
Development Control Committee – 30th January 2012

Joint Report of the Director of the Urban Environment and the Director of Corporate Resources

Proposed Amendments to Public Speaking Protocol for Development Control Committee

Purpose of Report

1. To seek the Committee's views on proposed amendments to the public speaking protocol for the Development Control Committee. A copy of the current rules on Public Speaking at Development Control Committee, as contained in the Council's Constitution, is attached as an Appendix to this report.

Background

2. In accordance with best practice, the Council has resolved to provide the public with a right to speak at meetings of the Development Control Committee. The intention is to give members of the public and ward members the opportunity to express their views directly to the Committee regarding the planning merits or otherwise of individual planning applications. This right to speak also applies to applicants or their agents.
3. A review has been undertaken in the light of operational experience. The main issues identified are the need to give priority to speakers who live or have an interest in the Borough; the use of audio/visual materials and dealing with comments that are inflammatory or otherwise inappropriate.
4. It is proposed that amendments be made to the Code of Practice for Members and Officers Dealing with Planning Matters, Public Speaking at Development Control Committee as contained in the Council's Constitution. Proposed amendments are to be made to the wording of paragraph 2 (2) and (3) of the appendix to Public Speaking at Development Control Committee as follows:-
 - (2) That one person be allowed to speak on behalf of objectors, if any, and one person on behalf of the applicant. The speaker on behalf of objectors should be reached by collective agreement between parties, or, if no agreement on representation can be reached, on a "first come" basis. Priority will be given to persons who reside or have a business interest in the Borough. In the event of such a circumstance the final decision will be made by the Director of the Urban Environment in consultation with the Chairman of the Committee. Where objectors, ***or a ward member who objects to the application***, have given notice that they wish to speak, the applicant will be offered the same opportunity.

If the applicant declines the opportunity to speak, an objector or ***ward member*** will still be allowed to address Committee. If no objector (***including a ward member***) wishes to speak, then the applicant will still be given the opportunity of addressing the Committee, but only where the application is recommended for refusal.

- (3) That each speaker be allowed a single opportunity to a maximum of three minutes to present their case and will not be allowed a second chance to address Committee. The playing of audio or visual material is not permitted, and any materials for circulation such as photographs or plans must be provided to Officers prior to the start of the meeting. If the speaker in their presentation makes comments considered to be inappropriate (such as remarks that could be construed to be inflammatory, derisory or inciting violence), their opportunity to speak will cease immediately irrespective of the time remaining.

Finance

5. There are no direct financial implications arising from the report.

Law

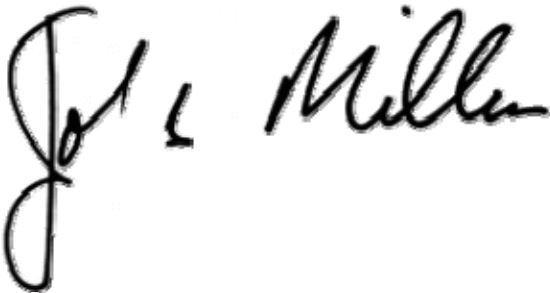
6. The protocol for Public Speaking at Development Control Committee is contained in the Appendix to the Code of Practice for Members and Officers Dealing with Planning Matters as set out in Part 6 of the Council's Constitution.
7. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act 2000, together with regulations or orders and guidance issued by the Secretary of State.

Equality Impact

8. The report takes into account the Council's Equality and Diversity Policy and there are no direct implications for children and young people in supporting the proposals.

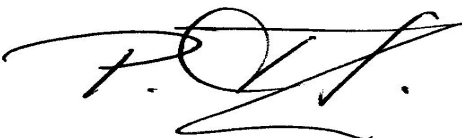
Recommendation

9. That the Council be recommended to approve amendments, as detailed above, to the Code of Practice for Members and Officers Dealing with Planning Matters relating to Public Speaking at Development Control Committee, as contained in the Council's Constitution.



John Millar
Director of the Urban Environment

Contact Officer: Helen Martin
Head of Planning
Directorate of the Urban Environment
Telephone: 01384 814186
Email: helen.martin@dudley.gov.uk



Philip Tart
Director of Corporate Resources

Contact Officer: Manjit Johal
Democratic Services Officer
Directorate of Corporate Resources
Telephone: 01384 815267
Email: manjit.johal@dudley.gov.uk

List of Background Papers

The Council's Constitution

Public Speaking at Development Control Committee

1. In accordance with best practice, the Council has resolved to provide the public with a right to speak at meetings of the Development Control Committee. The intention is to give members of the public **and ward members** the opportunity to express their views directly to the Committee regarding the planning merits or otherwise of individual planning applications. This right to speak also applies to applicants or their agents
2. The **Council** has adopted the following protocol in respect of public speaking:-
 - (1) That planning applications upon which public speaking will be invited be identified by the Director of the Urban Environment in consultation with the Chairman of the Development Control Committee using the following criteria:-
 - (a) the proposed development would be an advertised departure from the adopted Unitary Development Plan or approved supplementary planning guidance where the recommendation of the Director of the Urban Environment is to grant planning permission.
 - (b) the proposed development would have a significant impact outside of its immediate vicinity, e.g. it would generate significant volumes of traffic, noise or atmospheric pollution: it would have a significant impact on the pattern of trading: it would be prominent in the landscape: etc.
 - (c) the proposed development has given rise to a substantial weight of public concern.
 - (2) That one person be allowed to speak on behalf of objectors, if any, (selected by the objectors or, if no agreement on representation can be reached, on a "first come" basis) and one person on behalf of the applicant. Where objectors, **or a ward member who objects to the application**, have given notice that they wish to speak, the applicant will be offered the same opportunity.

 If the applicant declines the opportunity to speak, an objector **or ward member** will still be allowed to address Committee. If no objector (**including a ward member**) wishes to speak, then the applicant will still be given the opportunity of addressing the Committee, but only where the application is recommended for refusal.
 - (3) That each speaker be allowed a single opportunity to a maximum of three minutes to present their case and will not be allowed a second chance to address Committee.
 - (4) That the Director of the Urban Environment presents his report to Committee prior to public speaking on each individual planning application.
 - (5) That no questioning of Members or Officers by speakers, or of speakers by Members or Officers, be allowed.
 - (6) *Any applicant (or their agent), any objector or ward member who wishes to speak at a meeting of the Development Control Committee, must notify the Development Control Section by 10.00 a.m. on the Friday prior to the meeting, to enable sufficient time for the Council to contact the other relevant parties.*