The Council is committed to providing members of the public with opportunities to become involved in its decision making and so it allows objectors and supporters of major and controversial planning applications with a right to speak to the Committee before it makes its decision.
- 1.2 In making decisions on planning applications the Committee must apply the "rules of natural justice" which means it must avoid being biased and give everyone a fair hearing.
- 1.3 The purpose of this scheme is to provide a clear set of procedural rules so that everyone involved understands the process and to ensure that the process is fair.

2. Notice of Applications

- 2.1 Planning applications are publicised in a number of ways. This can be by notification letters sent to adjoining neighbouring properties or public notices displayed on site, published in local newspapers or posted on the Council's website.
- 2.2 Members of the public have a right to make representations in relation to an application by either:
- a) writing to the Planning Department, Quadrant 1FL, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY,
 - b) uploading comments through the Council's website; or
 - c) sending an e-mail to development.control@northtyneside.gov.uk
- All representations must include a name and address, the application reference number and the reasons for either objecting or supporting the proposal.
- (Note: In determining planning applications, the Council can only take into account relevant planning issues such as privacy, visual amenity, design, noise, car parking, highway safety and congestion, landscaping, drainage and character of the area.)



3. Request to Speak

- 3.1 A member of the public who submits a written representation to the Council in relation to a planning application may also request to speak to the Planning Committee. The purpose of allowing members of the public to speak at the Committee is to enable those who have made representations to emphasise the important points made in the representation before the Committee reaches a decision. In determining planning applications, the Committee can only take into account relevant planning issues. If a speaker refers to irrelevant issues these cannot be taken into account. For example the Planning Committee cannot give consideration to issues such as the potential loss of a view, fears that neighbouring properties may be devalued, trade objections from competitors, the terms of covenants or moral objections.
- 3.2 Any request must be submitted in writing to the Council at least 10 working days before the Committee meeting. The request should set out reasons why their request should be granted, taking into account the criteria set out below. Preferably any request should be submitted with, or at the same time as the person submits the written representation.
- 3.3 Any request to speak to the Planning Committee will be considered by the Chair and/or Deputy Chair of the Planning Committee. The Chair/Deputy Chair will normally grant speaking rights if:
- a) the member of the public has submitted a written representation to the Council in relation to the application;
 - b) the member of the public has a material planning interest in the outcome of a planning application; and
 - c) the application is so significant or contentious that it warrants consideration by the Planning Committee and the granting of speaking rights. Speaking rights will not normally be granted in respect of applications for residential extensions or alterations.
- 3.4 If the Chair/Deputy Chair decide not to grant speaking rights, the Council will notify the member of public explaining why they will not be allowed to speak. The decision of the Chair/Deputy Chair is final and there is no right of appeal.
- 3.5 If the Chair/Deputy Chair grant speaking rights, the Council will give the member of public at least 5 working days notice of the date, time and venue of the Planning Committee and direct them to copies of the agenda and this scheme, which are available on the Council's website. Speakers will be asked to confirm their intention to speak.
- (The Planning Committee usually meets on a Tuesday at 10.00am in the Council's offices, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY. The Planning Committee's agenda, reports and minutes are published on the Council's website: www.northtyneside.gov.uk)
- 3.6 If, having read the report, the member of the public decides they do not wish to speak to the Committee (the report may contain a recommendation or proposed conditions which address their concerns, or they may be unable to attend) they must notify the Council of their decision to withdraw from the process in writing to the clerk of the committee either by email to

democraticsupport@northtyneside.gov.uk or by using the contact details set out on the agenda.

- 3.7 When more than one member of the public wishes to speak, either for or against an application, they will be requested to appoint a single representative to speak. Normally only one person will be allowed to speak in opposition and one in support of an application. If speakers cannot agree to a single spokesperson, the person allowed to speak will be the author of the first written letter of support and/or objection received by the Council where speaking has been requested.
- 3.8 Only in exceptional circumstances will the Chair and/or Deputy Chair of the Committee allow a second member of the public to speak and in such situations they will not be allowed to refer to issues/representations which have already been made by an earlier speaker. In such a situation where there is more than one person speaking in opposition or in support the combined speaking time will be limited to 5 minutes.

4. Councillors

- 4.1 Councillors may also request to speak to the Planning Committee. This right is in addition to, and separate from, the right of Councillors to request that an application, which would otherwise be determined by officers, be determined by the Planning Committee.
- 4.2 Councillors must submit a request to speak on an application in writing directly to the planning case officer or via email to development.control@northtyneside.gov.uk by 12noon, three working days before the meeting. So if the Committee is due to meet on a Tuesday any request must be received by 12noon on the Thursday of the week before. The request should set out reasons why it should be granted, taking into account the criteria set out below.
- 4.3 Any request from a Councillor to speak to the Committee will be considered by the Chair and/or Deputy Chair. The Chair/Deputy Chair will normally grant speaking rights if the application is so significant or contentious that it warrants the granting of speaking rights.
- 4.4 Councillors should not request speaking rights merely to seek clarification or to ask questions. Councillors are encouraged to raise questions with officers prior to the meeting.
- 4.5 At the Committee meeting Councillors will be subject to the same procedural rules as for other persons requesting speaking rights.
- 4.6 If a Councillor is granted speaking rights and they are a member of the Planning Committee, they will be requested to leave the meeting room once they have addressed the Committee to ensure they do not take part in the debate and decision making on the application. Councillors who are not members of the Planning Committee will not take part in the debate and decision making but may remain in the meeting room.

5. Applicant's Right to Respond

- 5.1 Where a member of the public or a Councillor has been given the right to speak to the Committee, the applicant will be given a right to respond. An agent may respond on behalf of the applicant.
- 5.2 An applicant or agent will not be given the right to speak on request.
- 5.3 If the applicant declines to respond or fails to appear this will not prevent the member of the public or Councillor from speaking, or the application from being determined. If the member of the public, or a Councillor, having made a request declines to speak or fails to appear the applicant will then have nothing to respond to, and, other than in exceptional circumstances, will not be allowed to speak. This will not however prevent the application from being determined.

6. The Committee Meeting

- 6.1 On arrival, prior to the commencement of the Committee meeting, members of the public and applicants who are to speak must identify themselves to the clerk of the committee.
- 6.2 The clerk will explain the process to be followed by the Committee in determining the application. This will normally be as follows, but may be subject to change at the discretion of the chair, who is responsible for the conduct of the meeting:-
- a) the planning officer will present a report to the committee, outlining details of the application and highlighting the material planning considerations on which the committee must judge the application;
 - b) any member of the public objecting to an application and who has been granted speaking rights will be invited to address the committee for no longer than 5 minutes;
 - c) members of the committee will be invited to ask questions of the objector to clarify any points raised;
 - d) any member of the public supporting an application and who has been granted speaking rights will be invited to address the committee for no longer than 5 minutes;
 - e) members of the committee will be invited to ask questions of the speaker in support to clarify any points raised ;
 - f) any Councillor who has been granted speaking rights will be invited to address the committee for no longer than 5 minutes;
 - g) members of the committee will be invited to ask questions of the Councillor to clarify any points raised;
 - h) the applicant will be invited to address the Committee to respond to the points raised by the previous speakers for no longer than 5 minutes;
 - i) members of the committee will be invited to ask questions of the applicant to clarify any points raised;
 - j) members of the committee will be invited to ask questions of the officers; and

- k) the committee will make comments, debate the merits of the application and make a decision.
- 6.3 If a member of the public, councillor or applicant wishes to refer to documentary evidence which has not already been referred to in the report to the Committee, the documentation must be submitted to the planning officers before 12noon on the third working day before the meeting so that it can be considered by the planning officers and shared with the other parties. So if the committee is to meet on a Tuesday any documentation must be submitted on the Thursday before. Any documentation presented at the meeting will not be admissible.
- 6.4 Speakers should aim to emphasise the important points made in the representation and ensure their comments are relevant to the planning issues set out in the report to the Committee. If a speaker refers to irrelevant issues these cannot be taken into account. For example the Planning Committee cannot give consideration to issues such as the potential loss of a view, fears that neighbouring properties may be devalued, trade objections from competitors, the terms of covenants or moral objections.
- 6.5 Members of the public and applicants must treat others with respect including council officers and councilors. They must not interrupt other speakers or councilors as they debate the application. The Chair will regulate and control the conduct of the meeting. In the event of disorder the Chair has the authority to adjourn the meeting or to remove members of the public from the meeting.

7. After the Meeting

- 7.1 Applicants will be formally notified of the decision of the Planning Committee. The decision will also be recorded and published in the minutes of the meeting, available on the Council's website (www.northtyneside.gov.uk) normally within 5 working days of the meeting.

If you require any further information or guidance in relation to your right to speak at the Planning Committee, or if you require this document in an alternative format such as Braille, audiotape, large print or an alternative language please contact:

the Democratic Services Team
democratic.support@northtyneside.gov.uk
Tel: 0191 643 5359

or

the Planning Officers
development.control@northtyneside.gov.uk
Tel: 0191 643 2310