



Joint Planning Committee
5 December 2012
Agenda Item 6

Ward: All Wards

Public Speaking at Adur and Worthing Planning Committees

Report by the Executive Head of Planning, Regeneration and Wellbeing

1.0 Summary

- 1.1 This report recommends amendments to the current public speaking arrangements to ensure a consistent policy for Adur and Worthing Planning Committees.

2.0 Background

- 2.1 Public speaking was first introduced for Adur Planning Committee in 2003 and in Worthing it was introduced in 2006. In both instances it was subject to a 6 month trial and the procedures adopted followed a review of how other Councils across West Sussex operated public speaking for Planning Committees.
- 2.2 Although the adopted procedures vary between the two Committees they have generally worked well in practice and previous reviews have introduced various amendments to ensure that they still represent best practice and meet the requirements of the public, Officers and Members. The most significant change introduced to Worthing Planning Committee was to extend the time period to 5 minutes per person for public speaking in relation to large scale developments (over 100 dwellings and over 100 sq metres of commercial, leisure or retail floorspace). Attached as **Appendix I** to this report are copies of the current public speaking arrangements for Adur and Worthing. A condensed version of these procedures is now included on the new joint website. Adur's public speaking procedures are included in its Constitution whereas Worthing's procedures are adopted as a separate procedural note.
- 2.3 Whilst, both Councils have published public speaking procedures ultimately the Chairman has discretion to alter these procedures at the meeting, if required, to ensure that those wishing to speak have the opportunity to put their views across at the meeting. It is important that any review of the current arrangements retains this flexibility as this has clearly contributed to the success of public speaking increasing the public's involvement in the decision making process. The overriding principle has been one of *natural justice* ensuring that both supporters and objectors have equal time to present the case for and against a particular development.

2.4 In 2008 Adur's Overview and Scrutiny Committee undertook a review of its public speaking arrangements and recommended the following changes:

- Objectors should each have four minutes, rather than three and there should be a maximum of three objectors per application – where possible objectors should select a spokesperson;
- A group of objectors should be allocated a maximum of 5 minutes in total;
- The applicant or agent/supporter should have a maximum of four minutes, rather than three;
- There can be a maximum of three speakers in support of any one application, each having a maximum of four minutes to speak;
- For large scale developments; objectors should be given a maximum of 5 minutes per speaker, with a maximum of 3 speakers and the same for applicants.
- Either a Ward Councillor or an adjacent ward Councillor be allowed a maximum of 3 minutes;
- Councillors with a special interest be given a maximum of 3 minutes to speak;
- Members of the public should receive a briefing as they arrive at a committee meeting.

2.5 Adur Planning Committee at its meeting on the 1st December 2008 resolved that more evidence should be collected regarding the time allowed for speakers and the item was deferred to allow further investigations. It was also noted at the time that there would be a further review of public speaking in due course as part of the joint working Service Review. Other suggestions, such as the process for registering to speak and the re-ordering of the planning agenda to allow larger developments to be considered first at meetings, were considered beneficial to aid the Committee process and were approved by Adur Planning Committee at the time.

3.0 Development Management Service Review

3.1 As Members are aware the two Development Management teams co-located in December 2010 and have been undertaking a detailed Service Review for the last 18 months. As part of this Review various procedures have been harmonised and staff now provide a joint service across Adur and Worthing. There is no reason why there cannot be different public speaking procedures for both Planning Committees. In practice both Committee Chairmen allow a degree of flexibility depending on the nature of the application and the amount of public interest and this has meant that the public speaking arrangements have generally worked well for both Committees. However, it would make it easier for Officers to administer the same system across both Councils and there is a degree of confusion about the different procedures highlighted with the recent launch of the joint website.

3.2 It is also necessary to amend both public speaking guidance notes to allow for public speaking in relation to enforcement reports, where they do not contain exempt information and it would be, therefore, sensible to review the current arrangements

for both Committees. Members will note that the attached procedures for Adur are out of date in relation to membership of the Committees but this has been corrected on the new joint website.

- 3.3 The main differences between the two public speaking arrangements relate to the length of time allowed for speakers. At Adur only 3 minutes public speaking is allowed in total with the discretion of the Committee Chair to allow more than one speaker. This has generally worked well although there was criticism by some members of the public when Adur OSC undertook its review that 3 minutes was insufficient time particularly for larger developments and in practice more than one speaker is often allowed to speak.
- 3.4 At Worthing the public speaking procedures allow for 2 minutes per person with a maximum of 3 speakers for and 3 against (total of 6 minutes for and 6 minutes against a development proposal). As stated previously the policy was revised to allow up to 5 minutes per person for large scale developments (over 100 dwellings or 10,000 sq metres of commercial, leisure or retail floorspace).
- 3.5 The other difference between the two procedures is that at Adur only two Ward Members (or adjoining Ward Members) can speak for 3 minutes whereas at Worthing no restrictions apply. In addition at Adur applicants (or their representatives) are only allowed to speak if:
- (i) the officer's recommendation is to refuse; or
 - (ii) there are Ward Councillors speaking against the application; or
 - (iii) there are objectors speaking against the application; or
 - (iv) the Committee is minded to vote against the officer's recommendation for approval.
- 3.6 At Worthing applicants and/or agents can speak whatever the recommendation.

4.0 Proposed Changes to Public Speaking Arrangements

- 4.1 As stated previously it is necessary to amend both public speaking procedures to allow the public to speak in relation to enforcement reports. In practice most enforcement action is authorised under delegated powers and where reports have come to Committee public speaking has been allowed but this needs to be formalised and the guidance notes amended accordingly.
- 4.2 Whilst, the current procedures could be kept as they are, there would be significant benefits to harmonise the public speaking arrangements. The Service Review has harmonised the procedures to the extent that there are now common report templates and standard letters are used wherever possible. A standard public speaking letter would simplify administrative tasks and avoid the possibility of the wrong letter being sent or incorrect advice being given to agents and the public enquiring about the adopted procedures for both Committees.

- 4.3 Your Officers' view on experiencing both public speaking procedures is that allowing up to 3 speakers for most applications works well and should be adopted for both Committees. At Adur the recent consideration of the Brighton & Hove Albion FC proposal highlighted the need to allow more time for speakers particularly on major or controversial planning applications.
- 4.4 In practice there are only a few occasions when there are 3 speakers for or against a proposal but it does provide greater flexibility for more controversial applications. If 3 speakers are allowed then it would be more appropriate to reduce the time period per person to 2 minutes. Generally speakers at Worthing have kept to this timeframe. It is also considered that it would be beneficial to let applicants or agents speak in connection with their applications irrespective of whether it is recommended for approval or there are any speakers against the proposal. In practice few applicants speak if their application is recommended for approval but it would remove the potential problem of having to invite the applicant/agent to speak if it appears that the Committee may overturn the Officers recommendation. In such cases it would be also necessary to invite the objectors to speak and neither party would have anticipated speaking and therefore would not have prepared to do so.
- 4.5 Whilst, adopting Worthing's procedures for the number and duration of any public speaking would be considered beneficial there are other elements of Adur's procedures that should be adopted for Worthing. In particular, allowing only 2 Ward Councillors (or 1 and an adjacent Ward Councillor) and restricting the period allowed to speak would assist and address some concerns expressed by some applicants/agents about the fairness of not restricting the time allowed for other Councillors objecting to their schemes.
- 4.6 It is considered that the above proposal which seeks to merge the two procedures and pick out the elements that have worked best would be a positive step forward and provide greater clarity for officers and agents working across Adur and Worthing. The changes proposed could add slightly to the length of Adur Planning Committee but only by a few minutes and this would not be significant compared to the benefits of increased public involvement in the decision making process. Certainly public speaking has been found to be beneficial and enhanced the reputation of the Council.
- 4.7 The proposed merged public speaking procedures are set out in **Appendix II**. It would be beneficial to change Adur's Constitution to remove the public speaking procedures to allow greater flexibility for the Committee to make future changes and indeed it would be beneficial to trial the new arrangements for a 6 month period to assess how effective the changes are. Any change to the Constitution would require agreement from the Joint Governance and Audit Committee and this is reflected in the recommendation.

5.0 Legal

5.1 Both Planning Committees consider planning applications:

- i) pursuant to Section 70 of the Town and Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004;
- ii) applications to vary planning conditions pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended);
- iii) applications for Listed Building Consent pursuant to Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990; and Section 19 of that Act to vary conditions; and
- iv) any other matter that forms part of the Committee's Terms of Reference.

5.2 Public speaking on planning applications and other forms of consent is an important part of the decision making process, and although considered best practice, is not a legal requirement.

5.3 In considering the amendments, the Committee must ensure that it abides by the rules of natural justice which ensures treating each side in an equal and fair manner.

5.4 Public speaking may be allowed ahead of enforcement reports to be considered in public session, although the public speaking arrangements should not apply where a report contains exempt information which requires the public to be excluded pursuant to Section 100A Local Government Act 1972.

6.0 Financial implications

6.1 There are limited financial considerations with this report. However, there could be a small additional cost with longer meetings at Adur if more time is allowed for public speaking.

7.0 Recommendation

7.1 The Joint Planning Committee is recommended to:

- i) Adopt the public speaking procedures set out in Appendix II for a 6 month trial period; and,
- ii) Recommend to the Joint Governance and Audit Committee that Adur's public speaking procedures should be amended (as set in Appendix II) and that consideration should be given to excluding this procedure from the Constitution to enable greater flexibility to allow future changes by the Joint Planning Committee.

- iii) Note that in respect of recommendation i) the proposed changes would take immediate effect for Worthing Planning Committee, however for Adur the Public Speaking procedure would not take effect until Adur's Constitution has been amended accordingly.

Local Government Act 1972

Background Papers:

Adur Constitution – Public Speaking Procedures

Guidance Note: Public Speaking at Worthing Planning Committee

Contact Officer:

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Schedule of Other Matters

1.0 Council Priority

- 1.1 i) Protecting front line services.
- ii) Supporting and improving the local community.

2.0 Specific Action Plans

- 2.1 i) Listen and engage with other communities.
- ii) Modernise access to services.
- iii) Reduce red tape in planning regulation and regeneration and increase the opportunities for communities to be more involved in decisions.

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 Appropriate arrangements to allow public speaking at Planning Committee can help to ensure that proposals do not impinge on anyone's human rights.

7.0 Reputation

- 7.1 Public speaking arrangements enhance the reputation of the Council by involving the public in the decision making process.

8.0 Consultations

- 8.1 Internal consultation with Officers and Members.

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 Development Management is now a joint service albeit reporting to two different Planning Committees. A joint policy would assist joint working and simplify procedures for administering public speaking at meetings.

Appendix 1

Public Speaking at Planning Committees Worthing

“Public Speaking at Planning Committee Meetings

Members of the public have the opportunity to speak at Planning Committee meetings when planning applications or possible enforcement action is being considered and therefore we want this procedure to be easy to use and fair to everyone. We would welcome your views on the current arrangements set out below. The following note tries to answer most questions about the scheme but if you require any further information please contact the Planning Services Section on 01903 221065.

Does the Right to Speak scheme change the way planning applications are publicised?

No. Neighbouring properties will still be notified by letter and a site notice displayed for major and more contentious schemes. A notice in the local press will also advertise all planning applications. You will need to submit your comments to the Development Control Manager within 3 weeks of being notified although a longer time period will be given in some cases for large scale development proposals. If the planning application goes to committee a summary of the comments received will be included in the Officer's written report. All letters received go on a file, which is available for public viewing.

How often does the Planning Committee meet?

The Planning Committee generally meets once every three weeks. It is normally held on a Tuesday afternoon starting at 2:00pm. It is held in Committee Room 2 on the first floor of the Town Hall, Chapel Road.

Who attends Committee?

There are 9 Councillors representing the two main political groups in the Borough. There are also planning officers, a committee clerk and a solicitor attending the meeting to provide advice to Members. There are often representatives from the local press in attendance.

Who will be invited to speak at Committee?

Applicants/agents and all other members of the public including Residents' Associations and amenity groups who have made representations regarding an application or enforcement matter, which is to be considered by the Planning Committee, can register to speak.

A number of planning applications fall to be determined by Officers under the Council's approved Scheme of Delegation and will not be presented to the Planning Committee for determination. It is not always possible to determine the decision method until the stage at which the Case Officer is formulating a recommendation. Therefore, it is not possible for the Council to accept 'prior' or 'holding' requests to speak.

If I comment on a proposal do I have to speak at Committee?

No. As your interest in the proposal will be reported to Committee anyway it is up to you whether you speak or not. You are welcome to attend to hear the discussion and decisions made on any matter on the agenda.

How long will I have to speak?

There will normally be a maximum of 12 minutes public speaking time allotted to each development proposal (6 minutes for objectors, 6 minutes for the applicant and supporters). We will encourage interested parties to get together to co-ordinate the use of the time or to nominate a spokesperson by putting people in touch with each other. Each speaker will have a maximum of 2 minutes per person and this will be strictly enforced by the Committee Chairman to ensure fairness between supporters and objectors and to ensure that applications are dealt with efficiently and fairly within a reasonable length of meeting. Exceptionally the Chairman may allow additional time at his/her discretion. For major housing developments of over 100 dwellings and large scale commercial/retail of over 100 square metres 5 minutes per speaker will be allowed (15 minutes for objectors and 15 minutes for the applicant and supporters).

Who will speak first?

The Planning Officer will present the case providing any necessary updates. As part of the presentation a short video and/or photographs of the site and surroundings will be shown on monitors to the Committee and the public gallery. The objectors will then be invited to speak followed by the applicant or supporters.

Will I be asked questions?

Members of Committee may ask questions of speakers only in connection with matters of clarification. They may also ask the Planning Officer to comment on what they have heard. Members of Committee will then debate the proposal and make their decision.

Can I ask questions?

You may include questions in your submission but other speakers cannot be compelled to answer them. If you have a question that Officers could answer it would be best to let us know the question before the meeting so that relevant information can be gathered. You will not be allowed to interrupt someone else or take part in the Members' debate.

In preparing my statement which issues are relevant?

Speakers should direct their comments to relevant planning issues, for example: external design, appearance and layout of the development; impact on trees and nature conservation

or overshadowing and privacy; highway safety and; planning policy and government guidance. Further guidance can be obtained from the leaflet 'Planning Applications - Can I Comment?' Click [here](#) to view (opens new window).

Which issues are not relevant?

Speakers should avoid referring to matters that are not relevant planning considerations, for example: boundary disputes or other property rights; the applicant's motives, character or reputation; loss of property value, or loss of a view; or matters covered by other legislation. If you are unsure you can always check with the Planning Officer as each proposal may raise different issues.

Please do not present any new material or comments at the Committee meeting unless in response to the [Committee report](#). All comments regarding a development proposal should be submitted formally in writing to the Council **in advance** of the Committee meeting in order to enable them to be fully considered. It is not normally possible for representations to be considered at the Committee meeting unless they have been submitted during the formal consultation process.

Speakers are encouraged to write out their speech beforehand or, at any event, take notes of the matters on which they are to address the Committee. Speakers are advised also to speak slowly and clearly and adjust the microphone where necessary.

If I want to speak what should I do?

Committee agendas are published 5 working days before the date of the meeting. A copy of the agenda is available on the Council's website and the Committee file is available for inspection prior to the meeting (preferably with 24 hours notice). This will give you the opportunity to see the Planning Officer's report and recommendation to the Committee.

If you want to speak in connection with a particular agenda item you need to let us know by contacting our Democratic Services Officer, Heather Kingston on 01903 221006 or the Democratic Services Officer, Neil Terry on 01903 221073 by 12 noon on the day **before** the Committee meeting (usually a Monday).

Times, dates and venues for Planning Committee meetings are available from the Council's website or from the Democratic Services Section on 01903 221011.

Speaker	Time Allowed	
Planning Officer - to present and, if necessary, update the report, particularly regarding further written representations received		
Objectors to the Application	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers

Applicant/Agent/Supporters	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers
Committee - to debate and determine the application, involving officers as necessary.		
Worthing Borough Council Members - are entitled to address the Committee at the discretion of the Chairman in accordance with Standing Orders. Therefore, they are excluded from this process.		

* Defined as development proposals over 100 dwellings or 10,000 square metres of commercial leisure or retail floorspace.

Public Speaking at Planning Committees Adur

“Speaking at the Development Control Committee

Updated and Republished May 2009

Welcome

Welcome to Adur District Council's Development Control Committee.

Public speaking to object to or support planning applications is now an established part of our Council's procedure at Development Control Committee meetings. This leaflet aims to answer any queries you may have about this. I hope you find this information useful.

Councillor Pat Beresford
Chairman of Development Control Committee

Public Speaking

Public speaking at meetings of the Development Control Committee shall apply to planning applications. Comments made to the Committee must be relevant to planning issues.

Examples of relevant planning issues:

- External design, appearance and layout of the development;
- Impact on trees and nature conservation or overshadowing and privacy;
- Highway safety;
- Planning policy and government guidance.

Examples of non-relevant issues:

- Boundary disputes or other property rights;
- Loss of property value or loss of a view;
- Matters covered by other legislation;
- The applicant's motives, character or reputation.

Will I be able to speak?

You may speak at the meeting if you are:

- An objector;
- A Parish Council representative;
- A Ward Councillor;
- An applicant (or their representative) but only if:
 - (i) the officer's recommendation is to refuse; or
 - (ii) there are Ward Councillors speaking against the application; or
 - (iii) there are objectors speaking against the application; or
 - (iv) the Committee are minded to go against the officer's recommendation for approval.

Do I need to register to speak?

Yes. If you wish to speak at the meeting you must give advance notice of your intention to do so to Development Control and / or Democratic Services.

What if I am one of several objectors?

Objectors must agree between themselves who is to address the meeting. The Chairman has discretion to allow more than one objector to speak within the total permitted time for objectors (3 minutes) but only if the second objector has a different issue to raise.

Can I speak again if the decision on an application is deferred to a future meeting?

If the decision on the application is deferred (e.g. for a site visit or further negotiations) you will be able to speak when the application is considered again.

When will I speak?

The order, and time allowed, for speaking at meetings will be:

Speaker	Time Allowed
Objector(s)	3 minutes in total
Parish Council Representative	3 minutes
Up to 2 Ward Councillors or 1 and an adjacent Ward Councillor (or in exceptional circumstances another Councillor)	3 minutes each
Applicant or agent / supporters	3 minutes in total
The Committee - to discuss the planning application, involving the officers as necessary.	No time limit at the meeting.

There will be no right for others to speak at the meeting. You can not speak again at the meeting on the same application.

Who will invite me to speak?

The Chairman of the meeting will invite you by name.

Can I question other speakers?

Speakers can not question other speakers, Officers or Councillors. You should address the Chairman and speak on relevant planning issues only. Councillors and Officers can question speakers for clarification purposes only.

About the Development Control Committee**Membership:**

There are 9 Members on the Development Control Committee:

Councillors Pat Beresford (Chairman), Angie Mills (Vice-Chairman), Brian Boggis, Brian Coomber, Emma Evans, Fred Lewis, Peter Metcalfe, Janet Mockridge and Ben Stride.

The meetings of the Committee until May 2010 are as follows:

26 May 2009, 22 June 2009, 20 July 2009, 17 August 2009, 14 September 2009, 12 October 2009, 9 November 2009, 7 December 2009, 4 January 2010, 1 February 2012, 1 March 2012, 29 March 2010, 26 April 2010.

Meetings start at 7:00pm.

Where does it meet?

At the Civic Centre, Ham Road, Shoreham by Sea.

Where can I see the agenda and a list of registered speakers?

Copies of the agenda and the list of registered speakers are available at the Adur Help Point in the Civic Centre. A limited number of agendas will be available at the meeting.

You can request a copy of the agenda from Democratic Services (01903 221073) or view it online at www.adur.gov.uk. You can also see a copy of the agenda at your local library, Citizen's Advice Bureau or Parish Council office.

Where can I get more information?

Development Control (about planning issues):

01273 263222 or 263239 or developmentcontrol@adur.gov.uk

Democratic Services (about the meeting or Councillors):

01903 221073 or demsers@adur.gov.uk

Appendix II

Proposed - Public Speaking at Adur and Worthing Planning Committee

Speakers are encouraged to write out their speech beforehand or, at any event, take notes of the matters on which they are to address the Committee. Speakers are advised also to speak slowly and clearly and adjust the microphone where necessary.

If I want to speak what should I do?

Committee agendas are published 5 working days before the date of the meeting. A copy of the agenda is available on the Council's website and the Committee file is available for inspection prior to the meeting (preferably with 24 hours notice). This will give you the opportunity to see the Planning Officer's report and recommendation to the Committee. If you want to speak in connection with a particular agenda item you need to let us know by contacting our Democratic Services Officer, Heather Kingston on 01903 221006 or the Democratic Services Officer, Neil Terry on 01903 221073 by 12 noon on the working day **before** the Committee meeting.

Times, dates and venues for Planning Committee meetings are available from the Council's website or from the Democratic Services Section on 01903 221011.

Speaker	Time Allowed	
Planning Officer - to present and, if necessary, update the report, particularly regarding further written representations received		
Objectors to the Application	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers
Applicant/Agent/Supporters	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers
Parish Council Representative (where relevant)	2 minutes	

<p>Up to 2 Ward Councillors or 1 and an adjacent Ward Councillor (or in exceptional circumstances another Councillor)</p>	<p>2 minutes each</p>
<p>Committee - to debate and determine the application, involving officers as necessary.</p>	<p>No time limit at the meeting</p>

* Defined as development proposals over 100 dwellings or 10,000 square metres of commercial leisure or retail floorspace.