

STRATEGIC PLANNING BOARD

Date of meeting: 4 March 2009.
Report of: Shawn Fleet, Principal Planning Officer, Congleton Borough Council.
Title: Public Speaking at Strategic Planning Board and Planning Committee Meetings.

1.0 Purpose of Report

- 1.1 To consider the implementation of public speaking at Strategic Planning Board and Planning Committee meetings across the four merging authorities for Cheshire East and clarify the position regarding potential exceptions as set out in 7.6 below.

2.0 Decision Required

- 2.1 To agree a protocol for public speaking to be applied to meetings of the Strategic Planning Board and Planning Committees and an advisory notes for speakers.

3.0 Financial Implications for Transition Costs

- 3.1 Staffing – There will be an initial requirement for members and staff at those authorities not currently allowing public speaking to be briefed in the implementation of any new working protocols.
- 3.2 Equipment – As public speaking is normally time limited, there will be a requirement to equip each meeting with a stopwatch which can be observed by the speaker and Committee Clerk.

4.0 Financial Implications 2009/10 and beyond

- 4.1 Notification – For those authorities not currently allowing public speaking, there will be an additional requirement in respect of postage costs to notify objectors, supporters and other parties interested in the application that the application will be going to committee and the opportunity for public speaking.
- 4.2 Over time, it is expected that this cost will diminish as greater use is made of email and electronic communication.

5.0 Legal Implications

- 5.1 There are no legal requirements for Local Planning Authorities to allow public speaking although it is seen as good practice by the Planning Officers Society.

6.0 Risk Assessment

- 6.1 An assessment of the public speaking protocol will be needed to ensure that it is compliant with current equal opportunity legislation particularly in respect of any presentations for, or by, disabled people or for those for whom English is not their native language.

7.0 Background and Options

- 7.1 At present, the Borough of Crewe and Nantwich and Congleton Borough Council do not offer opportunities for public speaking whereas Cheshire County Council and Macclesfield Borough Council both allow speaking. A copy of the guidance notes produced for the public by each Council is attached.
- 7.2 It should be noted that both the County and Macclesfield schemes only allow 3 minutes for speaking for those in support of an application and 3 minutes for those opposed to a scheme. In each case, the time allowance for opposing or supporting arguments may be divided up between different speakers, for example one person could speak against a proposal for 3 minutes or two people could speak for a minute and a half each.
- 7.3 In their guidance note, the Planning Officers Society has provided guidance on public speaking. Both the County and Macclesfield Borough Council schemes accord with this guidance.
- 7.4 The benefit of the public speaking is to allow emphasis to be given to important points before a decision is taken. The process also allows members of the public to ensure that their comments have been heard by Members and appropriate public representation has been taken into account in the deliberation process. Public speaking also allows Members to debate the application in the knowledge that the public have been involved in the application.
- 7.5 One key factor to note is the differences between the two committees and their work load as the applications dealt with at County level is somewhat different to those dealt with by the District Councils. County applications in the main tend to be larger, more complex schemes whilst District applications can, depending on the scheme of delegation, be more varied. Bearing in mind the nature of the two Committees which currently have public speaking, it is felt that the Macclesfield model will more closely represent the future agenda items that are likely to be dealt with by Cheshire East.
- 7.5 Having considered the benefits of the two extant schemes, it is felt that the current Macclesfield scheme represents a robust model on which to base a public speaking protocol. For clarity and ease of implementation, it is therefore recommended that this scheme be adopted for Cheshire East.

- 7.6 Given that some of the future applications to be dealt with by Cheshire East will involve mineral or waste applications which by their very nature affect large number of residents, it is recommended that any adopted protocol allows for variance of the speaking arrangements in exceptional circumstances. It is recommended that the Chairman be allowed discretion to extend the speaking period or allow for more speakers if appropriate. This power however should be treated with caution and if additional time is granted to objectors to speak against a controversial scheme, a similar allowance should be granted to supporters or the applicant. If this balance is not put in place then an applicant who finds their proposal refused by committee may have recourse to complaints of impropriety by Members.
- 7.7 It is recommended that the scheme be reviewed after 18 months when it is expected that Members and Officers will have had opportunity to consider a wide range of planning applications and how such applications were handled.

8.0 Equality Impact Assessment

- 8.1 An Equality Impact Assessment has been carried out in connection with this proposed policy for Cheshire East (Appendix 2). Whilst there are matters relating to disability and ethnic background to be considered in the day to day implementation of this policy, the policy itself is not felt to be in conflict with any existing legislation or best practice guidance.

9.0 Reasons for Recommendation

- 9.1 To ensure consistency across all committees dealing with the determination of planning applications as part of Cheshire East.

For further information:

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PUBLIC SPEAKING RIGHTS AT STRATEGIC PLANNING BOARD AND PLANNING COMMITTEES

- a) The Strategic Planning Board and Planning Committees have to make decisions on the merits of each individual application, upon the basis of what is in the Development Plan and other material considerations. All written representations made to the Council will be taken into account in the Officers written report to Committee, but this procedure allows members of the public and Councillors who are not members of the Strategic Planning Board or Committees to attend a Strategic Planning Board or Planning Committee meeting and speak for or against an application prior to the Strategic Planning Board or Planning Committees making a decision about a planning application.
- b) The Strategic Planning Board normally meets at Westfields at 2.00pm every 3 weeks.
- c) The Planning Committees meet at the Crewe Municipal Buildings, Earle Street, Crewe, CW1 2BJ and at the Macclesfield Town Hall, Market Place, Macclesfield, SK10 1DX every 3 weeks.
- d) The agenda for each Strategic Planning Board or Planning Committee meeting is available five days before the meeting and is available via the Council's website. Interested groups and individuals should keep themselves informed about when a planning application will come to the Strategic Planning Board or Planning Committees. A list of meetings can be obtained from the Council Offices and officers will be able to advise on the progress of applications.

PROCEDURE:

1. WHO CAN SPEAK AND FOR HOW LONG

- 1.1 The following individuals/groups are eligible to speak
 - Objectors
 - Applicants or their agents
 - Supporters
 - The relevant Parish or Town Council
 - Local representative groups/Civic Society (where not covered by any of the above categories)
 - The Ward Member if they are not on the Board/Committee
 - Members who are not on the Board/Committee and are not the Ward Member

- 1.2 Each group identified shall be entitled to speak for a period of up to three minutes. If there is more than one person wishing to speak, from a particular group e.g. objectives, people are encouraged to consult each other and agree how to share their 3 minutes. The time limit will not be extended and where a listed building application is involved no extra time will be provided.
- 1.3 In order to be fair to all parties, no presentation aids will be permitted. Similarly the circulation of information, photographs and/or plans at the meeting will not be allowed.

2 HOW TO SPEAK AT STRATEGIC PLANNING BOARD AND PLANNING COMMITTEES

- 2.1 It is necessary to inform, in writing (email, fax or letter), the Democratic Services Section of an intention to speak at a Strategic Planning Board or Planning Committee meeting no later than 12.00 noon the day before.
- 2.2 Speakers should arrive for meetings approximately 10-15 minutes prior to the start of the meeting in order to register with the Democratic Services Officer.
- 2.3 A statement to the Strategic Planning Board or Planning Committee should only refer to planning issues, for example:
- exterior design, size, appearance, layout, etc
 - residential amenity
 - highway safety
 - character of the area
 - trees and historic buildings
 - planning policy (Local Plan/Structure Plan)
 - Government guidance
- 2.4 The Strategic Planning Board or Planning Committee cannot take into account non-planning issues for example:
- boundary disputes/property rights
 - personal comments about any individual
 - loss of property value or loss of view
 - matters covered in other laws
- 2.5 Speakers are reminded of the law relating to slander. If, at the meeting, they say something which is not true about another person, they could be at risk of legal action. Further, Race Relations and Human Rights legislation will not allow any discriminatory comments for example race, religious beliefs or disability.
- 2.6 The order of speaking at the meetings of the Strategic Planning Board and Planning Committees is as follows -
- Announcement of the item by the Chairman

- Introduction and description of the application by the Planning Officer, including an update of the Committee report and highlighting of the key issues
- Ward Councillor, if application 'called in' or if not Committee Member (3 mins)
- Members who are not on the Board/Committee and are not the Ward Member (3 mins)
- Parish/Town Council representations (3 mins)
- Civic Society/Local Representative Groups (3 mins)
- Objectors' representations (3 mins)
- Applicants/supporters' representations (3 mins)
- Further comments by Planning Officer
- Ward Councillor if a Member of the Board/Committee
- Board/Committee Members debate and decision taken

2.7 At the Chairman's discretion, members of the Strategic Planning Board or Planning Committee may ask, through the Chairman, a visiting speaker (not Council Member) to clarify an issue after a statement is made. The Chairman may also ask that questions of fact are answered by any speakers during the Members discussion to clarify matters. Speakers will not be permitted to ask questions of the Strategic Planning Board or Planning Committee or other speakers or to interrupt the Members discussion on an individual planning application.

3 AFTER THE DECISION

3.1 Speakers are asked to respect the decision made by the Strategic Planning Board or Planning Committee during the course of the meeting. The Strategic Planning Board or Planning Committees decision is final but the applicants do have the right to appeal to the First Secretary of State if their application is refused or if conditions are attached which they do not like. Objectors do not have the right to appeal a decision to the First Secretary of State but they can seek to have a decision quashed by an application to the High Court by way of judicial Review.

3.2 If an application is deferred to a future meeting for consideration, speakers will be required to register to speak for that meeting in accordance with this procedure note.