

## Public Speaking Time at Worthing Planning Committee

### Report by the Director for the Economy

#### 1.0 Summary

1.1 This report sets out a proposed amendment to the public speaking times at Planning Committee from 2 minutes to 3 minutes, and amendments to the Constitution to allow additional speaking time at the Chair's discretion on contentious major applications and to allow the public to speak on enforcement reports.

#### 2.0 Background

2.1 Members of the Planning Committee will be aware that there have been a number of instances at recent meetings where members of the public attending Planning Committee to speak on particular applications have not completed their address to the Committee within the specified timescale and have had to be asked to finish by the Chair before they have made all of their points. This has often resulted in the speaker finishing their points very quickly or attempting to continue despite being asked not to, and resulting in the point not being heard clearly. Where a speaker exceeds their time but, say, someone else speaking on an application who raised an opposite view finished within the required timescale, there is potential for the latter to argue that the former had longer to speak.

2.2 It usually appears that where a speaker is unable to complete their speech within the 2 minute time limit, they are in fact relatively near the end of their presentation and had a little more time been allowed, they would have been able to make all of their points adequately. Members may be aware that the Adur District Planning Committee operates a system of 3 minutes per speaker and the occurrences of speakers exceeding this time limit are rare and indeed many speakers normally finish within the 3 minute limit (but exceed 2 minutes).

2.3 A report to the Joint Planning Committee in December 2012 had sought to ensure a consistent policy for both Committees as it would make it easier to administer and easier for local agents who sometimes speak at both Committees. Unfortunately no agreement could be reached and the two procedures remain very different. A copy of the 2012 report is appended for Members information.

- 2.4 There is an opportunity, however, to reduce some of the differences in the public speaking procedures. It is considered that an amendment to allow registered speakers attending Worthing Planning Committee to speak for 3 minutes would help to address some of the time constraints that speakers have found at recent meetings. The number of speakers allowed for each item would remain at 3 for supporters and objectors and so, at most, this would add an extra 6 minutes of speaking time per item.
- 2.4 At present, Ward Councillors can address the Committee and the length of time they have to speak has often been at the Chair's discretion. However, there is no such discretion for members of the public or applicant's/agent wishing to speak. In the vast majority of cases, the amendment to 3 minutes as outlined above is likely to be sufficient. It could be argued however, that Ward Councillors should have slightly longer as they often represent the views of a number of local residents and Members may consider that 5 minutes for Ward Councillors would be more appropriate. Similarly in particularly complex cases which have raised an abnormally large number of objections or support letters, then even the amended time limit may not be sufficient and previous public speaking arrangements have allowed 5 minutes per person on large scale development proposals (over 100 dwellings or 10,000 square metres).
- 2.5 Members will recall that the Chair presented special arrangements for speaking times regarding the Aquarena application in advance of this report at the last meeting. The Aquarena application has received representations in the hundreds and therefore is an example of a case where an abnormally large number has been received. The arguments for and against such applications are often complex and further to the extension of speaking times outlined above, it is also considered appropriate to amend the Constitution to allow the Chair the discretion to increase speaking times on complex applications that have attracted an exceptionally high number of representations.
- 2.6 At present, there are no formal rights for the public to speak on enforcement reports. In practice, those enforcement reports which are brought before the Committee for consideration are often those where conflicting opinions have been expressed by those members of the public affected. Furthermore, the decision whether or not to refer the matter to Legal to consider enforcement action is often evidence based and such evidence offered by members of the public can be vital in such considerations. In order to aid the Committee with their decision making on enforcement cases, which are often particularly contentious, it is considered that objectors and supporters should be allowed to speak on such items with the same time limits as set out above.

### **3.0 Proposals**

3.1 It is therefore proposed that:

- ❑ Public speaking to increase from 2 minutes to 3 minutes each for a maximum of 3 speakers each in favour of and in opposition to each application. On the applicant's side this is to comprise of the applicant or agent and two members of the public or if the third place is not taken by a member of the public then the applicant or agent can take the third place.
- ❑ To amend the constitution to allow the public to be able to speak on enforcement reports subject to the same time limits and numbers entitled to speak as above.
- ❑ To amend the constitution to allow a Ward Councillor to speak for 5 minutes on any application and allow the Chair's discretion to extend this length of time if deemed appropriate.
- ❑ To amend the constitution to allow an extension of the time limits set out above to be extended to a length of time deemed appropriate by the Chair on complex planning applications that have attracted an abnormally high number of representations

### **4.0 Legal**

4.1 Section 37 of the Local Government Act 2000 requires Councils prepare and keep up to date a Constitution which contains a copy of its Procedure Rules and such other information as the Councils consider appropriate

### **5.0 Financial implications**

5.1 None

### **6.0 Recommendation**

6.1 It is recommended that the changes set out in paragraph 3.1 be supported by the Planning Committee with a view to recommending to the Joint Governance Committee on 29 September that the changes are adopted by the Council.

## **Local Government Act 1972**

### **Background Papers:**

Worthing Borough Council Constitution

**Contact Officer:**

Gary Peck  
Planning Services Manager  
Portland House  
01903 221406  
gary.peck@adur-worthing.gov.uk

## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 None directly relevant

### **2.0 Specific Action Plans**

2.1 None directly relevant

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified

### **6.0 Human Rights Issues**

6.1 Article 1 and Article 8 of the European Convention on Human Rights require a balance judgements to be made in the decision making process. An increase in public speaking time can be considered to help meet this requirement.

### **7.0 Reputation**

7.1 Increased speaking time is likely to improve public perception of the decision making system

### **8.0 Consultations**

8.1 None formally undertaken but any relevant feedback from previous speakers at Planning Committee has been noted

### **9.0 Risk Assessment**

9.1 Matter considered and no issues identified

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified