

**Meeting of the Full Council  
Meeting to be held on Thursday, 28 February 2019**

Report submitted by: Director of Corporate Services

**Part A**

Electoral Division affected:  
(All Divisions);

**Development Control Committee – Public Participation**  
(Appendix 'A' refers)

Contact for further information:  
Democratic Services, Tel: (01772) 533380,  
democratic.services@lancashire.gov.uk

**Executive Summary**

A review of public participation at meetings of the Development Control Committee.

**Recommendation**

That the Full Council be asked to:

- (i) Approve the revised public speaking arrangements, for inclusion in the 'Protocol of Good Practice on Development Control Matters' at Appendix 'N' to the Constitution.
- (ii) Authorise the Director of Corporate Services to make any consequential amendments to the Constitution arising from these changes.
- (iii) Agree that the revised arrangements apply to planning applications that come before the Development Control Committee for consideration following this decision.

**Background and Advice**

In January 2003, on the recommendation of the Full Council, the Development Control Committee adopted the current public participation procedure.

The current procedure offers members of the public the opportunity to address the committee for up to 4 minutes on a planning application. Where there is an organised group (such as a residents association or established community group), they may request a 30 minute presentation slot. These are usually held two days before the meeting. Anyone wishing to speak must give at least 3 working days' notice.

Where there are large numbers of objectors/supporters wishing to address the committee, the Chair of the committee has the discretionary power to decide how many people may speak at the meeting and how many 30 minute presentations to allow.

Effective arrangements for public speaking are essential to making sure members of the committee understand the issues in full. This does not just relate to the number of speakers, but also in ensuring that there is no unnecessary repetition of issues already clearly understood and also that the issues raised by speakers are relevant to the decision being taken, and are matters which the committee can and should legitimately take into account.

Allowing a large number of people to speak on a planning application increases repetition and can increase the amount of non-relevant material. Feedback from councillors indicates that repetition and non-relevant information from speakers is distracting and has a detrimental impact on the business of the meeting and the ability to make good decisions.

Additionally, managing large numbers of speakers can place a strain on the resources of the council, and in some cases, the resources of other partners, such as the police.

It is apparent, on reviewing arrangements, that the county council is significantly out of step with virtually all similar authorities across the country, which generally have less generous public speaking facilities. It is therefore proposed to review the council's public speaking arrangements.

There are no statutory requirements on councils to allow public speaking at planning committee meetings. However, it is widely considered best practice to allow public speaking, and officers are not aware of any authorities where it does not happen. The Local Government Association provides guidance which makes the following points:

- Public speaking generally enhances confidence in decisions, but can make meetings longer and harder to manage.
- Authorities who allow public speaking should have clear rules.
- The time allowed for speakers for and against should be the same.
- Speakers should not be allowed to circulate papers.
- Speakers should speak on representations already made in writing to the council.

For most planning applications, the number of people wishing to speak is relatively small, and does not present an issue with regard to the smooth running of the committee. However, on occasion, controversial applications can attract a large number of speakers, and the council's current arrangements effectively mean that there is no way of limiting the number of speakers without risking a legal challenge. This means there is a degree of uncertainty around every meeting, and this places a strain on the council's resources.

A recent survey of similar authorities found that most place extensive restrictions on the number of speakers. The majority of the councils allow between three and six speakers at the committee meeting (speakers for, against and the elected member for the area). A table showing the public participation procedures in respect of these authorities is set out at Appendix 'A'.

### 30 minute presentations

There are some specific issues with the 30 minute presentations. The current rules allow these for organised groups of objectors or supporters, with the only restriction being that the Chair may decide to place a limit on the number of presentations. This can place the Chair in a position where he or she comes under significant pressure from interested groups. Any decision made by the Chair may also form part of a legal challenge on the fairness of the process. The 30 minute presentations also require members of the committee to be available on an additional date, and creates difficulties and additional work for officers if members cannot attend as a briefing note must then be prepared to ensure that all members have access to the same evidence.

## **Revised proposals**

### 30 minute presentations

It is proposed to streamline the Council's public speaking procedure by withdrawing the opportunity to address the Committee for up to 30 minutes. Members of the public who wish to submit detailed information on a planning application may do so during the consultation period. Any such representations would be summarised in the committee report. It is considered that the additional arrangements set out below would provide plenty of time and opportunity for a group of people either for or against an application to have sufficient time to get their points across, and with a reduced chance of repetition of material already heard.

### Speaking at the Committee meeting

It is also proposed to help manage speaking at Development Control Committee meetings by placing a cap on the number of speakers. Whilst most councils limit the number to a small handful, it is considered that, at this stage, such a step in Lancashire would be too great and contrary to public expectations.

It is therefore proposed to limit public speaking at committee to 1 hour 30 mins, and at the same time, limit individual speakers to 3 minutes. This gives 30 slots for public speaking (15 slots 'for' and 15 slots 'against' an application).

This level of public speaking is far higher than permitted at other authorities, and there are no applications considered by the committee in the last 3 years where this limit would have had to be implemented. It gives plenty of opportunity for the committee to hear the views of the public, whilst ensuring there is less chance of repetition and non-relevant material and more certainty around timings to allow for the smooth running of the committee.

Where there are more than 30 applications for slots, the following priority will be given:

1. The applicant or their agent:

They will always be given a slot if they wish to take it.

2. Elected representatives for the area:

The Parish or Town Council, the District Council, and the MP for the area in which the application is based will be provided with a slot. Each local authority will be given one slot each, and the MP a single slot. The County Councillor for the area will also be provided with a slot.

3. Members of the public:

The remaining slots in each category (for and against) will be allocated to members of the public. Where the number of speakers exceeds the number of remaining slots in each category, priority will be given to those most affected (this will be calculated on the distance between the speakers' property and the application site boundary). It is proposed that there would be a limit of one representative per household. If a speaker is unable to attend the meeting, then in certain circumstances, their speech (if available) will be read out by an officer of the county council.

## **Running Order**

The current running order of speakers is as follows:

- anyone objecting to the planning application
- a representative from the Parish/Town Council
- anyone in favour of the proposal

This reflects the running order of the majority of authorities surveyed. However, the council may wish to amend the running order to reflect a more equitable balance whilst still allowing the applicant the 'right of reply' as follows:

- anyone objecting to the planning application
- anyone in favour of the proposal
- elected representatives
- the applicant/agent

In accordance with the current arrangements, it is proposed to allow one opportunity to speak on an application or linked applications. If the committee postpone a decision to gather more information or make a site visit, speakers who have already spoken on the applications/s will not be allowed to address the meeting again.

It should be noted that for the vast majority of planning applications the changes that are proposed will make no difference to the public as it is relatively rare to get a

request for a 30 min presentation and for there to be more than 30 speakers at committee itself.

Members of the public are required to formally submit a request to speak. An electronic registration form is available on the council's [website](#) for this purpose. A paper version is also available.

To allow officers to have sufficient time to prepare an oral response to points raised at the committee meeting and to avoid applications being deferred whilst information is sought, anyone wishing to address the committee is requested to give an indication of the points they wish to make when they register to speak.

It is also proposed to continue with the current notice period whereby anyone wishing to speak must give at least 3 working days' notice. However, for major planning applications, an alternative set time period would be introduced. This will allow the council to consider all requests and to effectively manage the number of speakers.

#### Other matters

At the discretion of the Chair, it is proposed to allow speakers to submit a limited number of photographs or illustrations in support of their presentation. These should be sent to the Committee officer at least 3 working days before the meeting so that they may be passed to Committee Members to consider in advance of the meeting. In line with current practice, no documentation will be allowed to be circulated at the meeting with the exception of the Officers 'Update Sheet'.

It is further suggested that these arrangements are formalised in the "Code of Good Practice on Development Control Matters", and will therefore become part of the council's Constitution.

The above procedures will be put into effect for any applications that come before the Development Control Committee following the decision of the Full Council.

#### **Conclusion**

In summary, the amendments include:

- i) The disestablishment of the 30 minute presentations.
- ii) A limit of 30 speakers on each planning application or linked application at Development Control Committee meetings.
- iii) A limit of 3 minutes per speaker.
- iv) The introduction of separate arrangements for anyone wishing to speak on a major planning application whereby a set time period would be announced within which to register to speak.

- v) The opportunity for members of the public to present a limited number of hard copy photographs/illustrations prior to the meeting.
- vi) A revised running order as follows:

- anyone objecting to the planning application
- anyone in favour of the proposal
- elected representatives
- the applicant or their agent

If approved, the revised rules on public speaking will be included in the Protocol of Good Practice on Development Control Matters. The Director of Corporate Services will make any consequential amendments to the Constitution arising from these changes. The revised arrangements will apply to any planning applications that come before the Development Control Committee following the decision of the Full Council.

**Implications:**

This item has the following implications, as indicated:

**Risk management**

Public perception - There will be less opportunity for the public to air their views directly to the committee. However, when compared with similar sized local authorities, the proposed revised public speaking procedures are considered to be generous and allow for extensive public participation. It should also be noted that for the vast majority of planning applications the changes that are proposed will make very little difference to the public as it is relatively rare to get a request for a 30 min presentation and for there to be more than 30 speakers at committee itself.

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A