

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

1 MARCH 2013

REPORT OF THE PORTFOLIO HOLDER FOR PLANNING AND CORPORATE SERVICES

A.8 TENDRING DISTRICT COUNCIL PUBLIC SPEAKING SCHEME

(Report prepared by Catherine Bicknell)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To outline amendments to the Council's Public Speaking Scheme for Planning Committee meetings.

EXECUTIVE SUMMARY

The Council has a scheme that allows for public speaking at Planning Committees. Its existence and the provisions within it are generally in line with best practice and schemes adopted by other local planning authorities. However, the Planning Service Improvement Plan includes an action to review the scheme in order to address inequalities that arise in the current scheme between parished and non-parished areas of the district.

It is proposed to implement three changes to the scheme to improve the current scheme by increasing its equity and opportunities for public speaking at Planning Committees. These changes to the scheme have been discussed with the Chair and Vice-Chair of the Planning Committee. The changes to be made to the scheme are outlined in this report and will be executed by the Monitoring Officer when requested to be the Portfolio Holder.

It is proposed to request that the:

Monitoring Officer amends the Public Speaking Scheme in three respects:

1. Removes the time limit on ward members speaking at committee. The reference to ward members will, in the majority of cases, refer to the member(s) of the ward where the proposed development is taking place but could also allow members of adjacent wards or wards impacted by the proposed development to speak. Management of the meeting will be the responsibility of the Chair;
2. Removes the requirement that public speakers must live or work within 500 metres of the development proposal;
3. Allow one member of the public to speak in favour of the recommendation and one member of the public to speak against the recommendation.

All members will be written to setting out the amended scheme

Head of Planning amends material available to the public outlining the scheme to ensure that the Council's procedures remain transparent.

RECOMMENDATION

That it is agreed that the Planning and Corporate Services Portfolio Holder implements the three proposed changes to the Public Speaking Scheme as set out in the report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The proposal does not impact directly on an identified priority of the Council but will support the improvement of public engagement and transparency of decision-making.

FINANCE, OTHER RESOURCES AND RISK

There are no financial or other resource implications arising from the amendment.

LEGAL

There are no legal implications arising from the amendment.

OTHER IMPLICATIONS

There are no other significant implications arising from the amendment.

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

The current scheme identifies who can speak at Planning Committee meetings as follows:

WHO CAN SPEAK?

- 1. One member of the public who lives or works within 500 metres of the proposed development (as the crow flies) and who wishes to comment on or to speak for or against the planning application or someone who produces a signed, written authority to speak on their behalf;*
- 2. Where the proposed development is in the area of a Parish Council, one Parish (or Town) Council representative;*
- 3. All TDC Councillors for the ward where the development is situated (“ward member”) or (if the ward member is unable to attend the meeting) a TDC Councillor appointed in writing by the ward member. A ward member with a prejudicial interest in the matter may only attend for the purpose of public speaking and must leave the meeting as soon as they have spoken;*
- 4. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative.*

No-one may speak as a Parish/Town Council representative without first producing written evidence of their authority to do so if so requested by the TDC Democratic Services Officer (DSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker may speak for more than 3 minutes and duplicate applications are treated as one for these purposes. Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material as part of their public speaking.

Public speaking on any matter is only allowed at one Planning Committee meeting. There will be no further public speaking at any second or subsequent meeting unless officers advise that there has been a significant change in planning circumstances since the first meeting.

The application of this scheme has given rise to some comments that non-parished areas are at a disadvantage. The inequality arises from residents in all areas being able to ask Ward councillors to speak on their behalf for 3 minutes but residents in parished areas only being able to also ask a parish or town council to speak on their behalf for a further 3 minutes. A further inequality arises between wards with multiple members and those with only one member. It is proposed to remove the current time limit.

In addition, it was identified that the requirement for speakers to live or work within 500 metres of the proposal site is not always appropriate. Some developments can have impacts beyond this limit and preventing members of the public from speaking because they live and work further away is contrary to the interests of equality and transparency. It is proposed to move this distance limit.

The current scheme allows one member of the public to speak, either for or against a proposal. In circumstances where opinion is divided, some members of the community in support and others opposing applications, this diversity of view is not represented. The final amendment to the scheme is therefore to allow one speaker supporting and one speaker opposing a scheme.

OTHER ISSUES

Best practice

The Planning Officers' Society has published a practice guidance note on public speaking at planning committees. It promotes allowing public speaking at planning committees and highlights the importance of ensuring equal time to those wishing to speak for and against a proposal. It also identifies that most authorities allow 3 or 5 minutes per person. The practice note points out that parish and town councils don't have rights to address a Committee as consultees and so should be heard as part of the public speaking process.

A trawl of the practice of other local authorities reveals that many Councils have schemes to allow public speaking at Planning Committees and most are similar to the Tendring scheme. However, some do not time limit the contribution of Ward members through the scheme. They rely on the good conduct of Ward members and the Chairman's skills to ensure that the length of contribution of Ward members is reasonable and proportionate to the issue being considered.

Communication with members

The Monitoring Officer will be requested to write to all elected members setting out the amended scheme.

Communication with members of the public

It will be necessary to amend material available to the public outlining the scheme to ensure that the Council's procedures remain transparent.

BACKGROUND PAPERS FOR THE DECISION

Current scheme – Tendring District Council Planning Committee Meetings Public Speaking Scheme

APPENDICES

None