

**Committee:** Constitution Working Group

**Agenda Item**

**Date:** 1 July 2014

**5**

**Title:** Public speaking at Planning Committee meetings

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Item for decision

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## Summary

1. At its meeting on 7 May 2014 the Planning Committee requested the Constitution Working Group to look at the issue of public speaking at Planning Committee meetings, following a number of lengthy meetings that had been largely taken up with public speaking.

## Recommendation

Members are asked to consider whether to amend the existing scheme, and if so to consider options for revised arrangements.

## Financial Implications

None

## Background Papers

None

## Impact

Communication/Consultation	Any change to the existing arrangements will need to be widely publicised
Community Safety	n/a
Equalities	The scheme should ensure that all residents have an equal opportunity to speak at the meeting
Health and Safety	n/a
Human Rights/Legal Implications	n/a
Sustainability	n/a
Ward-specific impacts	All wards affected
Workforce/Workplace	n/a

## **Situation**

2. Public speaking at Planning Committee was introduced in 2002 and operated under the following arrangements

One speaker for 3 minutes under the following categories

- supporter
  - objector
  - town/parish Council
  - applicant/agent
3. The speakers registered with Democratic Services the day before the meeting. If more than one person asked to speak on an application, it was suggested that they liaise and appoint a spokesman, and the Chairman would often allow an extended time limit in these cases.
  4. These rules were relaxed for extraordinary meetings that considered large/controversial applications, but there has never been any guidance on the number of speakers permitted.

## **Council meeting 28 February 2013**

5. The Constitution does not set a limit on the number of people permitted to speak. Therefore, in order to regularise the arrangements set out above, this matter was taken to the Council meeting on 13 February 2013. An extract of the minutes is attached at appendix 1.
6. The Council voted against the proposal, which effectively meant there was no change to the Constitution and the public speaking would continue but with no cap on the number of speakers allowed.
7. The committee is now operating under the following arrangements with speakers permitted under the following categories as follows:
  - Supporter – 3 minutes, unlimited numbers of speakers
  - Objector – 3 Minutes, unlimited number of speakers.
  - Town/parish Council - one speaker representing the council's views.
  - Applicant/agent - 3 minutes per each objector.
8. The Planning Committee has asked the working group to consider the impact of these new arrangements. This request followed a number of lengthy meetings, most notably the meeting on 30 April 2014, which lasted for 10 hours and where a large part of the proceedings had been taken up with public speaking.

## **Review of current arrangements**

9. Officers have looked at the effect of allowing unlimited speakers at the planning meeting from when this practice started, in March 2013.

10. Appendix 2 - shows the number of public speakers for each meeting and how many of these are over and above the number that would have been allowed to speak under the original public speaking arrangements. This table also highlights the occasions where there have been a very large number of speakers for one application. This appears to be the major contributor to the overly long meetings.
11. Appendix 3 –summarises the public speaking arrangements in other local authorities. Most neighbouring authorities operate broadly similar schemes, but all have set either a time limit or a cap on the number of speakers.
12. Given that the Committee has been operating without a restriction on numbers for the past year, it would be difficult to return to the practice of allowing only one member for each category. Members of the planning committee also recognise the importance of the community having an opportunity to put its views and do not wish any scheme to be overly restrictive.
13. However, there comes a point where the number of speakers can affect the efficient running of the meeting. A large number of speakers on one application inevitably leads to repetition and does not add anything to the debate. It is clarity of argument rather than the volume that is important and most of the points have already been put in the written representations. It is difficult for members to maintain concentration and this can detract from their ability to make clear decisions. There are also the administrative problems of planning a meeting when a large number of speakers could disrupt the schedule and leave other members of the public waiting a long time to hear their own applications.
14. A compromise suggestion could be to restrict the number of supporters and objectors to 3 speakers, with an additional slot for the parish council and the applicant/agent. There should still be the opportunity for the Chairman to use discretion to extend this limit for any large or controversial applications.

## Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
2 The Council decides not to make any changes to the current arrangements	There was a strong feeling against limiting numbers when the issue was last discussed	Some Planning committee meetings could be very lengthy and difficult to manage	Consider how to balance the ability to manage meetings more effectively while taking account of the need to enable the public to register their concerns

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**EXTRACT FROM FULL COUNCIL 28 FEBRUARY 2013**

**AMENDMENT TO PART 5 OF THE CONSTITUTION**

Councillor Cheetham proposed approval of a change to part 5 of the Constitution relating to the procedure for Parish/Town Council Representatives/Members of the Public Attending Meetings of the Planning Committee. The intention of the change was to reflect current policy since 2002 by limiting public speaking to one supporter and one objector.

Councillor Jones said that he was concerned to ensure that the public was able to speak more fully at planning meetings than had been the case. The system operated to date was based on custom and practice and was not reflected in the written scheme. He felt it was regrettable that a limit had been applied and a continuation of this practice would mean that the public was being muzzled. He would therefore be unable to support formalising the present arrangement.

Councillor Artus supported Councillor Jones, especially in relation to contentious planning issues. He said that he would also vote against the proposal. Councillor Rich said that he supported the objections that had been raised and felt there was a legal objection to limiting public speaking. There were ways of achieving an unrestricted speaking regime by asking the public not to repeat points already made.

Councillor Howell said that he had been surprised to read the effect of the proposal in his agenda pack. The foremost responsibility of any council was to listen to the public and he could not vote otherwise.

As a member of the Planning Committee, Councillor Loughlin said that she could understand why members might not wish to hear the same thing said over and over again but that this was the effect of democracy and she could not support the proposal.

Councillor Rose concurred with all of the points made by other speakers. It was incumbent upon the Council to hear the voice of the local community. Councillor Mackman also expressed agreement.

Councillor Redfern agreed with other speakers but suggested that the matter could be left to the Chairman's discretion.

Speaking as Chairman of the Planning Committee, Councillor Cheetham then outlined a number of factors to be taken into account by members when voting on the proposal. The present arrangement had been in place since 2002 when public speaking at planning meetings had first been introduced. This limited the public to one speaker in support of an application and one against. If there were more people who wished to speak in respect of a particular application, it was suggested that speakers pooled their resources into one statement and an extended time was normally granted in these instances.

**Appendix 2**

**NUMBER OF SPEAKERS AT MEETINGS FOLLOWING THE COUNCIL DECISION**

<b>Planning meetings</b>	<b>Total number of speakers</b>	<b>No. of speakers over and above previous arrangements</b>		<b>Speakers for a single application</b>
13 March 2013	12	3	Objectors	
10 April 2013	25	1	Objector	
8 May 2013	19	0		
5 June 2013	15	2	Objectors	
6 June 2013	10	1	Objectors	
3 July 2013	5	0		
4 July 2013	20	7	Objectors	8
31 July 2013	28	9	Objectors	5
28 August 2013	6	0		
25 September 2013	34	7 1	Objectors Supporter	1 x 4 1 x 3
2 October 2013	42	17	Objectors	7
23 October 2013	11	2	Objectors	
20 November 2013	16	1	Objector	
11 December 2013	33	17	Objectors	
15 January 2014	20	2	Supporters	16
12 February 2014	16	0		
12 March 2014	19	15	Objectors	16
9 April 2014	11	5	Supporters	6
30 April 2014	72	62	Objectors	29 15 21
7 May 2014	27	15	Objectors	11

## PUBLIC SPEAKING ARRANGEMENT AT NEIGHBOURING AUTHORITIES

Authority	Registering	Length of speeches	Where located	Operation
Braintree DC	1 day prior to the meeting. If there are already 2 people for and against they are put on a provisional list	3 minutes	All speakers at the start of the meeting. 30 minutes maximum	Maximum of 2 people for and against each application. Other people on the register can speak if there is time.
Maldon	20 minutes prior to the meeting	3 minutes	At each application	objector supporter parish council applicant/agent  If more than 1 speaker asked to agree a spokesman. If there is no agreement then no speaking
Rochford	5pm on the day prior to the meeting	Up to 5 minutes	At each application	supporter objector  2 or more are asked to elect a spokesman
East Herts	5pm – 2 days before the meeting	3 minutes	At each application.	1 objector 1 supporter  Can share the time.

				A different procedure for extraordinary meetings
South Cambs	2 days before the meeting	3 minutes	At each application	1 objector 1 supporter parish council  If more than one speaker encouraged to agree a spokesman
Tendring	2 days before the meeting	3 minutes	At each application	1 objector 1 supporter (usually applicant/agent) Parish council
Basildon	Between 10 – 30 minutes before the meeting	3 minutes	Adjourn the meeting after the officers presentation	A limit of 30 minutes for each application.
Chelmsford	Half an hour before the start of the meeting.	2 minutes	At each item	Managed by the Chairman. No restriction on number but the Chairman will stop repetition