

Appendix B10

March 2017

First Edition

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

Speaking at the Planning Committee and Council Meetings on a Planning Application

The Council lets applicants, and people who have written to it about planning applications, speak at the Planning Committee. Each speaker is given 3 minutes. But they must comply with **the Code of Conduct for Speakers at meetings at which a planning application will be determined**.

Note 1: Three minutes is longer than you think. Few speakers use all the time.

*Note 2: Most planning applications are determined by a Planning Officer, and NOT at a meeting of the Planning Committee or Council. These **delegated** applications are dealt with entirely in writing. If you wish to speak to the officer who will determine a delegated application you should contact him/her through the case officer.*

Note 3: A few applications are determined at meetings of the Council. These rules and the Code of Conduct apply to speaking at the Planning Committee and to speaking at the Council.

*** Who can speak?**

The following can speak; the applicant and/or his/her agent; people who have written in objecting to, or supporting, the application; people representing bodies who have commented on the application; representatives of parish and town councils, and the County Council.

District Councillors who are not members of the planning committee can obtain approval from the Chairman or Vice Chairman of the committee to attend at the Committee meeting and speak about a planning application. These Councillors are also covered by the Code of Conduct. These Councillors cannot vote on the decision of the Committee, and cannot join in the Committee debate.

The Code of Conduct also covers District Councillors who are on the Planning Committee, but have declared a prejudicial interest. These Councillors are permitted to speak on the application, but must leave the room after they have spoken and cannot vote on the decision of the Committee, and cannot join in the debate.

The Code of Conduct does not allow people to repeat what previous speakers have said. So where a number of people want to say the same, or similar things, they should agree a spokesperson to

make their points. Spokespersons should be agreed if more than ten people wish to speak for, or against, the application.

*** What is the Council's procedure to tell people about the opportunity to speak at meetings?**

When an application is received and it is allocated to be decided by Councillors, the Council sends out these guidelines and code of conduct, along with a response slip indicating whether you wish to speak, to the following,

- the applicant, or his/her agent, when the application is received.
- all those notified of the application by letter who make a written response, when their comments are acknowledged.
- all others making written comments, when their comments are acknowledged. Letters received in the week of the meeting are acknowledged by first class post.

Most applications are allocated to be decided by officers.

Sometimes the way in which the application is to be decided is changed, during the time it is being processed, and it is sent to be decided by councillors. In those cases the Council will tell everyone about the change. The Council will notify the applicant, those making comments, consultees and district councillors. Applicants and those making comment will also be sent a copy of the information leaflet and code of conduct.

*** If I want to speak, how do I arrange it?**

If you have received a response slip from the Council with a letter of acknowledgement, fill it in and send it to the Council, for the attention of the Senior Governance Officer. If you do not have a response slip, telephone the Governance Team (telephone 01246 217045).

You will need to tell the officer the title of the application, its code number, the date you sent in your letter and whether you wish to speak for or against the application. You will also be asked for your day time telephone number. The Governance Team will ask you to confirm that you do not object to your details being passed on to others, to encourage the selection of a spokesperson, if this is necessary.

If you have returned your response slip, or telephoned the Governance Team, you will be told of the date and time of the meeting at least five days before it takes place. You will then need to telephone the officer to confirm that you still wish to speak. Do this no later than 12.00 noon on the day before the meeting.

When contacting the Governance Team be ready to give your name, address and telephone number, the application description and code number, the date you sent in your letter of comments and whether you wish to speak for or against. If you are acting as a spokesperson for others you should say who, and how many people, you are speaking for. If you are speaking on behalf of another you should give the name of the person for whom you are speaking for. You should make a note of the name of the officer who takes your details.

If you will be making the same points as others, for example following a petition or duplicated letters of objection or support, you should choose a spokesperson to speak for you all at the meeting.

If ten or more people say they want to speak on either side, 5 days or more before the meeting, they will be told of the names, addresses and telephone numbers of each other and will be encouraged to choose a spokesperson.

Requests to speak will be logged in the order they are received, but spokespersons representing a number of people will speak before individuals. The aim is for spokespersons representing the largest numbers of people to speak before other spokespersons, but this cannot be guaranteed.

Quite often, at the time that you tell the Council you want to speak, the date of the meeting at which the application will be considered will not yet have been decided. When you are told of the date you may not be able to attend, because of other commitments. This will be unfortunate, but the Council will not defer consideration of an application because you cannot get to the meeting.

You may ask someone else to speak at the meeting on your behalf.

*** Do I have to speak, if I have written in?**

No. The meeting gets a detailed written report describing the application and all comments received relating to it. The report includes an assessment of the main planning issues and a written recommendation about what decision is appropriate. The public can read these reports before the meeting. They can be seen on the Council's Web Site. A further written supplementary report may be given to councillors three days before the meeting, to cover any letters or communications which have been received up to that day. A further written supplementary report may also be provided on the morning of the meeting, to cover any further letters received.

The written reports should be a fair and balanced presentation of the application, and the views on it.

*** If I decide not to speak, can I still attend the meeting to listen to the debate?**

Yes, but you need to advise the Governance Team (telephone 01246 217045) so that you can be notified of the date of the meeting at least 5 days before the meeting.

*** What am I permitted to say?**

The purpose of allowing you to speak is to enable you to summarise your support for, or concerns about, the application.

You should confine your comments to planning issues

- By law, planning applications must be determined in accordance with the policies in the Regional Spatial Strategy, Derbyshire Structure Plan and the North East Derbyshire District Local Plan, unless there are other relevant issues (called material considerations).

- There may be many relevant issues, for example:
 - Government planning guidance
 - Previous planning decisions on the site
 - Court cases on similar proposals elsewhere
 - Highway safety and traffic
 - Design, appearance and layout
 - Conservation of buildings, trees and wildlife
 - Residential amenities

- The following issues are almost always irrelevant and will not be taken into account:
 - The morals or motives of the applicant or developer
 - Matters which are directly controlled by other laws
 - Future development intentions within the application site
 - Competition from a rival commercial operation

Time is limited, deal with your main points first.

You are subject to the normal laws of slander and defamation.

You may not repeat points made by previous speakers. Where a number of people wish to make the same or similar points, it is more effective for a spokesperson to present their views. Spokespersons will speak before other members of the public.

*** Where and when are the meetings held?**

The meetings are held at the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG. Planning Committee meetings usually take place every four weeks, on Tuesdays, starting at 2.00 pm. Some applications are determined by the Council. These meetings usually take place on Monday afternoons.

*** What should I do when I get to the District Council Offices?**

Arrive at least 15 minutes before the meeting starts. There can sometimes be a large number of people arriving for the meeting at the same time and queues can form. Register at the reception desk, then go to the public gallery INSIDE the Council Chamber. Banners and placards will not be admitted.

*** What will be the order of items at the meeting, and will I have to wait long?**

Items are usually dealt with in the order on the agenda. But the Chair will usually bring forward those applications for which speakers are present, and deal with these first. However, if a lot of people want to speak it may take two hours or more before all the applications are dealt with. It is hard to tell how long each application will take to consider and we cannot predict what time your application will be heard.

* **What are the meetings like, and how is the speaking conducted?**

There are 18 Councillors on the Planning Committee and 53 attend Council meetings. Usually there are also four Council Officers present. The proceedings are formal and follow strict rules. At Council meetings Councillors and Officers may stand when speaking. There is limited seating in the public gallery, and, very rarely, when a lot of people come to the meeting, the public may be admitted on a shift system, and you may be asked to wait outside the meeting whilst another application is discussed.

The proceedings are minuted, and records are kept for reference. Speaking is amplified. When it is your turn to speak you will be asked to go from the public gallery, to a desk in front of the meeting, and to speak into a microphone. The Chairman has the power to control the meeting, and may stop the proceedings, or have people ejected, if there is unruly behaviour.

* **Who speaks first on each application?**

Each application will be considered as follows:-

1. The Planning Officer will briefly describe the application and the main issues involved. Any new information included in the supplementary report circulated at the meeting or received earlier that day will be described. Councillors may ask questions of the Planning Officer.
2. Any District Councillor who has declared a prejudicial interest, but who wishes to speak before leaving the chamber, will then be invited to speak by the Chairman.
3. If the application is being considered at a Planning Committee, any District Councillor who is not on the Planning Committee who has come to speak will then be asked to speak by the Chairman.
4. The Council's Solicitor will then ask people to address the Planning Committee, in the following order;
 - (a) Any speakers from the County Council, the Parish or Town Council or other consultees.
 - (b) Objectors, one at a time,
 - i) spokespersons representing a number of people (in order of the number they represent, if possible).
 - ii) other spokespersons and individuals in the order that they contacted the authority.
 - (c) Supporters, one at a time,
 - i) The applicant and/or his agent
 - ii) Spokespersons representing a number of people (in order of the number they represent, if possible).

- iii) Other spokespersons and individuals in the order that they contacted the authority.
- (d) The Solicitor will close the public speaking session. No further public speaking will be permitted, except in exceptional circumstances at the discretion of the Chairman of the meeting.

Councillors may ask questions of **each** speaker, after you have spoken, but do not have to.

* **What happens next?**

The Planning Officer will comment on any new information given by speakers, will correct any factual errors, and will comment on any non-planning issues raised by speakers which the meeting must disregard in coming to its decision.

The Councillors on the Planning Committee may then debate the issues, but they do not have to, they can go straight to a vote.

They may request further advice from the Planning Officer or the Solicitor. If legal advice is requested, the Chairman may exclude the public and press whilst the meeting hears the advice, and then the public and press will be allowed back.

The application will be determined by a vote of the eligible Councillors.

The meeting may choose not to determine the application, but to leave the decision to another meeting, perhaps because they want to visit the site, or because they want more information.

They may delegate the application to be decided by the Planning Officer at a later date, after legal agreements or planning obligations have been signed.

If the Planning Committee want to make a decision contrary to Council policy, the application will be deferred and passed to the next meeting of the Council, for the Council to determine.

A few applications for big developments, or on historic buildings, cannot be determined by the Council, but must first be sent to the Government to consider.

* **Is cross examination permitted?**

No. When you speak to the Committee you are not allowed to ask questions, or join in the debate, or reply to comments made by others. But Councillors at the meeting may ask you questions after you have spoken.

* **Can I present evidence in other ways, such as power-point?**

Within the limits of three minutes available you may present power-point, tape recorded, video or other format presentations. The plans submitted with the application will be available to the Councillors and do not need to be presented.

If you wish to make a presentation using any media you must contact the Senior Governance Officer at least 24 hours before the scheduled time for the meeting, to agree the technical arrangements. Copies of any documents or photographs to be circulated, or any presentations to be made, in whatever format, must be deposited with the Council 24 hours before the start of the meeting. Copies of these documents, photographs, or presentations will be placed on the public record.

Any presentation, including plans or photographs, must be set up at least one hour before the meeting, and will not be permitted be dismantled until the end of the meeting, or during a break in the meeting for coffee or lunch. The time taken to circulate any photographs, documents or plans, or to activate any presentations, is included within your three minute limit.

- * **What happens if, after I have spoken, the Planning Committee or Council does not make a decision, but defers the application to be reconsidered at a future meeting (for example, to allow for a site visit)? Can I speak at the next meeting?**

Not normally. Speakers may only address the Planning Committee or Council once. If, however, the application is significantly amended, you will be reconsulted and will be able to speak on the amendments when the application is reconsidered. If you think that new issues have come to light since you spoke at the meeting and you wish to speak on those new issues only, you should write to the Head of Planning explaining your view. In such cases the Chair of the meeting will decide whether you can speak to the meeting when the application is reconsidered.

You may attend any future meeting of the Planning Committee or Council as an observer.

If the application is allocated to be determined by a Planning Officer, no information about speaking at meetings is provided to applicants or those writing in.

- * **What types of application are covered by the guidelines/code of conduct?**

The Guidelines and code of conduct apply to speaking at Planning Committee or Council meetings on the determination of the following types of applications:-

- Applications for outline or full planning permission
- Reserved matters approval
- General regulations applications
- Certificate of lawfulness
- Circular 18/84 notifications (government departments)
- Circular 14/90 (electricity lines)
- Determinations (demolition, agricultural, telecommunications) and prior approvals
- Advertisement express consent
- Listed building consent
- Conservation area consent
- Hazardous substances consent
- Applications under tree preservation orders

Speaking is not permitted where consultations from other planning authorities on any of the above types of application are being considered, or where consultations on minerals or waste planning applications are being considered, as these applications will not be determined by this council, but by another local planning authority, at another meeting, when speaking should be allowed.

The code of conduct may be extended to other planning matters by discretion, but will not be extended to cover decisions relating to development plan documents, or the enforcement of the

planning legislation, or to any delegated decision, exempt item, or any planning issue where the general public have a right to have representations heard by a planning inspector.

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NORTH EAST DERBYSHIRE DISTRICT COUNCIL

Code Of Conduct For Speakers At Meetings At Which A Planning Application Will Be Determined

Note: This code applies to meetings of the Planning Committee and the Council when planning applications are to be determined.

- * **You have three minutes.** Your written submission has been summarised, considered and assessed in a written report which has been circulated to the councillors prior to the meeting.
- * If you are speaking for someone else, or as a spokesperson for a group of people, please say who.
- * Be clear, concise and as short as possible.
- * Do not repeat yourself and do not repeat points or arguments made by previous speakers in your category (see below for the categories of speakers).
- * You do not have a right to reply and you are not permitted to cross examine other speakers, ask questions, or join in the debate.
- * Confine your comments to planning issues. Deal with your main points first.
- * You are subject to the normal laws of slander and defamation.
- * Please do not speak to members of the Planning Committee whilst in the Council Chamber. This could be perceived as predetermination.
- * **If you do not comply with this Code of Conduct you will be stopped and asked to comply. If you persist in not complying you will not be permitted to continue speaking.**
- * **The Chairman of the meeting will close and clear the public gallery if there is disturbance or disorder.**

The categories of speakers are:-

1. District Councillors who have declared a prejudicial interest and wish to speak before leaving.
2. District Councillors not on the Planning Committee (this does not apply if the Council meeting taking place is a full Council meeting).

3. Representatives of the County Council.
 4. Representatives of Parish or Town Councils.
 5. Other consultees in the planning process.
 6. Those member of the public and spokespersons objecting to the application.
 7. The applicant, the applicants agent, and members of the public and spokespersons supporting the application.
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