



Protocol on Making Representations Direct to Planning Committee

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Notes:

1. This protocol was updated and re-published on 15 March 2010 following approval of a report to the March Planning Committee.
2. This protocol was updated and re-published on ** December 2012 following approval of a report to the December Planning Committee.

INTRODUCTION

Staffordshire County Council is committed to extending the level of public involvement in the operation of its Planning Committee. Since March 2012 we have been broadcasting the meetings live to the internet. We also record the meetings for later viewing on the internet for 6 months (www.staffordshire.gov.uk/planning - 'Planning Committee' web page).

For the avoidance of doubt making representations direct to Committee DOES NOT include speaking in connection with:

- (a) planning enforcement matters
- (b) proposed litigation
- (c) financial interests or other Member interests
- (d) matters delegated to the Corporate Director (Development Services)

In addition there is no right to make representations on reports which are included on the closed part of the agenda; namely matters which are exempt from public disclosure as provided by the Local Government (Access to Information) Act 1985 or successor legislation.

This Protocol therefore sets out the broad parameters within which "public speaking" (making representations direct) may take place at the County Council's Planning Committee in connection with planning applications being considered by the Committee.

1. WHO CAN SPEAK?

In order to strike the right balance for Members between the need to fully consider all the written and visual information before them and listening to the oral representations, those who can speak is restricted to a representative from any objectors, supporters and Parish Council(s) who have made written representations on any planning application to be determined by the Planning Committee.

An objector is anyone who has been consulted by the County Council on a proposal and has submitted written representations objecting to the proposal.

A supporter is the applicant or anyone else who wishes planning permission to be granted for a particular proposal.

For the avoidance of doubt where Officers recommend refusal of a planning application someone who originally objected to the proposal continues to be classed as an objector. Also for the avoidance of doubt the right to speak at Planning Committee is for the benefit of the public. Where officers consider that someone who wants to speak is doing so on behalf of a statutory or non-statutory consultee he/she does not have the right to speak.

An objector, a supporter and the Parish Council can make oral representations to Planning Committee on a proposal under consideration if they have first submitted written comments during the processing of the planning application.

An objector, a supporter and the Parish Council may nominate a representative to speak on his/her/its behalf. If the successful nominated speaker has already indicated that he/she wishes to speak, but is for one reason or another unable to attend the meeting, a pre-arranged substitute speaker may speak on their behalf. The Council must be notified of the change prior to the meeting commencing.

If there is more than one request to speak by either an objector or a supporter the Council works on a first come first served basis.

Failure to take up the right to make oral representations by any party and for whatever reason will not preclude the Committee from making a decision on the planning application at a meeting.

2. WHEN WILL SPEAKING OCCUR DURING THE MEETING?

After the Chairman introduces the agenda item and an officer describes the proposal, BUT before any Member debate into the planning merits of the matter under consideration, public speaking will commence. The order of speaking will be:

1. The Objector
2. Parish Council(s)
3. The Supporter

3. HOW LONG DOES EACH SPEAKER HAVE?

Each speaker will have a maximum time limit of 5 minutes. The Chairman of the Planning Committee may at his absolute discretion, and in exceptional circumstances, extend this time limit.

The representative of Member and Democratic Services will adopt the role of timekeeper, notifying the speaker after 4½ minutes of the time elapsed.

At the end of the 5 minutes, the speaker will be instructed by the Chairman to cease and no further oral representations by that speaker will be allowed.

4. WHAT WILL BE THE ORDER OF BUSINESS FOR DEALING WITH EACH APPLICATION?

(PUBLIC SPEAKING ONLY RELATES TO THAT ITEM SHOWN IN THE BOX)

1. The application title, applicant and location read out by Chairman.
2. The Planning Officer will make a short presentation including photographs and where necessary update the written report with any information received after its completion.

<ol style="list-style-type: none">3. The speaker for each group (objector/Parish Council(s)/supporter) will be invited to speak in the order referred to in paragraph 2 above.
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4. Where appropriate or necessary the Planning Officer will respond to comments raised during public speaking.
5. Member Debate, starting with the Local Member if in attendance, including questions to officers.
6. Members may question the Local Member on points of clarification.
7. The Chairman may question the speakers on points of clarification requested by the Members.
8. Decision taken.
9. Speakers will be sent written notification of the Planning Committee's decision.

5. NOTIFICATION OF INTENTION TO SPEAK

You will be notified in writing 2 weeks before the Committee meeting of an intention by officers to report the proposal to Committee. If you wish to make oral representations to the Committee you must then make a request either in writing by letter, fax or email or by telephoning Member and Democratic Services BEFORE 5.00pm on the Monday preceding the Thursday Planning

Committee. Where there is a Bank or Public Holiday in the intervening period the letter of notification will set out the final date and time when requests will be considered by the Council.

If your nominated speaker has already indicated that he/she wishes to speak but is unable to take up the opportunity or decide not to do so, then that person must contact the representative of Member and Democratic Services no later than the day before the meeting. Unfortunately it will not be possible to defer the planning matter under consideration because you are unavailable to speak.

6. PROCEDURE FOLLOWING RECEIPT OF REQUEST TO SPEAK

Member and Democratic Services will notify you of whether your request to speak was successful and will add your name to a list to be placed before the Committee. The committee meets at 10 am so you will need to report to the venue of the Committee meeting (currently Reception in County Buildings, Martin Street, Stafford) at 9.30 am on the day of the Committee for a briefing by an officer of Member and Democratic Services on the various procedures. If you are likely to be delayed then please contact Member and Democratic Services BEFORE 9:30 am or you may lose your opportunity to speak to the Committee.

7. CONDUCT OF SPEAKERS

The County Council will provide information and advice in writing in the form of an explanatory leaflet or on its web site to any party wishing to make representations to the Planning Committee.

Oral representation can only be made to the Planning Committee if what is said falls within the following categories:

- ❖ The representations, or answer to a question from the Chairman, are relevant to town and country planning considerations affecting the application.
- ❖ The representations, or answer to a question from the Chairman, are directly relevant to the particular application.
- ❖ The representations, or answer to a question from the Chairman, are a statement of fact (even though they may be based on subjective evidence).
- ❖ The representations, or answer to a question from the Chairman, are a statement of personal/professional opinion. If it is personal opinion of the speaker or someone else this must be stated. If it is the speakers or someone else's professional opinion, again this must be stated.

The Chairman will have the discretion to interject if the speaker departs from the four criteria. Any representation considered by the Chairman deemed to be defamatory, offensive or to relate to an individual officer or Member will not be permitted and the speaker will be informed accordingly.

No facilities for presentations (e.g. overhead projectors/PowerPoint) may be used.

All speakers are encouraged to write down the points they want to make so that they can read out during their allotted time.

During presentations, speakers must conduct themselves in an orderly manner or they will be asked to leave the meeting.

The Chairman has the last say on any matter and can refuse to allow a speaker to continue at any time if he considers fit.

8. WILL I BE QUESTIONED AND CAN I ASK QUESTIONS?

Any party making oral representations may be questioned on points of clarification by the Chairman of the Planning Committee.

Any party making oral representations cannot direct questions at officers, Members of the Planning Committee or other speakers and must not interject or speak again unless asked to respond to a direct question by the Chairman of the Planning Committee.

To avoid statements being misunderstood it should be made very clear whether the words spoken are matters of fact or opinion and any scope for ambiguity should be minimised by the speaker.

9. ITEMS WHICH REACH PLANNING COMMITTEE BUT ARE THEN DEFERRED BEFORE A DECISION IS MADE

Planning Committee may wish to defer consideration of a planning application to either seek further clarification/information from the applicant or to visit the site. When the matter is reported back to Committee the order of business will remain as set out in Paragraph 4 above. For the avoidance of doubt this means that the same speakers will be allowed to speak again.

If the opportunity to speak was not taken up by an objector or supporter when the proposal was first considered, there will be an opportunity for someone to speak as an objector or supporter on a first come first served basis next time round. However if someone did decline to speak second time round then there will be an opportunity for someone else to speak on a first come first served basis.

10. CAN I SUBMIT WRITTEN MATERIAL AS PART OF THE PUBLIC SPEAKING PROCESS?

No written statements may be introduced or circulated at the meeting in addition to any oral representations. Written statements submitted, as a substitute to oral representations, will not be accepted. No new written material may be introduced at the meeting. Any new information should be submitted to the Planning Officer so that it can be incorporated into his/her report to Planning Committee. Reports are finalised at the beginning of the week before the Planning Committee meeting.

11. WILL MY PREVIOUS WRITTEN REPRESENTATIONS BE TAKEN INTO ACCOUNT BY THE COMMITTEE?

All written representations received by the County Council will be reported to Planning Committee and taken into account when the Committee determines any proposal.



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