

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Corporate Manager – Governance	Report Number: R30
To: Babergh Council Mid Suffolk Council	Date of meeting: 28 July 2015 30 July 2015

RECOMMENDATIONS ON CONSTITUTIONAL CHANGE – CHARTER ON PUBLIC SPEAKING

1. Purpose of Report

- 1.1 To consider the report of the Joint Constitution Working Group (JCWG) on a new Charter on Public Speaking.

2. Recommendations

- 2.1 That the Charter on Public Speaking attached as Appendix A be adopted with effect from 10 August 2015.
- 2.2 That the Monitoring Officer be authorised to make any typographical and / or other minor changes together with any other consequential changes to the document referred to above.

3. Financial Implications

- 3.1 None.

4. Risk Management

- 4.1 This report is most closely linked with the Council’s Corporate / Significant Business Risk No. SIT1.

5. Consultations

- 5.1 The original review of the Constitution was part of a widespread Member and officer consultation on the proposals. Members of the JCWG have continued with their work and specific officers have been consulted in their areas of expertise.

6. Equality Analysis

- 6.1 There are no equality issues.

7. Shared Service / Partnership Implications

- 7.1 The JCWG has been involved in discussing the new Constitution and has worked on the basis that the Constitution, procedures etc should be aligned as far as possible.

8. Key Information

8.1 Members of the JCWG were:-

BDC

Tony Bavington
Richard Cave
Kathy Pollard
Rex Thake

MSDC

Rachel Eburne
Wendy Marchant
Sara Michell
John Whitehead

The Group met during the previous Council and agreed the document. A copy was also sent to the Chairman of the Planning / Development Control Committees.

9. Appendices

Title	Location
A - Charter on Public Speaking	Attached

10. Background Documents

None.

Authorship:

Steve Ellwood
Corporate Manager - Governance

Tel: 01449 724684 / 01473 825876
Email: steve.ellwood@babergh.gov.uk

BABERGH DISTRICT COUNCIL
MID SUFFOLK DISTRICT COUNCIL

CHARTER ON PUBLIC SPEAKING AT PLANNING COMMITTEE

If an application is to be decided by Planning Committee members of the public who are affected by that planning application, have the right to speak to the Members at that committee. This leaflet sets out the general principles for this. The practical arrangements on the day remain at the discretion of the Chairman of the meeting whose decision on arrangements is final.

HOW ARE APPLICATIONS DISCUSSED AT PLANNING COMMITTEE ?

Applications are listed in a schedule to the agenda for each meeting. It is usual that the order in which items are heard will be re-arranged by the Chairman on the day of the meeting to suit public interest in the applications being heard taking account of Members commitments.

The planning case officer will usually make a presentation of the key points of an application making reference to appropriate plans, photographs and other information. Photographs will usually have been taken by the officer and it is understood that there can be differing views about what is needed to reasonably inform Members when they decide the application. Officers may be asked questions to clarify relevant information.

The Ward Member(s) will normally be invited to speak after public speaking. The arrangements for public speaking are described in more detail below. After members of the public have been heard the Councillors who make up the Committee will debate the application and may request further information or advice from the Planning Officer, before coming to a decision.

DO I NEED TO SPEAK AT PLANNING COMMITTEE ?

Not normally. If you have written expressing a view, whether in support or objection to an application, then this will be recognised in the Committee papers on the day.

Usually your full letter, together with all of the letters, emails and other third party contributions to the deliberations will be made available to the Committee members **prior** to the meeting.

In the interests of data protection correspondence may have been redacted.

WHO IS ALLOWED TO SPEAK ?

Those wishing to will be invited to speak by the Chairman. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

Ward Members are invited to speak at this stage.

The key principle behind public speaking arrangements will be to ensure a balanced opportunity, by time allowed, for persons speaking in each capacity to make their presentation. In the interests of committee efficiency normally only one individual will be allowed to speak in each capacity.

Public speakers wishing to speak in the same capacity as another person (e.g. objectors) may find it useful to get together with others and agree a spokesman to present all of their views. Exceptionally the Chairman may allow more than one person to speak in each capacity (e.g. applicant and his/her agent) if he/she considers that will help clarify the application for committee members and will not lead to duplication of presentations.

If public speakers who wish to speak in the same capacity cannot agree between them who is to speak then the Chairman will normally split the available time equally between them to ensure that their cumulative time does not exceed that of others speaking in a different capacity in order to safeguard balance. In such circumstances speakers will be expected to co-operate and avoid duplication in their presentations.

Exceptionally the Chairman may allow representatives of more than one Parish, adjoining that in which the site is located, to speak if this will help clarify the application for Committee members and there would be a clear planning impact upon that Parish even though it is beyond the application site. In the case of complex applications special public speaking arrangements may be agreed in advance by the Planning Committee. Public speaking arrangements remain at the final discretion of the Chairman on the day having regard to this guidance.

WHAT IS THE PROCEDURE FOR PUBLIC SPEAKING ?

DO	DON'T
Do arrive in the Council Chamber from 9.00am and make yourself known to the Committee Officer. The Committee Officer will normally ask people arriving if they are interested in a particular item and wish to speak on it before the meeting begins.	Don't expect to speak if you are not present at the start of the meeting or if you have not indicated that you wish to speak in advance.
Do be aware that applications may be heard in a different order to that listed in the agenda depending on public interest in the items and Member commitments.	

DO	DON'T
Do be ready to answer questions, from Councillors on the Committee, about what you have said.	Don't expect a right to further respond during the debate, or challenge another speaker following you, if you have already spoken and made yourself available to answer questions.
Do respect other speakers' right to express their views without interruption.	Don't act in a way which undermines the orderly and polite conduct of the meeting. If you do the Chairman may ask you to leave.
Do be ready to co-operate with other people wishing to speak in the same capacity as you and bear in mind the need for balance in time allowed.	Don't expect to speak for longer than anyone else speaking in a different capacity to you.
Do ensure that you keep your presentation to no more than 3 minutes.	Don't expect to speak for longer than 3 minutes. The Chairman will ask you to draw to a close at that time even if you have not said everything you intended.

The Councillors who make up the Committee will debate the matter after hearing from all of the public speakers. They may seek further factual information from a speaker after his presentation and public speakers should be prepared to answer questions. If Members of Committee wish to ask questions of a speaker then the Chairman will use their discretion to allow appropriate time but will take reasonable steps to safeguard balance in time.

WHAT CAN I SPEAK ABOUT ?

You can speak on any application reported to Committee (e.g. applications for planning permission, listed building consent, advertisement consent) provided that what you say is relevant to the application.

DO	DON'T
<p>Do speak about relevant planning considerations which may include:</p> <ul style="list-style-type: none"> • Previous decisions of the Council on the same site or similar, • Design, appearance, layout, • Effects on amenity, loss of light, overshadowing, loss of privacy, noise or smell nuisance, • Impact on trees, • Listed buildings and heritage matters • Highway safety • Planning policy, • Case law 	<p>Don't speak about things which are irrelevant to planning which may include :</p> <ul style="list-style-type: none"> • Effect on property values • Loss of view • Covenants • Motivation behind an application • Matters covered by other legislation

DO	DON'T
Do be aware that in the interests of transparency the meeting may be publicly recorded or filmed	Don't say anything defamatory, insulting or make personal comments about other people or parties involved in the application
Do discuss photographs or drawings you would like to circulate with the planning case officer in advance so that he can liaise with the Chairman and clarify whether you are likely to be allowed to do this. The case officer may be able to include details or photographs in their own presentation which you can refer to.	Don't expect to circulate your own photographs or drawings. This will only be allowed exceptionally by the Chairman if he considers it will help clarify the committees understanding of the application.
	Don't expect to upload photographs onto the Councils' IT system.
	Don't speak about planning matters which are not on the agenda. The Committee will not normally be able to take these into account and it may waste your public speaking time.

The Councillors who make up the Committee debate the matter, and may request further information or advice from the Planning Officer, before coming to a decision.

Note: - References to Planning Committee will mean Planning Committee at Babergh District Council and Development Control Committee at Mid Suffolk District Council unless the context indicates otherwise. At Mid Suffolk District Council the principles applicable to Development Control Committee shall also apply at Planning Referrals Committee.