



A GUIDE TO PUBLIC SPEAKING AT PLANNING COMMITTEE

COVID-19 RELATED UPDATE, JUNE 2020

The Council has produced a Procedure Rules relating to the Holding of Remote Meetings and a Remote Meeting Protocol and Etiquette Guide for Elected Members following the introduction of the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.

The Regulations allow Elected Members to attend meetings remotely and the effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially. The Regulations have an automatic amending effect on the Authority's existing rules and apply to Full Council and other committee meetings being held 'remotely'.

Hartlepool Borough Council has chosen to host such meetings utilising Microsoft Teams (Teams) as this provides both video and audio only input into meetings. Teams can also be easily accessed by those without the software through an internet browser. It is recommended that Microsoft Edge or Google Chrome are used for such access as they provide the necessary functionality.

Applicants (or their representatives) and Objectors to applications will need to be able to join online remote Planning Committees by a video link or via a telephone conference link if they wish to make their statements to the Committee verbally otherwise the written submissions will be relied upon by the Committee. In the event of a connection failure your statement can be read out to the Committee and you should provide a copy of the statement one week before the date of the Committee at the latest to ensure the statement is available.

The necessary web links and telephone conference details will be supplied to the nominated applicant's and objector's representatives ahead of the meeting and these will be tested ahead of the meeting.

The remaining rules in relation to speaking at Planning Committee will remain, particularly the time limit of 4 minutes to set out your case to Elected Members.

End.

This Guide has been produced to assist you if you want to speak on a planning application when it is considered by the Council's Planning Committee. The booklet tells you about how the Committee operates and the arrangements for speaking at meetings. It also aims to assist you in putting forward your arguments in an appropriate and effective manner.

PART 1

INTRODUCTION TO THE WORK OF PLANNING COMMITTEE

What is the Planning Committee?

The Planning Committee is the Council committee which meets to consider planning applications which cannot be decided by council officers. Planning officers can grant permission for a wide range of straightforward applications, for example, house extensions. However potentially controversial developments and applications where there have been more than two objections will be decided by the Committee. The Committee is made up of Councillors from all political parties and, as a formal meeting of the Council, has to be run according to certain legal requirements. Officers of the Council attend all meetings to advise the Committee.

How are planning applications considered by the Committee?

For each meeting of the Committee an agenda, showing the applications to be considered at that meeting, is published 5 clear working days before the meeting takes place. A number of procedural issues are considered at the beginning of the agenda at each meeting, these normally only take a few minutes to deal with, after which each planning application will be considered in turn. The Committee will normally follow the order on the agenda, however, if there are members of the public present for particular applications, the Committee will usually consider them earlier on the agenda in order not to inconvenience those attending.

A report prepared by planning officers for each of the planning applications is circulated to Members before the meeting. This will normally give details of the following:-

- the application
- a plan of the site location
- comments received from neighbours, other consultees and members of the public
- the relevant policies from the development plan
- a recommendation from the planning officers.

The recommendation may be to either approve or refuse the application. If it is to approve the application, this may be subject to conditions.

How do Councillors reach a decision on each application?

Councillors must consider the report prepared by planning officers including representations from those who have commented on the application and the officer's observations, as well as using their own local knowledge and judgement to reach a decision. The Committee does not always accept the Officer's recommendations. However, Councillors must make a decision in accordance with the development plan, unless there are clear planning reasons for not doing so.

There are some occasions when the Committee may not reach a decision at the meeting. The two main ones are:-

- when Members request further information on a particular application
- when Members request a site visit .

In both cases this will lead to a deferment of the application. If the applicant/objector have already spoken at the meeting, then they will not get another chance to do so when the application is considered again, usually at the next scheduled meeting of the Committee. If further information is requested by the Members, the applicant/objector will have the opportunity to comment on the new information but only the new information. You will be informed of the date of the meeting when the application is to be decided and will be able to attend and listen to the debate if you wish.

After a meeting of the Committee, officers will write to the applicant and all those who commented in writing on the application to inform them of the decision.

How do members of the public get to speak at Planning Committee?

The Council has recognised that it is important for people with an interest in an application to have the opportunity to speak at the meeting where it is being considered. This applies to both the applicant and people who have commented on an application (frequently those who strongly object to what has been proposed). This gives people the opportunity to highlight the main points relevant to the application and the planning process that they feel the Committee should consider when reaching a decision.

Generally, only one person is allowed to speak in support of an application and one person against an application. At the Chair's discretion in particularly complicated or significant applications, more than one person may be allowed to speak if it would be difficult for one individual to represent all the different interests.

Speaking in support of an application?

The applicant will have the first opportunity to speak on his/her application or to nominate a representative to speak on his/her behalf. If the applicant declines the opportunity speak then a supporter of the application will be able to speak – where this is more than one person who wish to speak in support of an application they must agree on a single spokesperson. Supporters are therefore strongly encouraged to get together and agree a joint case and appoint a representative.

Speaking to object to an application?

An objector to a planning application also has the opportunity to speak at planning committee to outline his or her objections to it. Where there is more than one person who wishes to speak against an application they must agree on a single spokesperson. Objectors are therefore strongly encouraged to get together and agree a joint case and appoint a representative.

Part 2 of this note sets out how members of the public can make such representations and how the meetings of the Committee operate.

Part 3 answers some of the key questions that you may have.

PART 2

HOW COMMITTEE MEETINGS OPERATE AND HOW THE PUBLIC SPEAKING ARRANGEMENTS WORK

Before the meeting

The information that the Council sends out to neighbours and applicants highlights that there may be opportunity to speak on the application if it is considered by the Committee.

Anyone commenting on an application must indicate in their letter, e mail or petition if they wish to have the opportunity to speak when it is considered. Applicants are informed about their right to speak in the acknowledgement letter sent to them after the application is received and should inform officers in writing if they wish to speak. Those that have stated that they wish to address the Committee will be contacted approximately 10 days prior to the meeting to inform them of the date on which the

application is likely to be considered. Those who wish to speak must make sure they contact the case officer in the Planning Team to confirm that they would like the opportunity to speak, to find out how many others have also indicated that they wish to speak and to check that the application will definitely be considered at the meeting (sometimes agendas do change prior to their publication). If there are several persons wishing to speak it is recommended they contact each other at this stage to agree a spokesperson.

At the meeting

You will be asked to log on to the meeting 30 minutes before the start time. Meetings normally begin at 10 a.m. (The case officer will be able to advise of the meeting time). When the application in which you are interested is to be considered the Chair will invite you or the representative selected to speak to the Committee. Speakers will make their presentations in the following order:

1. The planning officer will summarise his/her report, highlighting key points and will advise Members of any additional information received since the report was prepared. Other officers of the council will also have the opportunity to comment
2. Councillors who are not Members of the Committee, normally Ward Councillors
3. The applicant or his/her representative or if the applicant has declined the opportunity to speak a supporter of the application or a representative of supporters of the application.
4. An objector or his/her representative or a representative of objectors to the application
5. The planning officer (or appropriate other officer) may respond if necessary.

Those making representations will be given a maximum of four minutes to state their case.

After each speaker, Members of the Committee will have the opportunity to ask questions of the speaker to seek clarification of particular issues. At this state there should not be any general debate about the application by Councillors.

Once all of these stages outlined above has been completed, the Committee will debate the application and make a decision on it. You cannot take part in this debate and should not interrupt the meeting in any way.

Making your case to the Committee

Speaking at a Council committee meeting can be a daunting experience. When the Committee decided to allow public speaking at its meetings, Councillors highlighted on many occasions the need to try and make those participating as comfortable and at ease as possible. In providing an information leaflet and in having a briefing session prior to the start of the meeting, the Council has tried to ensure that you

have all the information you need about taking part in meetings and the opportunity to ask questions about the process. When preparing your statement to the Committee please consider the following, which will help you make the best use of your time:

- Try to plan and practice what you say before the meeting, you may find it helpful to read from script
- Try to speak clearly and not too quickly
- Focus on the main points that you wish the Committee to consider
- Remember that you only have four minutes to make your case and that the Committee will already know your main concerns and have had access to your written comments in full, therefore you should not need to explain every issue in detail; and
- Try to ensure that the issues you raise are material planning considerations – planning officers will be happy to advise you about this. The Committee's decision must be based only on planning considerations.

PART 3

FREQUENTLY ASKED QUESTIONS

Who can speak to the Committee about a planning application?

Only the applicant and those who have commented in writing on the application or their respective nominated representatives may speak. You will be asked to indicate whether or not you wish to speak when your application is acknowledged or when making comments on the application.

Do I have to speak at the Committee meeting?

No. You are under no obligation to speak at the Committee meeting. Members of the Committee will be aware of the comments that have been made on the application so that they can consider them when reaching a decision. These will be outlined in the officer's report and copies of all the written comments that have been made on the application are available for Councillors to read.

How many people can speak on an application and for how long can they speak?

Only the person in support of an application and one person objecting to it. Each is allowed a maximum of 4 minutes to make their points to Committee. In considering complicated or significant applications the Chair may allow more than one speaker if there are clearly different interests to be represented.

What if I signed a petition about an application, do I have a right to speak?

Only the chief petitioner/petition organiser or his/her representative should speak on behalf of petitioners and only when they have indicated that they would like the opportunity to speak.

How is one speaker for each application chosen?

Where more than one person wishes to speak they will be asked to nominate or agree on a representative. You are strongly encouraged to get together and agree a joint case and appoint a representative prior to the meeting.

What issues can I raise when I speak to the Committee?

Your comments should be kept to material planning considerations.

What are material planning considerations?

A wide variety of issues can be described as material planning considerations. Those that more frequently apply to planning applications are:-

- The impact of traffic and road safety
- Case law and previous decisions
- Effects on trees
- Concern about crime
- Privacy
- Noise, disturbance and smells
- Visual impact and overshadowing
- The relationship to local, regional and national planning policy (e.g. the local plan and the structure plan)
- Relationship to the character of the area

There are also a variety of other issues sometimes raised by people commenting on planning applications but these are not normally planning considerations;

- Personal morals or views about the applicant
- Possible effect on property values
- "trade objections" from potential competitors
- Ownership disputes over rights of way, fence lines etc
- Restrictive covenants
- Future developments
- Loss of private views
- Business competition
- Matters covered by other laws and
- Alternative preferred uses

The Committee can only take into account material planning considerations. If you raise issues that are not material planning considerations the Chair may remind you that this is the case.

What is the development plan?

The Development Plan is the Hartlepool Local Plan (2018) and the Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)

https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan

https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley

Can I have a copy of the officer's report before the meeting of the Committee?

Agenda papers will normally be available 5 days before the meeting in the Civic Centre and the Central Library and also at

https://www.hartlepool.gov.uk/site/scripts/meetings_committees.php?headerID=18

When will I find out that the application in which I am interested is going to be considered by the Committee?

If you have advised us in writing that you wish to speak you will normally be informed in writing of the provisional date for the meeting about 10 days before the meeting. It is important that you contact the case officer to confirm that you would like to address the Committee and to make sure that the application will definitely be considered at the meeting.

Can I show the Committee my own plans or photographs?

Yes, but you will need to provide a copy for the Council's file on the application. If you wish to show plans or photographs to the Committee you should make officers aware of this before the start of the meeting. However you should not submit any further written representations or documents to the Committee – it can only consider written representations or documents prior to the meeting.

If I am not able to attend a meeting of the Committee OR if someone else is chosen to speak, how will the Committee know my views?

You will already have commented in writing on the application and a copy of those comments will have been made available to all Members of the Committee. The comments that have been received will be summarised in the officer's report on the application.

Can I ask questions of other speakers and take part in the debate about the application?

No, your contribution will be your presentation to the Committee and answering any questions the Members of the Committee raise. You must not interrupt anyone else, attempt to participate in the debate on the application or comment once the Committee has reached a decision.

Will I be asked questions?

The Committee may ask you to make some points clearer, but no one else can ask you questions.

Can Parish Councils, Residents Associations or other community groups make representations to the Committee?

Yes, but they do not have any special status and will be treated in the same way as members of the public i.e. they must lodge their comments in writing and indicate that they wish to speak at the meeting.

Where can I get help and advice?

The planning officer dealing with the application in which you have an interest will be able to clarify what are relevant planning issues and advise on what happens at the meeting. Please contact the case officer identified in the correspondence that you have received about the application.

Independent advice can be sought from the Planning Aid Service. Further information can be obtained by contacting the Royal Town Planning Institute. Email: info@planningaid.rtpi.org.uk. Phone: 020 7929 8338.

Please note that neither the Council nor its members or officers accept any legal liability for any loss or damage caused to any person arising from the introduction and operation of this voluntary non statutory public participation procedure