

Draft Scheme for inclusion in the Constitution**Public Participation at Planning Committee****1.0 Principles**

- 1.1. The Council resolved to introduce public participation at meetings of the Development Control Sub-Committee which was brought into operation on 25 February 1997. The principles now apply to the Planning Committee which was established in May 2000 as a result of the introduction of new Council democratic structures at that time.
- 1.2. The number of objectors or supporters required before a planning application qualifies for public speaking at the Planning Committee is five (5).

2.0 Definitions**Applications on which the Public may Speak**

- 2.1. The public speaking scheme applies only to planning applications. It does not include Certificates of Lawful Use and Development or applications for work to trees covered by Tree Preservation Orders.
- 2.2. Public may speak on any application which attracts five (5) or more objections or letters of support.
- 2.3. The threshold must be met prior to the designated cut-off date, which will be 14 days prior to the meeting or, if later, the expiry of the 21-day period for receipt of representations.
- 2.4. When considering an objection or letter of support:
 - 2.4.1. a petition will be regarded as one; and
 - 2.4.2. only one objection or letter of support may be submitted per household. Should more than one be submitted, only the first shall be considered.
- 2.5. In addition, the public will have the right to address the Committee on any of the following types of applications (see below) irrespective of the number of objections made:
 - (i) any application which in the opinion of the Borough Planning Officer raises major policy issues which is at variance with approved planning policies, or is of such a magnitude that significant planning issues are raised;
 - (ii) any application for development requiring an Environmental Statement under the provisions of Schedule I and II of the Town and Country Planning (Assessment of

Environmental Effects) Regulations 1988 and any subsequent amending regulations;

- (iii) applications for major commercial (retail, industrial or business) development with a floor space exceeding 2500 sq. metres (outline or detailed applications), but not reserved matters; and
- (iv) applications for residential developments of over 50 dwellings (outline or detailed applications), but not reserved matters.

2.6. Council applications are also subject to the same criteria set out above.

Applications that Officers shall normally give a presentation to the Committee

2.7. This category will be of the type currently included on Section A and B of the Planning Committee agenda which would include:

- (i) developments proposing in excess of one dwelling;
- (ii) certain applications for change of use;
- (iii) non-controversial business or industrial/warehouse or retail proposals;
- (iv) all development proposals (including minor applications) submitted by the Council; and
- (v) applications involving a Member of the Council or staff.

2.8. A presentation will also be given on any application where the public exercise a right to speak.

Applications which will not be formally presented to the Committee unless specifically requested by Councillors on which the public will not be invited to speak

2.9. This will normally be other minor applications which have been referred to the Committee at the request of Borough Planning Officer which would normally be dealt with under delegated powers.

2.10. Also, minor applications where enforcement action is being recommended will not normally be presented by Officers but will be included on this section of the Planning Committee agenda.

3.0 Procedures

Informing the Public

3.1. The letters which are sent to persons identified under the Council's neighbour notification procedure will also include advice that objectors may have a right to speak at Committee meetings and will enclose an information leaflet explaining what happens at the Committee meeting.

- 3.2. The agenda is normally published seven clear days prior to the Committee meeting. The 'cut-off' point for receipt of letters, or electronic communications, which would fall into the criteria of allowing public speaking shall be 14 days prior to the meeting or, if later, the expiry of the 21-day period for receipt of representations.
- 3.3. At the end of the working day, 14 days prior to the meeting at which the application is to be considered or later (as the case may be), the case Officer(s)/team leaders will advise the Borough Planning Officer of those applications intended for inclusion on the agenda which have attracted five (5) (see 1.2 above) or more objections (and, of course, those applications which the right to speak arises irrespective of the number of objections).
- 3.4. If the representations received exceed five (5) (see 1.2 above) individual letters (a petition would count as one, but standardised letters will be treated as individual letters) then notification will be sent to all those persons advising them of their right to speak (in the case of a petition the first named person). The letter will be sent first class **no later than the Wednesday following the dispatch of the agenda which is normally received by Councillors on the Tuesday evening preceding** (also letters need to be sent to any objectors to major applications with less than five (5) (see paragraph 1.3. above) objections which are to be included on the first part of the agenda).
- 3.5. The current letter sent to applicants or agents has been revised, advising them of the date of the meeting and that they also have the right to make an oral presentation if objectors or supporters have given notice that they wish to make representations.
- 3.6. A list of the objectors and supporters (in all the categories where the right to speak exists) will be advised to the Democratic Services Officer together with details (and a contact number if known) of the agent or applicant.
- 3.7. In the letter advising the representors that they may speak at the meeting; they will be required to register an interest no later than 4.00 p.m. on the Monday prior to the day of the Committee meeting (or 9.00 a.m. on the Tuesday following Bank Holidays). Representors will be required to leave their details on a 24hr answerphone which will be open from 9.00 a.m. on the day after the agenda goes out. Democratic Services will have responsibility for monitoring and actioning calls.
- 3.8. The representor will be advised of the arrangements for the procedure at the Committee and the agent or applicant will be contacted and advised that representations are to be made.
- 3.9. Only one representor of the objectors or supporters will be allowed to make an oral representation. This should be done on a 'first come first served' basis, i.e. the first person to register on the dedicated answerphone. Any subsequent representors wishing to speak will be advised by the Democratic Services Officer to contact the person who will be appearing so that representations can be combined if necessary.

4.0 Procedure at Committee

- 4.1. All speakers will be required to report to the Democratic Services Officer in the Council Chamber no later than 6.45 p.m. on the night of the Committee. The Democratic Services Officer will meet the speakers and explain procedures and give directions as

to where to sit in the Chamber. If the objector fails to appear then the applicant/agent will not be entitled to speak.

- 4.2. Where more than one person has registered an interest to speak, the second named representor will be entitled to speak if the first named representor is not in attendance five minutes before the start of the meeting.
- 4.3. Officers will introduce the application and advise Councillors on the recommendations.
- 4.4. Representors' views will then be heard in the following order: representative of the objectors and agent/applicant. Each speaker will be allocated three minutes.
- 4.5. Whilst objectors and the agent have a right to speak, applications will not be deferred because one side is unable or does not wish to be present.
- 4.6. Councillors will not ask questions of the representatives at the end of the address. The representor will then be asked to move back to an allocated seating area.
- 4.7. Officers will then be asked by the Chair whether they have anything to add by way of clarification.
- 4.8. The Committee will then debate the application (no more representors' views will be taken once the debate has started).
- 4.9. Representors will not have the right to speak or question the Councillors or Officers once they have made their submission.
- 4.10. Councillors will have the opportunity of asking further questions of the Officers and, if necessary, ask Officers to make a brief summary of the planning issues, at the end of the debate.
- 4.11. If the representors wish to present documentary material this should be made available to the Democratic Services Officer before 12.00 noon on the day of the Committee.
- 4.12. The right to speak will only be exercised at the first meeting of the Planning Committee at which the application is considered and will not normally be the subject of further representors presentations at any subsequent meeting.
- 4.13. Exceptionally, where significant changes have taken place after a deferral by the Committee, a further presentation may be allowed.
- 4.14. In the event that a representor does not get the opportunity to speak as a result of the deferral of an application (either by the Borough Planning Officer or at the request of the applicant) before it is presented to the Committee, their chance to speak when the application is referred back to the Committee for consideration will be protected (i.e. they will be offered the opportunity first).

5.0 Notes

- 5.1. Representors will be allocated space behind the area normally occupied by the Press and come forward to the end of the outer horseshoe (nearest to where the Democratic

Services Officer sits) when speaking. A lectern will be placed in this position prior to the meeting.

5.2. The format of the revised agenda will include the following headings:

Section A: Applications on which the public are eligible to speak.

Section B: Applications which will be the subject of a presentation by Officers.

Section C: Other applications where no presentations will be made unless requested by a Member of the Council.