

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY 21ST OCTOBER 2021
title: PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT COMMITTEE
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
principal author: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1 PURPOSE

1.1 The purpose of this report is for Members of the Planning and Development Committee to determine whether to retain the present public speaking system or seek to amend the system.

1.2 Relevance to the Council's ambitions and priorities:

- Community Ambitions-
 - To be a well-managed Council providing efficient services based on identified customer needs;
- Corporate Objectives –
 - To engage with all our communities to ensure we deliver services to meet customer needs and expectations
 - To seek to continually improve, ensuring that council services are fit for purpose and customer focused
 - To continue to be a responsive Council meeting the needs of the people who live, work and visit the borough

2 BACKGROUND

2.1 Ribble Valley Borough Council allows a maximum of two speakers to speak on each planning application presented to Planning and Development Committee in accordance with the Council's Standing Orders. The two speakers permitted to speak are as follows:

- One will be the applicant/agent, the other an objector
- If the Parish Council is the objector, they will have first refusal on the right to speak
- If the Parish Council do not wish to speak, the Council will accept the first person to register as an objector
- The applicant/agent will speak first and the objector second
- With reference to rule 1 – residents of Ribble Valley. This rule is waived to accommodate representatives of applicants/objectors from outside the Ribble Valley to participate
- Officers and members other than the Chairman cannot question the speaker. In exceptional circumstances the Chairman may ask an applicant and/or objector to clarify a matter of fact. If this happens, the applicant and /or objector must confine themselves to giving a direct answer to the question
- Officers will not be required to answer questions raised, but will do so if a member of the committee so requests
- No paperwork/plans/photographs will be allowed to be circulated by the applicant/agent or objector at the meeting. The onus is on the applicant/agent and/or objector to do this in advance of the date of the meeting if they wish the members of the planning and development committee to consider information other than that which is contained in the agenda papers.

2.2 Some Members of the Council have queried whether the current speaking rights are sufficient to enable the public to fully participate within the planning process. The following concerns/ suggestions have been raised:

- The other Lancashire Authorities allow more people to speak
- Whilst representations can be done in writing these are paraphrased within reports- not democratic
- Not all items on the agenda attract speakers and as such the meetings won't be any longer
- Suggest up to 3 speakers allowed on either side inclusive of the parish council and applicant /agent.
- Parish Councils should have the opportunity to object as a group, independently of an individual.
- Planning issues seriously affect communities, and they need to be convinced that they have been given a fair hearing and that all the issues have been fully considered.
- Allowing 3 speakers a total of 9 minutes, plus allowing a Parish Council a five-minute slot would result in a fairer, more considered result.
- This ought to be put out to Public Consultation with an Opinion Poll conducted to ascertain whether members of the public think our speaking rights and times are inadequate or adequate and what they feel is acceptable.

2.3 However other Members of the Council consider that the current speaking rights meet the needs of our residents and communities and are suitable for Planning and Development Committee. Comments made include:

- Appreciate the reasons for extending the three-minute rule, if we alter this surely there will be a consequence of reducing the number of items able to be considered at a committee, thus causing further delays in planning decisions?
- Will move from detailed and succinct presentations to a repeat of the same points from various speakers.
- People should be concise and be able to get across key points in the time allowed.
- Support discretion by the Chair
- The answer is not to give more time but to encourage people to focus on the points
- Planning is a regulatory committee
- Members of the public would be entitled to speak in any public participation 'slot' in any meeting of the Planning Committee or Full Council.
- Analysed objections received for 3 contentious apps; this shows that:
 - App 1- Out of 43 objections from 10 objectors: 80% (8) had same objection; followed by 70% (7) then 50% (5)
 - App 2-38 objections from 10 objectors: 90% (9); 80% (8); 60% (6)
 - App 3- 46 objection from 18 objectors: 89% (16); 67% (12); 44% (8)
- If more speakers were allowed, then Committee would sit through the same submissions several times.
- The current facility for anyone to submit their views and the fact that the submitted written objections are on the website for all Committee members to read- see no need for change.
- There may be a case for the parish council and one other speaker to be allowed but to be equitable, in that case, the PC should be allowed to either support or object to the application.

3 COMPARISION WITH OTHER COUNCILS

3.1 Several of the comments which have been made compare our speaking rights with the speaking rights which are granted at the other Lancashire Authorities in respect of their Planning Committees. The attached table (Appendix 1) sets out what each of the other Lancashire Authorities allow.

3.2 Members will note that a time period of 3 minutes is not unusual across the County and whilst some authorities allow longer the majority allow three minutes, it is considered that a 3 minute time period allows for a succinct presentation. The difference between Ribble Valley and other authorities is the number of people permitted to address the Committee.

3.3 It is also important to note that several other Authorities have daytime meetings, these are highlighted within the attached table, which allows a longer time for the meetings to take place.

3.4 Members should note that Pendle Borough Council have 5 Area Committees as opposed to one Planning Committee for the whole of the borough. This procedure results in shorter agendas. Lancashire County Council allows a lot of speakers however on some of the County significant schemes they will deal with the speakers are likely to have varying views on the impacts of the development, hence lack of repetition between speakers at Committee.

4 CURRENT STANDING ORDERS

4.1 The current public speaking rights at Planning and Development Committee encourages interested parties to group together to ensure that all the points are presented to Members in a concise manner which enables the Members of the Committee to understand the areas of concern.

4.2 It is very rare that more than a handful of public speakers have unique insights on an application. More often several public speakers will share the same concerns and objections. The Members of the Planning and Development Committee are experienced in understanding and weighing points made by public speakers and the strength of local feeling without needing to hear from each affected person.

4.3 Several Lancashire Councils, who allow more than one speaker, caveat that with a requirement of no repetition from the speakers, several Authorities also do not allow speakers to address the committee again if the application is deferred to a subsequent Committee. This supports the current position at RVBC in that if more than one person requests to speak they are advised to group together to put all the concerns to Members in a concise manner ensuring there is no repetition with multiple speakers.

5 POSSIBLE CHANGES

5.1 Whilst the current speaking rights are suitable for the Planning and Development Committees at Ribble Valley Council there are a number of matters that Members may wish to consider as part of reviewing the current public speaking rights. The list below is not exhaustive, but highlights some of the main differences between us and some of the other Lancashire Authorities:

- Amending the number of speakers for and against the proposed development.
- Whether applicants or their nominated agents should only be able to address Committee if objectors have requested to speak.
- That if Members do elect to amend the current arrangements, whether there should be separate arrangements for strategic, major development proposals (i.e. an extended timescale of, for example, 5 minutes for objectors and 5 minutes for supporters). However, it is important to note that currently, in the event of a significant Borough wide scheme within the Borough, such as the Haweswater Aqueduct, the Chair can use his/her discretion to allow more than one speaker if a lot of varying views are expressed.

- Grant the Parish/ Town Council a separate speaking slot. This change would enable the Parish/Town Council to speak in favour or against the development on behalf of their residents in addition to residents/ agent/ applicant addressing the Committee. It is however important to note that where the Parish/ Town Councils have requested to speak historically this is generally in opposition to the development which would effectively allow two parties to speak against the development. A 3-minute speaking slot would be suggested to reflect the objectors/ supporters allotted time.
- Only permit speakers to address Committee once, i.e. if an item is deferred to a subsequent Committee the same speakers cannot address the Committee again when the matter is reconsidered, unless new matters are brought to light.

5.2 The Committee are requested to consider the possible changes in Paragraph 5.1 of this report, to determine whether there is support for amending the current provisions. The options for Members are:

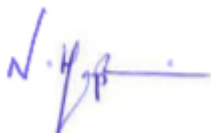
- Option 1 – Maintain the current Public Speaking system; or,
- Option 2 – Seek to amend the current system by recommending changes to one or more of the items referred to in paragraph 5.1 of this report; or,
- Option 3 - Resolve to leave public speaking matters to the Chairman on a case-by case basis.

5.3 It is considered that Option 3 would be problematic. For example, there could be allegations of inconsistency on different applications by allowing more speakers to speak on one item than another. Considerable pressure can be applied “on the day” when large numbers of people are present at meetings. This option is not recommended.

6 RECOMMENDATION

6.1 Members of the Planning and Development Committee determine whether to retain the present public speaking system or seek to amend the system.

6.2 If Members elect to amend the system, a draft amended scheme be considered at a future meeting of this Committee, for subsequent referral Full Council with a recommendation to amend the Standing Orders.



NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Local Authority	Committee	Time/ Day	Number of people permitted to speak in favour	Time limit	Number of people permitted to speak against	Time Limit	Parish/ Town Council participation	Ward/ County Councillors participation	Clarification questions
Rossendale	Development Control Committee	6.30pm Tuesday	One	3 minutes	One	3 minutes	N/A	Yes- 5 minutes	Yes
Lancaster	Planning Committee	10.30am Monday	one speaker per address/household/group	3 minutes	one speaker per address/household/group	3 minutes	N/A	Yes- 3 minutes	No The Applicant/agent/representative can register to speak if an objector has registered to speak
Chorley	Planning Committee	6.30pm Tuesday	One	3 minutes	One	3 minutes	Yes- 3 minutes	Yes- 5 minutes	No
Pendle	Area Committees	7pm (days vary)	No limit	5 minutes	No limit	5 minutes	N/A	N/A	Yes
Wyre	Planning Committee	2pm Wednesday	Four plus the applicant	3 minutes	Four	3 minutes	Yes- 3 minutes	Yes- 3 minutes	Yes
Fylde	Planning Committee	10am Wednesday	one speaker from each household (unless the application is recommended for approval)	3 minutes	one speaker from each household	3 minutes	Yes- 3 minutes	Yes- no limit (unless they have a prejudicial interest)	No although the applicant has an automatic right of reply where a public speaker has registered to speak in objection to the application Speakers can only address the Committee once and cannot speak again if the application is deferred
West Lancs	Planning Committee	7pm Thursday	One- the applicant or his/her representative but only where it has been agreed that a third party objecting to the proposal may speak.	3 minutes	Any person notified and written in objection- Chairs discretion how many can speak if more than one registers	3 minutes	Yes- 3 minutes	No	Yes Speakers can only address the Committee once and cannot speak again if the application is deferred
South Ribble	Planning Committee	6pm Thursday	Five plus the applicant	4 minutes	Five	4 minutes	No	Yes	No
Burnley	Development Control Committee	6.30pm Thursday	If more than one person registers to speak Chairs discretion to either limit to one person or reduced period of time so that not more than 10 minutes is taken up by speakers on that issue.	5 minutes	If more than one person registers to speak Chairs discretion to either limit to one person or reduced period of time so that not more than 10 minutes is taken up by speakers on that issue.	5 minutes	Unclear	Unclear	No
Hyndburn	Planning Committee	3pm/ 3.30pm (days vary)	One (two for major applications)	5 minutes	One (two for major applications)	5 minutes	Yes- 5 minutes	Yes- 5 minutes	No
Blackpool	Planning Committee	6pm Tuesday	One (Chair can increase the number of speakers however the 7-minute time limit will then be split between speakers)	7 minutes	One (Chair can increase the number of speakers however the 7-minute time limit will then be split between speakers)	7 minutes	N/A	Yes- 7 minutes	Yes
Blackburn with Darwen	Planning and Highways Committee	6.30pm Thursday	One	3 minutes	One	3 minutes	N/A	Yes- 3 minutes	No
Lancashire	Development Control Committee	10.30am Wednesday	Maximum of fifteen (one per household)	3 minutes	Maximum of fifteen (one per household)	3 minutes	Yes- 3 minutes (included within the maximum of 30 speakers)	Yes- 3 minutes (included within the maximum of 30 speakers)	No Speakers can only address the Committee once and cannot speak again if the application is deferred