

**PLANNING COMMITTEE****9 February 2023**

<b>REPORT TITLE</b>	<b>CHANGES TO THE GUIDANCE ON SPEAKING AT PLANNING COMMITTEE</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

**REPORT SUMMARY**

The purpose of this report is to recommend a revised guidance on the right of the public to speak at Planning Committee. This Committee has previously adopted a related speaking protocol and no amendments are suggested to that document.

This matter affects all wards within the Borough.

**RECOMMENDATION**

Planning Committee is recommended to approve updated guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings as referred to at Appendix 1 of this report.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

- 1.1 The Committee's speaking guidance has been in place since November 2021 the amended guidance has been drafted based upon the benefit of experience built up since it was adopted.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Not updating the Speaking Guidance. This is not recommended as the lessons learnt from the operation of the currently adopted guidance should be applied.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Amended speaking guidance was issued in November 2021 in line with the updated Right to Speak policy. Following this guidance being in place and as the committee returned to in person working there has been a review of the guidance.
- 3.2 Appendix 1 to this report sets out suggested revised Guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings. The main adjustments to change from an FAQ style to an emphasis on information on topic areas. A section has also been added with guidance on what is and is not a material consideration.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications arising directly from this report.

### **5.0 LEGAL IMPLICATIONS**

- 5.1 The periodic review of this guidance should enable the efficient operation of the public participation scheme. This should reducing the scope for members of the public to feel aggrieved and lessen the risk of Committee procedures being subject to formal complaint or investigated by the Local Government and Social Care Ombudsman,

### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no implications for staffing ICT or assets arising directly from this report.

### **7.0 RELEVANT RISKS**

- 7.1 The updated Guidance will aid members of the public in engaging with the Committee and planning process. In not periodically reviewing the guidance there is a risk that member of the public may not be feel fully empowered to participate in the process.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Consultation has taken place with the Chair and Spokespersons of this Committee in terms of the contents of this report.

## **9.0 EQUALITY IMPLICATIONS**

9.1 There are no significant equality and diversity implications arising from the proposals set out within this report.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are no significant environment or climate change implications arising from the proposals within this report.

## **11.0 COMMUNITY WEALTH BUILDING**

11.1 There are no implications for community wealth building arising directly from this report.

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## **APPENDICES**

Appendix 1 - Guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings

## **BACKGROUND PAPERS**

2021 Scheme of Delegation for the Determination of Planning Applications and Planning Related Matters.

<https://www.wirral.gov.uk/planning-and-building/planning-permission/planning-decision-process/scheme-delegation-officers>

Protocol for the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings.

<https://www.wirral.gov.uk/planning-and-building/planning/planning-decision-process/about-decision-process/protocol-right>

## **SUBJECT HISTORY (last 3 years)**

<b>Member Decision</b>	<b>Date</b>
<b>Planning Committee</b>	<b>11 November 2021</b>
<b>Planning Committee</b>	<b>15 October 2020</b>
<b>Planning Committee</b>	<b>19 March 2020</b>

## **Appendix 1**

### **Guidance on the Right to Speak at Planning Committee and Strategic Applications Sub-Committee meetings**

If you are thinking of speaking at the committee meeting, please read the following guidance:

#### **Right to speak at the Planning Committee meeting**

When an application before the Committee for a decision has a related petition of objection of 25 or more signatories or 15 or more individual letters of objection;

- (i) a spokesperson for the objectors is given the right to address the Committee the spokesperson may be the lead petitioner, a representative of the written objectors, their agent or their ward councillor.
- (ii) the applicant or their agent will be given the right to speak in respect of their application whether or not the objectors or petitioners have exercised their own rights to speak.

A person seeking to exercise the above right to speak must lodge a written request with the Council's Committee Services by 12 noon, 3 working days prior to the Committee date. With the Chair's discretion however, a person may speak if they have not lodged their request in time.

#### **When an objector has the right to speak**

In addition to applications where there is a valid petition of 25 or more signatories, applications will also go before Committee where there are 15 or more written objections from different households. If you want to be considered for speaking at Committee please therefore leave an email address with any objection so that you can be contacted if this trigger figure is reached.

Once written objections reach the trigger point (15 objections) you will be contacted by a democratic services officer and asked to confirm if you want to speak

It will then be a matter for the Chair (where appropriate with prior consultation with ward councillors) to determine who should speak for objectors if more than one objector has requested to speak.

#### **Number of people allowed to speak**

In circumstances where more than one petitioner and/or objector wishes to speak the chair will invite you to nominate one spokesperson. If there is a second petition for or against, then the Chair will generally exercise a discretion to allow one spokesperson for the additional petition to speak to add to what has already been said.

#### **Time allowed**

A total of 5 minutes is allowed for the lead petitioner. A further 2 minutes is allowed for secondary petitioners. The applicant or their agent will have 5 minutes to respond.

Ward councillors will have 5 minutes to address the Committee on any application made in their ward.

Consultees will have 3 minutes to address the Committee.

This time allocation does not include time spent answering the committee's questions.

### **The Committee may ask questions**

The questions will be limited to clarification on what has been said. You may decline to answer questions.

### **Circulation of photographs, drawings or other plans**

The circulation of photographs, drawings or other plans to committee members will not be allowed at the meeting. However, these can be submitted in advance of the meeting by post or email to the relevant planning officer. In order to allow time to properly review any material and included in the late representations report to members. Please ensure they are submitted to the relevant planning officer by 12 noon, 3 working days before the meeting.

### **The time of arrival of people wishing to speak**

Persons wishing to speak should arrive no later than 5.45pm and report to the democratic services officer giving your name and the item you wish to speak on.

### **Key 'Material Planning Considerations' that the committee considers when looking at a planning application**

#### Material Considerations

- Local Plan policy
- National government Guidance
- Case law and previous decisions
- The effect on the enjoyment of neighbouring properties
- Design and appearance of layout
- Conservation matters
- Highway safety and traffic.

#### Not Material Considerations

- Matters covered by other laws. (e.g. Licencing)
- Private property rights (e.g. boundaries or access disputes)
- The developers motives
- Possible future development
- Loss of view over other people's land
- The effect on the value of the property.
- Covenants

## **The committee procedure**

The chair will take items dependent upon the number of people in attendance.

1. The application is introduced by the Chair.
2. Presentation of report by planning officer.
3. The Chair will call upon the spokesperson for a petition objecting to the proposal to speak. Committee members may ask questions of clarification.
4. The Chair will call upon the spokesperson for the objectors to the proposal to speak. Committee members may ask questions of clarification.
5. If there is a petition in support of the application the Chair will call on them to speak. The Committee members may ask questions of clarification.
6. The Chair will call upon the applicant or their agent to speak. The Committee members may ask questions of clarification.
7. The Chair may ask a ward councillor to speak and Committee members may ask questions of clarification.
8. The Chair will ask if any consultees wish to address the Committee. Committee may ask questions of clarification.
9. The planning officer will comment on any factual matters raised by the speakers.
10. The Committee will debate the applications and ask questions to officers.
11. The Committee will vote on the application and reach a decision.
12. After each decision the Chairman will inform the meeting of the decision.

## **Further Information**

<https://www.gov.uk/guidance/determining-a-planning-application>

<https://www.wirral.gov.uk/planning-and-building/planning/planning-decision-process>