

Protocol on Making Representations

Direct to Planning Committee

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Introduction

Stafford Borough Council is committed to extending the level of involvement of the public in the operation of its Planning Committee.

For the avoidance of doubt, making representations direct to Committee DOES NOT include speaking in connection with:-

- (a) planning enforcement matters
- (b) proposed litigation
- (c) financial interests or other Member interests
- (d) matters delegated to Officers of the Council

In addition there is no right to make representations on reports which are included on the closed part of the agenda; namely matters which are exempt from public disclosure as provided by the Local Government (Access to Information) Act 1985 or successor legislation.

This Protocol therefore sets out the broad parameters within which “public speaking” (making representations direct) may take place at Stafford Borough Council’s Planning Committee in connection with planning applications being considered by the Committee. Please note the provisions of Paragraph 1 of the Procedure Rules for Major Applications and that those Procedure Rules apply to all large scale major applications (LSMs) and such other major applications as the Head of Development, in consultation with the Chairman, consider appropriate.

1 Who can speak?

An objector is anyone who has submitted written representations objecting to the proposal.

A supporter is the applicant or anyone else who wishes planning permission to be granted for a particular proposal.

For the avoidance of doubt, where Officers recommend refusal of a planning application someone who originally objected to the proposal continues to be classed as an objector. Also for the avoidance of doubt the right to speak at Planning Committee is for the benefit of the public.

One objector and one supporter may make oral representations to the Planning Committee on a proposal under consideration, provided that in the case of an objector, they have first submitted written comments during the processing of the application. If the person wishing to make oral representations to the Planning Committee is unable to attend the meeting, that person may nominate another member of the public to speak on their behalf.

Speakers are registered on a ‘first come - first served’ basis, and may not be registered until the agenda for the meeting in question has been published.

If there is more than one request to speak by either an objector or a supporter the Council will ask them to agree one person to speak on behalf of all objectors or supporters. If agreement cannot be reached the person who submitted the first request will be allowed to speak.

No legal representatives will be permitted to speak.

Failure to take up the right to make oral representations by any party and for whatever reason will not preclude the Committee from making a decision on the planning application at a meeting.

2 How long does each speaker have?

(a) Ordinary Applications

Each speaker will have a maximum time limit of 3 minutes. The Chairman of the Planning Committee may at their absolute discretion, and in exceptional circumstances, extend this time limit.

The representative of Democratic Services will adopt the role of timekeeper, notifying the speaker after 2 minutes of the time elapsed.

At the end of the 3 minutes, the speaker will be instructed by the Chairman to cease and no further oral representations by that speaker will be allowed.

(b) Large Scale Major Applications

Where the Committee is considering a Large scale Major application at a Special Planning Committee convened for that purpose, the following will apply in substitution for paragraph 2 (a):-

At the meeting the time limit for the applicant and objectors to address the Committee will be extended to 10 minutes. This time may be split between more than one speaker providing the total time of 10 minutes is not exceeded. The applicant and objector will be allowed to make a presentation to the Committee as part of the address. The presentation must not introduce new material that has not been submitted as part of the planning application or public consultation exercise and the materials to be used must be submitted to the Development Manager (planning@staffordbc.gov.uk) at least 2 working days before the Committee meeting.

Following an address by the applicant or objector the Committee may ask questions of clarification only through the Chairman.

3 When will speaking occur during the meeting?

After the Chairman introduces the agenda item and an Officer describes the proposal, BUT before any Member debate into the planning merits of the matter under consideration, public speaking will commence. The order of speaking will be:-

- 1 The Objector
- 2 The Supporter

The Committee will then debate and determine the application.

4 Notification of Intention to Speak

Normally Planning Committee meetings are held every 3 weeks. The agenda for forthcoming meetings are published on the Council's website a week in advance. The Committee will normally consider the application within 8 weeks of the date the application is registered, although this may be longer for larger applications. You are responsible for checking the website, or phoning the Council to find out when the application is to be considered.

If you wish to make oral representations to the Committee you must then make a request either by letter, fax, email or by telephoning Democratic Services BEFORE 5.00 pm on the Monday preceding the Wednesday Planning Committee. Where there is a Bank or Public Holiday in the intervening period the request must be received by 4.00 pm on the last working day before the Bank or Public Holiday.

The person making the request will be expected to give a telephone number so that other persons requesting to speak can contact them to agree who is going to be nominated to speak.

5 Procedure Following Receipt of Request to Speak

Democratic Services will notify you of whether your request to speak was successful and will add your name to a list to be placed before the Committee. The Committee normally meets at 6.30pm so you will need to report to the venue of the Committee meeting by no later than 6.15pm on the day of the Committee. If you are likely to be delayed then please contact Democratic Services BEFORE 5.00pm or you may lose your opportunity to speak to the Committee.

6 Conduct of Speakers

Stafford Borough Council will provide information and advice in writing in the form of an explanatory leaflet or on its web site to any party wishing to make representations to the Planning Committee.

Oral representation can only be made to the Planning Committee if what is said falls within the following categories:-

- The representations are relevant to town and country planning considerations affecting the application.
- The representations are directly relevant to the particular application.
- The representations are a statement of fact (even though they may be based on subjective evidence).
- The representations are a statement of personal/professional opinion. If it is personal opinion of the speaker or someone else this must be stated. If it is the speakers or someone else's professional opinion, again this must be stated.

The Chairman will have the discretion to interject if the speaker departs from the four criteria. Any representation considered by the Chairman deemed to be defamatory, offensive or to relate to an individual officer or Member will not be permitted and the speaker will be informed accordingly.

No facilities for presentations (eg overhead projectors/PowerPoint) may be used and no photographic or written material may be handed to the Committee.

All speakers are encouraged to write down the points they want to make so that they can read out during their allotted time.

During presentations, speakers must conduct themselves in an orderly manner or they will be asked to leave the meeting.

The Chairman has the last say on any matter and can refuse to allow a speaker to continue at any time if they consider fit.

7 Will I be questioned and can I ask questions?

Any party making oral representations may be asked questions of clarification through the Chairman of the Committee at the request of any Member of the Committee or an Officer of the Council, but will not otherwise be subject to questions.

Speakers will not be permitted to question any other speaker, Officer or Member present at the Committee meeting nor will they be allowed to interject anyone or speak again for whatever reason.

8 Items which reach the Planning Committee but are then deferred before a decision is made

The Planning Committee may wish to defer consideration of a planning application to either seek further clarification/information from the applicant or to visit the site. When the matter is reported back to Committee the order of business will remain as set out in Paragraphs 3 and 4 above. For the avoidance of doubt this means that the same speakers will be allowed to speak again but will first need to contact the Council to notify it of their intention to do so. If the speaker is unavailable on the deferred date they may nominate a substitute to speak on their behalf.

9 Can I submit written material as part of the public speaking process?

No written statements may be introduced or circulated at the meeting in addition to any oral representations. Written statements submitted, as a substitute to oral representations, will not be accepted.

10 Will my previous written representations be taken into account by the Committee?

All written representations received by Stafford Borough Council will be reported to Planning Committee and taken into account when the Committee determines any proposal.