

Public Speaking Protocol at Planning Control Committee

Purpose

- 1.1 To amend the Public Speaking Protocol arrangements to allow an applicant, or their agent, to address the Committee in cases where no members of the public have registered to speak at the Committee meeting, but a request to speak in objection by a Ward Councillor has been received.

Recommendations

- 2.1 To note the report
- 2.2 To adopt the revised Public Speaking Protocol attached as Appendix 1 to this report.

Reason

- 3.1 To enable an applicant or their agents to be able to address Planning Control Committee in cases where no members of the public have registered to speak at the Committee meeting, but a request to speak by a Ward Councillor

Supporting information

- 4.1 The City Council first introduced the facility for public speaking at Planning Control Committee following the recommendations of the Local Government Association report 'Public involvement in development control process: a good practice', published in 1998. The Public Speaking Protocol was last amended at a meeting of this Committee on 8 July 2010.
- 4.2 Recent experience has highlighted the issue of applicants or agents not being able to address the Committee in situations where no objectors have registered to speak on the application, but where a Ward Councillor has requested to speak in objection to the application. The Ward Councillor is usually addressing the Committee on behalf of the objectors. Several applicants and agents have expressed their view that such a situation is unfair.
- 4.3 The proposed change would therefore correct this perceived 'unfairness'.
- 4.4 Any decision on who can or cannot speak at the meeting is ultimately a matter for the Chair.

Public/stakeholder engagement

5.1 Consultation with the Head of Democracy, Corporate Services Directorate

Other options

6.1 To retain the current Public Speaking Protocol, adopted in July 2010

Financial and value for money issues

7.1 None

Legal implications

8.1 None

Climate implications

9.1 None

Socio-Economic implications

10.1 None

Other significant implications

11.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke, Chief Planning Officer	19/05/2023
Other(s)	Ian Woodhead	19/05/2023

Background papers:	LGA Document; Public Involvement in development control practice: a good practice guide
List of appendices:	Public Speaking at Planning Control Committee report- 8 July 2010 Appendix 1- Public Speaking Protocol

Public Speaking At Planning Control Committee Meeting - A Protocol

Introduction

The City Council gives members of the public the opportunity to speak in objection to any planning or listed building consent application on the Planning Control Committee agenda, except any item that the Council has decided should not be heard in public, under the provisions of the Local Government (Access to Information) Act 1985. If anyone speaks in objection, it is permissible for a planning applicant to speak in support of their application or for someone to speak on their behalf.

It is also possible for an applicant to speak when their application is being recommended for refusal, or when the recommendation is for a split decision.

The meetings of the Planning Control Committee are available to view via live webcast at [YouTube.com/derbycc](https://www.youtube.com/derbycc)

Procedure on Public Speaking

1. These procedures only relate to applications for planning permission and listed building consent that are reported to Committee. They are not applicable to other matters reported to Committee, for example reports on; appeals, enforcement, tree preservation orders, prosecutions, village green registrations or reports simply brought for information.
2. The Chair, in the interest of fairness and to enable proper and effective debate irrespective of the adoption of these procedures, always retains discretion and the ability to alter, waive or vary the rules of procedure and debate. He may refuse anyone the option of speaking, in the interests of preventing inappropriate behaviour, and running an orderly meeting.
3. Any objector wishing to speak at the Committee meeting shall give the Chief Planning Officer at least 72 hours notice in writing of their intention and shall provide the following information:
 - the date of the meeting at which they wish to speak;
 - the matter on which they wish to speak;
 - the code reference of the planning application;
 - their address, daytime telephone number and e-mail address .
4. If an application is recommended for refusal, or 1 or more objectors or Ward Members have registered to speak against an application, the applicant, or their representative, may speak at the Committee meeting. They must give notice of their

wish to speak after the Committee agenda is made public and at least 72 hours before the date of the Committee meeting.

The applicant shall provide the following information.

- the date of the meeting at which they wish to speak;
 - the matter on which they wish to speak;
 - the code reference of the planning application;
 - their address, daytime telephone number and e-mail address.
5. The applicant or their representative shall speak first at the meeting, followed by any Ward Members who have requested to speak, and then the objector(s)
 6. Speakers shall only make statements and shall not be allowed to ask questions of either Members or Officers of the Council.
 7. No more than two objectors may speak at Committee in relation to any one item on the agenda. If there are more than two objectors who have registered an interest in speaking in objection to an application, the objectors must decide who the two nominated people will be between themselves. If this is not possible, due to Data Protection or other reasons, be nominated speakers will be chosen on a 'first come, first served' basis.
 8. If there are related applications on the same site or on additional sites, unless the Chair directs otherwise, they will be treated for the purpose of speaking as a single application and objectors and applicants will only be allowed to speak once for no more than 3 minutes.
 9. When statements or representations are being made, they shall only relate to the specific item being considered by the Committee.
 10. On being requested by the Democratic Services Officer to do so immediately before the meeting is due to start, an applicant or objector shall confirm whether they still intend to speak at the meeting and shall confirm that they understand the procedure governing public speaking.
 11. Speakers will not be allowed to make a statement until the Officer has completed his/her presentation of the agenda item.
 12. An applicant (or their representative), objector or Ward Member may speak for up to 3 minutes.
 13. In the normal course of the meeting, no Member or Officer shall ask questions of members of the public, the only exception being when the Chair may decide that clarification is needed.

Appendix 1

14. Speakers, whether speaking in support as the applicant or in objection, shall not be allowed to ask questions of other speakers, or enter into any dialogue with them.
15. When the objector(s) and/or applicant have all finished speaking, the Chair will make it clear that the Committee will then go on to debate the item and make a decision upon it, and the objectors, Ward Member, or applicant, shall take no further part.
16. Once a decision has been made, the Chair will make this clear in order that members of the public are informed about the decision and that the item on which they may have spoken has been dealt with.
17. On no account will officers or other members of the Committee read out presentation material in lieu of any speaker who is unable to attend the meeting