

AGENDA ITEM NO.

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>REPORT TO</b>	<b>MEETING OF THE BOARD OF COMMISSIONERS</b>
<b>DATE</b>	<b>26 APRIL 2011</b>
<b>SUBJECT</b>	<b>PUBLIC SPEAKING AT PLANNING COMMITTEE</b>
<b>PORTFOLIO HOLDER(S)</b>	<b>NONE APPOINTED</b>
<b>LEAD OFFICER(S)</b>	<b>JIM R.WOODCOCK AND ROBYN W.JONES</b>
<b>CONTACT OFFICER</b>	<b>E.GWYNDAF JONES (TEL NO: 752403)</b>

**1. Please confirm the nature of the report by clicking one of the following boxes:**

For information.....

Operational.....

Strategic.....

**2. Reason/s why a decision required by the Commissioners**

So that the protocol is adopted permanently within the Planning Matters Procedure Rules as contained within the Constitution.

**3. Report summary**

Public Speaking at the Planning Committee has been trialled for a 12 month period as of April last year following the decision of Full Council on 1<sup>st</sup> December, 2009. The process has been monitored by Officers and a questionnaire survey has been carried out with those persons who have spoken at the Planning Committee. The process has worked very well to date and supported in the majority by participants who consider that public speaking has been a valuable and worthwhile addition to the process of determining planning applications. These sentiments have been endorsed by the Members of the Planning Committee who discussed the matter informally at a seminar held on 17<sup>th</sup> March, 2011 and formally at the Planning Committee held on 6<sup>th</sup> April, 2011.

#### 4. Recommendation/s and reasons

- (i) The Commissioners accept the content of the report
- (ii) The Commissioners recommendation is reported to Full Council so as to amend the protocol on Public Speaking in order to reflect the changes required following the 12 month trial period.
- (iii) The Commissioners recommend adoption of the protocol permanently as part of the Planning Matters Procedure Rules as contained within the Constitution. Under the terms of the Ministerial Direction dated 16<sup>th</sup> March, 2011, the consent of the Minister would be needed before any changes to the Constitution could be made.

#### 5. Other options and reason/s for rejection

Review of the protocol on Public Speaking at the Planning Committee is included in the Planning Decision Making Process Improvement Plan 2010/11 which aims to improve the Council's reputation and increase public confidence in planning on the Island. Rejection of the protocol would undermine public confidence in the planning process.

#### 6. Consultation

- 6.1 Finance/Section 151.....  yes..... no
- 6.2 Legal/Monitoring Officer.....  yes..... no
- 6.3 Human Resources.....  yes..... no..... n/a
- 6.4 Property Services.....  yes..... no..... n/a
- 6.5 Communications Unit.....  yes..... no
- 6.6 Others consulted (including members): Planning Committee Members at a Seminar held on 17.3.11 and at the Planning Committee held on 6.4.11

#### 7. Any Policy Framework issues

None

## 8. Environmental issues

Does the item/matter have regard to:

1. Wildlife (biodiversity) under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006\*  yes..... no..... n/a

2. Anglesey's Area of Outstanding Natural Beauty (AONB) under Section 85 of the Countryside and Rights of Way Act 2000\*\*  yes..... no..... n/a

(\* Ecological and Environmental Advisor can advise: ext. 2470)

(\*\* Countryside and AONB Officer can advise: ext. 2429)

[Notes](#)

## 9. Background papers

Report to Full Council on 01.12.09

Planning Decision-Making Process Improvement Plan 2010/11

## **1.0 Introduction**

1.1 At the Full Council meeting held on 10<sup>th</sup> December, 2009 Members endorsed the recommendation of the Executive held on 1<sup>st</sup> December 2009 and resolved to trial public speaking at the Planning Committee for a 12 month period and that the system be introduced in respect of applications received after 1<sup>st</sup> January, 2010.

1.2 At the Planning Committee held on 7<sup>th</sup> April, 2010 the first speakers took up the opportunity to express their views before the Members. Details of the number of speakers who have attended Committee meetings to date are attached to this report. (Appendix 1).

1.3 The data reveal that:

- Speakers have been heard at most meetings of the Committee.
- 22 speakers have addressed the Committee in respect of 17 separate applications.
- In 14 out of 22 cases agents have addressed the Committee either on behalf of their clients (12) or for the objectors (2).
- There have only been 2 occasions where an application has been deferred by the Committee so as to allow members to conduct a site visit. This low figure is to be welcomed as previous visits to the Wrexham Council to view public speaking in operation raised fears that the process would lead to a delay in the decision making process owing to the high level of site visits.
- Of the 22 cases 4 have led to a recommendation by Officers being overturned by Members. This equates to approximately 18% of decisions. Although this figure appears high it has to be judged against the total of figure of applications which were received by the Planning Service and dealt with by Committee or under 'delegated powers'.

## **2.0 Feedback from participants of the process**

2.1 In order to gauge feedback from speakers who have either requested to, or have spoken at, the Committee on their experiences a questionnaire survey has been circulated to all concerned.

2.2 To date 12 responses have been received and the majority have been very favourable and have expressed positive comments on the whole process from information available before hand through to their experiences at Committee. They have felt that in the majority they have been listened to and that the Committee has taken into account their comments in reaching its decision. One respondent has suggested that the use of 'powerpoint' or photographs on a screen would aid the process whilst there have been suggestions that the time allowed to speak at the Committee should be extended to 4 or 5 minutes.

All respondents consider that 'public speaking' has been a valuable and a worthwhile addition to the process of determining planning applications.

At a seminar of the members of the Committee held on 17<sup>th</sup> March, 2011 the issues raised by some of the respondents were discussed and it was decided to retain the status quo with the caveat that the Chairman of the Committee uses his discretionary powers, if required, in appropriate circumstances.

At the Planning Committee meeting held on 6<sup>th</sup> April, 2011 the Members endorsed the draft report discussed at the Seminar held on 17<sup>th</sup> March, 2011 and resolved to accept the recommendations put forward in this report.

### **3.0 Changes required to the existing protocol/procedures**

3.1 Since its introduction over 12 months ago the system has worked well and has allowed Officers the opportunity to monitor the system and identify areas where improvements are required and where changes need to be made to the existing procedures /protocol. These may be summarised as follows:

(i) That the procedures/protocol should be amended so as to make it perfectly clear that speakers will only be allowed to address the Committee when the application in question is first brought before the Members. The only exception will be when Officers report to the Committee and either recommend that Members visit the site or that the application be deferred. Unfortunately there have been instances where applicants/agents have contacted the Planning Service following an applications first hearing, as a result of concerns that Members may be disposed to approve/refuse an application contrary to Officers advice.

(ii) That the protocol should be amended so as to make clear that if speakers request the right to be heard before Members when the matter has already been discussed at a previous meeting then:

- They should specify a reason for their extraordinary request.
- That the request goes before the Chair of the Committee at the Pre-Committee Agenda meeting
- Where the opportunity to speak has not been taken up previously then, in the absence of a compelling reason, the Chair is unlikely to allow this request especially due to the difficulty of making a similar offer to the other party who could speak (applicant or objector as the case may be).

(iii) To emphasise the point that speakers should follow up any requests to speak at Committee by way of confirmation either in letter form or e-mail.

### **4.0 Conclusion**

The 12 month trial for public speaking has been successfully assimilated as part of the Planning Committee process. There are minor amendments required to the existing protocol a result of 'lessons learnt' and these are highlighted within Appendix 2.



Dyddiad y Pwyllgor	Nifer o Siaradwyr	Nifer o Geisiadau yn Berthnasol i Siarad Cyhoeddus yn y Pwyllgor	Cyfanswm Nifer o Geisiadau ar Agenda'r Pwyllgor	Math - Ymgeisydd	Math – Asiant	Math – Cefnogwr	Math – Gwrthwynebwr Asiant (A)	Ymweliadau Safleoedd yn Deillio o Geisiadau yn Berthnasol i Siarad Cyhoeddus	Penderfyniad i Ohirio Ceisiadau yn Berthnasol i Siarad Cyhoeddus	Penderfyniad yn Groes i Argymhelliad Swyddog (Amser i Feddwl)	Penderfyniad yn Groes i Argymhelliad Swyddog (C) Caniatau (G) Gwrthod
<i>Committee Date</i>	<i>No Speakers</i>	<i>No Applications Subject to Public Speaking at Committee</i>	<i>Total No Applications on Committee Agenda</i>	<i>Type - Applicant</i>	<i>Type - Agent</i>	<i>Type - Supporter</i>	<i>Type – Objector Agent (A)</i>	<i>Site Visits on Applications Subject to Public Speaking</i>	<i>Resolution to Defer Applications Subject to Public Speaking</i>	<i>Resolution Contrary to Officer Recommendation (Cooling Off)</i>	<i>Decision Contrary to Officer Recommendation (C) = Permitted (G) = Refused</i>
07/04/2010	2	1	21	0	1	0	1	0		0	0
05/05/2010	4	3	22	1	2	0	1	0		1 – 34C510J/AD	1 – 34C510J/AD - 2/6/10 (C)
02/06/2010	2	1	20	1	0	0	1(A)	0		0	0
28/07/2010	1	1	13	0	1	0	0	0		1 – 26C100A	1 – 26C100A -1/9/10 (C)
01/09/2010	4	3	8	0	2	1	1(A)	0		0	0
06/10/2010	3	2	16		2		1	1		1 – 34C561B	1 – 34C561B – 1/12/10 (C)
03/11/2010	2	2	19		2			1			
01/12/2010	2	2	33				2			1 – 44C284	1 – 44C284 – 1/12/10 (C)
02/02/2011	1	1	4		1				1		
03/03/2011	1	1	9		1			1 (as per Recommendation)			

**YNYS MON COUNTY COUNCIL  
PROTOCOL ON PUBLIC SPEAKING AT THE PLANNING AND ORDERS COMMITTEE**

**1. INTRODUCTION**

As part of our commitment to openness and transparency, this Authority has adopted a policy of allowing members of the public to address the Planning and Orders Committee when planning applications are being determined.

- 1.1 This protocol explains the procedure by which the public can address the Planning and Orders Committee. The public cannot address the Committee as of right, but at the discretion of the Chair of the Committee and in accordance with the Council's Planning Matters Procedure Rules and the procedures set out below.

- 1.2 **The right to speak only applies to applications submitted after 01/01/2010.**

**2. THE PROCEDURE**

**Pre-Committee Notification of the Public**

- 2.1 The Council's letters acknowledging receipt of applications and notifying neighbours of applications includes reference to the Council's website which details how representations can be made and summarises the procedure by which the public can speak at the Committee.
- 2.2 Persons must write to, e-mail or telephone (followed by e-mail or written confirmation) **the Administrative Assistant - Miss Maureen Guiney on 01248 752407 / [mqxpl@anglesey.gov.uk](mailto:mqxpl@anglesey.gov.uk) or alternatively in her absence a Customer Care Officer on 01248 752428 / [planning@anglesey.gov.uk](mailto:planning@anglesey.gov.uk)** to express a wish to speak or be informed if the application is to go to the Committee so that they can decide later whether to speak. Either way, **the Administrative Assistant** will advise them that the application may not necessarily be determined by Committee.
- 2.3 Requests to speak must be made before the deadline included in the notice to applicants and neighbours and published on the Council's web-site. It is currently **12.00p.m. on the Friday before the Committee meeting**, but may change over time. Speakers will only be allowed to address the Planning Committee when the application of interest first appears on the Agenda (unless the application is recommended by Officers either for a site visit or deferral). If a speaker requests the right to speak when the matter has already been discussed at a previous meeting then:
- They will need to specify a reason for such an extraordinary request
  - That the request goes before the Chair of the Committee for consideration and decision at the Pre-Committee Agenda meeting
  - Where the opportunity to speak has not been taken up previously then in the absence of a compelling reason, the Chair is unlikely to allow this request especially due to the difficulty of making a similar offer to the other party who could speak (applicant or objector as the case may be).

If a request to speak is received after the deadline, the **Administrative Assistant** will make it clear to the member of the public that the Chairman of the Planning Committee may exercise his/her discretion to allow them to speak, but that it will not be possible to confirm this until immediately before the Committee meeting (following confirmation by the Chairman in the pre-Committee Agenda meeting) and that they should ask the **Administrative Assistant** when attending the Committee Meeting.

- 2.4 Persons requesting to speak must be directly affected by the proposed development and (in the case of any dispute the Chairman shall be the final arbiter) allow the Council to give their name and telephone number to others of the same view who subsequently request to speak. This allows them to agree who will speak on the day and the issues to raise, but



should they not reach agreement, the first person to request to speak will normally be allowed to do so. The speaker will also be asked whom they are representing so that this can be indicated on the report to the Committee (e.g. applicant, agent, neighbour, representing neighbours).

- 2.5 If a second person contacts the Council asking to speak, **the Administrative Assistant** will inform him/her that the Council has already received a request and give the name and telephone number of the person concerned so that they can discuss content etc. The second person's name will be retained in case the first person no longer wishes to speak.
- 2.6 The **Administrative Assistant** will log requests to speak on a database.
- 2.7 If the application is decided by the Head of Planning & Public Protection Service under delegated powers the **Administrative Assistant** will ring or e-mails the 'speaker' to inform them of the decision.
- 2.8 When the **Administrative Assistant** assembles the planning applications item of the Committee Agenda she will contact the first person on the list who expressed an interest in speaking, and inform them of:
- the recommendation
  - where the report can be inspected
  - arrangements for attending the Committee (e.g. venue, parking, disabled access, need to report to the Administrative Officer) at 12.30pm
  - not needing to repeat points already reported in the written representations.

If the first person on the list does not wish to speak the **Administrative Assistant** will contact the second person.

- 2.9 It is recognised that the main supporter of an application will usually be the applicant (or agent). On receiving a request from an objector to speak the **Administrative Assistant** will notify the applicant or agent to ascertain if they wish to support the application by speaking in Committee.

### **The Committee Agenda**

- 2.10 The Committee agenda will be re-ordered so that the speakers do not need to sit through the whole agenda.

### **Pre-Committee Chair/Vice-Chair Briefing Meeting**

- 2.11 The **Chair** will consider late requests to speak. He/she will usually exercise his/her discretion to allow a speaker only where there is already one for 'the other side'. Otherwise it would be unfair to those who do not attend because they are aware that no one has requested to speak.

### **Immediately Prior to the Start of the Committee**

- 2.12 At 12.30pm, the **Administrative Assistant** will greet the speakers, explain that the Chair will call them to speak, where to sit, that they have 3 minutes and that the Chair will ask them to return to their seat.
- 2.13 Other people may say that they are speaking instead of the person already agreed with the **Administrative Assistant** and a note will be made of this. There are unlikely to be disputes about this, but if there are, the person already agreed with the **Administrative Assistant** will be called to speak.
- 2.14 **The Chair** will say whether he is prepared to allow the late speakers.
- 2.15 The **Committee Clerk** will inform the late speaker of the Chair's decision.

### **Management of the Committee Meeting**

- 2.16 **The Chair** will welcome the public and explains that following consideration of the minutes, the items for which there are speakers will be heard first.
- 2.17 **The Chair** will inform the public that there are Ward Councillors/Non-Committee Members in the Chamber. This announcement will show the public the different roles performed by the Members in the meeting.
- 2.18 **The Chair** will introduce the application. The details of which will have been fully set out in the officer's report.
- 2.19 **The Chair** will call forward the first speaker against an application. The speaker will sit at the table with the microphone. The speaker will not be permitted to distribute written material, hold placards etc or use videos.
- 2.20 Once the speaker starts, the Administrative Assistant will start a clock that makes a 'beep' audible to all in the room. Once the 3 minutes are up this will make another audible beep.
- 2.21 If the speaker takes more than 3 minutes **the Chair** will usually wait for him/her to finish a sentence and then tactfully says something like 'I'm afraid your 3 minutes are up.' He will not allow them to go over in the interests of fairness, but if they seem to be unfamiliar with the process he may allow them a few seconds more and then allow the speaker 'for' the proposal to have a similar extension of time.
- 2.22 Members will be allowed through the Chair to ask questions to clarify points.
- 2.23 **The Chair** will ask the speaker to return to his/her seat before inviting the speaker 'for' the application to the microphone.
- 2.24 If one of the speakers does not arrive and the remaining speaker is in favour of the officers' recommendation and there is no Ward Member who wishes to speak, the **Chair** will invite proposals to move the recommendation and if this is carried without debate, the speaker will not be invited to speak. If local member has concerns regarding the officer recommendation then the speaker will have an opportunity to speak first of all.
- 2.25 **The Officer** will report on the application under consideration and the recommendation.
- 2.26 **The Chair** will invite the Local Member to speak after the public/applicant/Officer but before discussion by the Committee.
- 2.27 The application will be discussed in the usual manner.
- 2.28 **The Chair** will report the decision to the public.
- 2.29 The **Committee Clerk** will minute who actually spoke at the Committee.

### Reverting to the Main Agenda

- 2.30 Once the items with speakers have been completed consideration will be given to the remainder of the Agenda.

### YNYS MON COUNTY COUNCIL ADDITION TO PLANNING MATTERS PROCEDURE RULES APPROVED ON 11.12.03

#### 4.6.11 PUBLIC SPEAKING

##### Eligibility to Speak

- 4.6.11.1. The planning application concerned must be on the agenda of the Planning and Orders Committee meeting in question. In the event of an application being deferred, public speaking will not be allowed if an opportunity has already been given at a previous Committee meeting when the application has been fully considered. The only exception will be when Officers have recommended at the first meeting that Members visit the site or that the application be deferred for whatever reason.
- 4.6.11.2. Both applicants (or their agents) and objectors (or their agents) can speak and there are no other qualifying criteria other than compliance with the Council's procedure.
- 4.6.11.3. Normally only one person can speak for and one person against an application. Very exceptionally the Chair of the Committee may exercise his/her discretion to allow one additional speaker per 'side'. This discretion will usually only be exercised for major applications where there are significant differences of view within one 'side' (e.g. two people speaking against an application for a large supermarket where one represents the views of retailers and the other the views of nearby residents). In such cases the 'other side' will be allowed 2 speakers or twice the normal time, if they wish to use it.
- 4.6.11.4. Anyone requesting to speak must allow the Council to give their name and contact number to other people (of the same view) wishing to speak so that they can agree on a spokesperson, the issue to raise, etc. If they cannot agree, the first person who notified the Council of his/her intention to speak will normally be chosen to speak.
- 4.6.11.5. Requests to speak must be made to the Administrative Assistant in the Planning Department before the deadline referred to in the notification letters sent to applicants and neighbours.

##### Time allowed to Speak

- 4.6.11.6. The spokesperson will be allowed **up to 3 minutes** to address the Committee.

##### Visual Aids

- 4.6.11.7. The spokesperson may not circulate or display written material in the Committee meeting. Any written representations should have been submitted to the Council during the statutory publicity period and will be summarised in the Officer's report.

##### Procedure

- 4.6.11.8. The procedure for public speaking at Committee is described in the appropriate documents.