

Report of Chief Planning Officer

Report to Joint Plans Panel

Date: 28 January 2016

Subject: Public Speaking protocol

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	☒ No

Summary of main issues

1. The Council has made provision for public speaking on planning applications at the Plans Panels for a number of years; this is to provide the opportunity for parties, irrespective of their stance on a development to share their views, prior to the formal decision being made.
2. In 2013, further provisions were brought in allowing speaking on pre-application presentations; however a review of how this is working has not been undertaken for some time.
3. Recently at the North and East Plans Panel, an issue arose which highlighted that other types of items, requiring a decision, on Panel agendas are not currently covered by the public speaking protocol. In order to maintain transparency and probity in dealing with matters at Panel meetings, the service felt this needed addressing in terms of adopting a consistent approach, whilst at the same time, taking the opportunity to review the whole of the protocol.
4. The responsibility for making changes to the protocol lies with the Joint Plans Panel. Historically, the Joint Member Officer Working Group (JMOWG), a cross party group including the three Panel Chairs, has undertaken work on behalf of the Joint Plans Panel reviewing codes, protocols and other governance documents, for the final consideration by the Joint Plans Panel. Consequently, JMOWG met in December

2015 and recommend a number of changes to the protocol in the context of expeditious decision making,

Recommendations

5. Members are recommended to note the report and to endorse the revisions made to the Protocol for Public Speaking.

1 Purpose of this report

- 1.1 This report is presented to the Joint Plans Panel to consider the recommended amendments to the public speaking protocol.

2 Background information

- 2.1 It is generally considered good practice to provide the opportunity for objectors and supporters to address a planning committee; it provides the chance for people to feel more involved in the decision making process by being able to describe and share their concerns before a decision is taken.
- 2.2 Public speaking at the Plans Panels has been a feature of the decision making process in Leeds for a number of years and the Council has adopted a *Public Speaking Protocol*, which is within part 5, Codes and Protocols of the Council's Constitution. The current public speaking protocol is attached as appendix 1.
- 2.3 Over time, new provisions have been inserted into the protocol; the last significant changes were made in 2013, where public speaking arrangements were made for pre-application presentations, with both the applicant and a ward member or their nominated community representative having the opportunity to address the Panel.
- 2.4 The responsibility for the protocol lies with Joint Plans Panel. The Joint Member Officer Working Group (JMOWG), a cross party group comprising Panel Chairs and the Executive Member for Regeneration, Transport and Planning, has traditionally been the conduit for reviewing protocols, codes and guides and making recommendations for the consideration of the Joint Plans Panel.
- 2.5 The JMOWG met in December 2015 and following a review of the public speaking protocol, made a number of recommended changes to ensure continued transparency, probity and equity for all parties in the Plans Panel process.

3 Main issues

- 3.1 The proposed amended public speaking protocol is included as appendix 2. There are three main areas where changes to the public speaking protocol are recommended:

- Matters for determination
- Pre-application presentations
- Position statements

3.2 Matters for determination/ decision

- 3.2.1 On matters before the panel for determination, the protocol currently allows speakers to address the Panel for a maximum of three minutes. This time can be for one or more speakers. Whilst three minutes is largely satisfactory for a single speaker, often there are two people who wish to speak and members felt 1 ½ minutes was not adequate in order for people to get their points across. It is recommended to increase the time allowed to a maximum of four minutes,

irrespective of the number of speakers. The increase to four minutes was felt by the Working Group to strike the right balance between providing a fair amount of time for representations to be made, whilst being mindful of the need to ensure the efficient and timely conduct of the business of the meeting. The increase in time may also potentially remove the need for the Chair to allow extended times or numbers speaking. This is important as extended times risk unfairness if not evenly applied.

- 3.2.2 Connected, but outside of the protocol, the purpose of addressing the Plans Panel will be articulated more clearly in the guidance notes provided to potential speakers; that it is not to seek to explain all points expressed, but to emphasise important points before a decision is taken.
- 3.2.3 The recent issue at North and East Panel was in relation to an enforcement case, and the matter of public speaking on the item was raised. Currently the protocol covers speaking on applications for determination but does not include other matters such as enforcement issues where members may be asked to make a decision. It is therefore recommended to make amendments to the public speaking protocol to allow speaking on *any* matter where a decision is required.
- 3.2.4 For the sake of consistency, it is recommended to use the same time limits as applications for determination, that is, four minutes.

3.3 Pre-application presentations

- 3.3.1 New provisions inserted in to the protocol in 2013 allowing public speaking on pre-application presentations have largely been working well. The changes were made to ensure there was fairness and balance in the process, allowing opposition or objectors to speak as well as the applicants. The protocol currently allows applicants and a ward member or their nominated community representative 15 minutes respectively to address the panel about the emerging proposal. Anecdotally members and officers feel that often presentations lasting 15 minutes have been too long and repetitive. It is therefore recommended to reduce this time to a maximum of 10 minutes and refocus the developer presentation on a summary of the main issues, discussion of CIL/ S106 (if known at the time) and importantly cover issues relating to community involvement and engagement.

3.4 Position statements

- 3.4.1 Position statements have been a feature of the planning process in Leeds for a number of years as part of the three phase process- pre-application, position statement and final determination. The purpose of position statements is to give members an update on progress or provide the opportunity for a steer to be given on the largest or most complex schemes. Currently there is no speaking on these items; position statements are for information only and no decision will be taken. However, as a mechanism for gaining as much up to date information about the scheme as possible, speaking would be useful addition. In the interests of fairness and balance, the speaking opportunity will be for both the applicant and objectors. It is therefore recommended that a total of four minutes each is given to the applicant and a member of the local community to address the panel.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.2 The Joint Member Officer Working Group, a cross party group of members, comprising the Plans Panel Chairs, Development Plans Panel Chair, Executive Board Member and representatives from the other political parties have been fully engaged in developing of the changes recommended to the protocol.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no specific equality considerations arising from this report. The additional speaking provisions provide the opportunity for increased participation in the planning process.

4.3 Council policies and the Best Council Plan

- 4.4 The effective and expedient determination of planning applications contributes to the overall prosperity of the City and plays a key part in the regeneration and growth agenda.

4.5 Resources and value for money

- 4.5.1 There are no specific implications arising from this report. However, measures are being taken to ensure that the service is delivered within the present financial climate and close monitoring occurs of the budget.

4.6 Legal Implications, Access to Information and Call In

- 4.6.1 There are no specific legal implications and this report does not relate to a key or major decision.

4.7 Risk Management

- 4.7.1 There are a number of risks associated with the decision making process which are both financial and reputational. The measures outlined in the report seek to minimise the risk of challenge on the grounds of unfairness or bias.

5 Conclusions

- 5.1 These recommended provisions to the protocol will provide opportunity for additional participation in the planning process, which is an important in making communities feel involved in the planning process.
- 5.2 The proposed changes continue to ensure that there is equal time to those wishing to speak for or against a proposal to ensure fairness. It is important to place a limit on the time available to avoid excessively lengthy meetings, running the risk of affecting the quality of decision making.
- 5.3 It is hoped that the reduction in time for pre-application presentations will result in a more focussed presentation, with the emphasis on specific issues and community engagement.

6 Recommendations

- 6.1 Members are recommended to note the report and to endorse the revisions made to the Protocol for Public Speaking.

7 Background documents¹

7.1 Leeds City Council Public Speaking Protocol.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Protocol for public speaking at the Plans Panels (2013)
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1 Introduction

- 1.1 This Protocol sets out the procedures to allow public speaking at the meetings of the Plans Panels. It has been amended to reflect the changes to the Members Code of Conduct, the provisions in the Localism Act and changes to the Plans Panel arrangements in 2012, allowing greater community and ward member participation at the Plans Panel meetings.
- 1.2 Subject to the exceptions below public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Panel not to accept the Chief Planning Officer's recommendation.

2 Procedures

2.1 Pre-application presentations

- 2.1.1 Pre- application presentations are a valuable part of the planning process and allow information to be shared at an early stage, proposals to be altered and amended prior to the submission of a formal application and for applicants to take on board comments from Ward Members and representatives from the local community.
- 2.1.2 Agents or applicants have the opportunity to present their proposal to the Plans Panel for a maximum of 15 minutes. The *Protocol for pre-application presentations at Plans Panel meetings*² sets out the formal process of the pre-application presentation to the plans panels.
- 2.1.3 A Ward Member or a community representative may then address the panel on giving notice of their intention to speak to the Chief Planning Officer by no later than 5pm on the Tuesday before the Panel meeting. Speakers should register before the panel meeting begins, with a member of staff who will be inside the meeting room.
- 2.1.4 A Ward Member or a community representative will be allowed to speak for a maximum of 15 minutes following the developer/ applicant presentation. Where there is more than one speaker, the time may be shared.
- 2.1.5 At this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.

² Leeds City Council Protocol for pre-application presentations at the plans panels, 2010

2.2 Determination

- 2.2.1 Applicants, supporters and objectors to an application or other form of application or consent before the Panel for determination will normally be allowed to speak to the Panel, subject to the details of the procedure set out below and on giving notice of their wish to do so to the Chief Planning Officer by no later than 5.00pm on the Tuesday immediately preceding the Panel.
- 2.2.2 Applicants, supporters or objectors will have a maximum of three minutes to address the Panel.
- 2.2.3 In the event of more than one applicant, supporter or objector wishing to speak, a spokesperson should be nominated. However, at the discretion of the Chair more than one speaker for each side may be allowed, provided that the total presentation does not exceed the three minute time limit.
- 2.2.4 Where an application is recommended for approval, objectors to an application will be invited to speak first. Members of the Panel may ask questions and seek clarification of any point arising. The applicant or supporters will then have the right to reply after which Members of the Panel may ask questions and seek clarification of any points arising.
- 2.2.5 Where an application is recommended for refusal, the objector will only be allowed to speak if the applicant or supporter has registered their intention to address the Panel, except in circumstances outlined in paragraph 2.2.7. The objector will be invited to speak first and Members of the Panel may ask questions and seek clarification of any points arising. The applicant then has the right to reply and Members of the Panel may then ask questions to seek clarification.
- 2.2.6 The applicant, supporter and objectors shall take no further part in the Panel debate but may answer questions of fact put by the Chair to clarify matters arising during the debate.
- 2.2.7 If the applicant or supporters do not speak in relation to an application recommended for refusal the objectors will not normally be invited to speak unless, in the Chair's opinion, the Panel is likely to move approval against the Officer recommendation.
- 2.2.8 If no objector wishes to speak to an application for approval, the applicant or supporter will not normally be invited to speak unless, in the Chair's opinion, the Panel are likely to move refusal against the officer recommendation.
- 2.2.9 In the circumstances where the officer's recommendation of approval is not accepted by Panel and the applicant or supporters have not been given an opportunity to speak, they shall be given the opportunity to address the Panel for up to three minutes when detailed reasons for refusal are reported. Members of the Panel may then ask questions and seek clarification of any point arising.

- 2.2.10 In the circumstances where the officer's recommendation of refusal is not accepted by Panel and the objectors have not been given the opportunity to speak they shall be given an opportunity to address the Panel for up to three minutes when detailed reasons for approval are reported. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.2.11 For the avoidance of doubt applicants, supporters or objectors will only be entitled to address the Panel on one occasion unless, in the opinion of the Chair, significant new information has been produced raising new material planning considerations. In these circumstances, speakers should only speak about new matters or the amended details, not about matters which have been previously considered by the Panel.

3 Passing around of information

- 3.1 The circulation of materials will not normally be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new information. Members of the Panel will not be able to give proper consideration of any issues raised in the material.

4 Members of Plans Panel

- 4.1 A Member of the Plans Panel having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting (if it is already included on the Register of Interests) and may not participate in the discussion or vote on the matter and must leave the room.
- 4.2 No Members with a disclosable pecuniary interest (whether they are a member of the Plans Panel or not) is entitled to address the panel in accordance with the terms of this protocol for public speaking.

5 Review

- 5.1 This Protocol may be reviewed, revised or revoked by a joint meeting of the Plans Panel at any time.

1 Introduction

- 1.1 This Protocol sets out the procedures to allow public speaking at the meetings of the Plans Panels.
- 1.2 Subject to the exceptions below public speaking does not apply where Members are considering a report for information or where Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Panel not to accept the Chief Planning Officer's recommendation.

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2.2 Position Statements

- 2.2.1 Position statements are part of the three phase process for determination of a planning application usually on large, complex or sensitive schemes and are brought to provide an update to the Panel. Position statements are provided for information and no decisions will be taken by the Plans Panel at this stage.
- 2.2.2 Applicants or agents have the opportunity to speak on the information provided in the Position Statement for a maximum of four minutes.
- 2.2.3 Objectors to the proposal may then address the Panel for a maximum of four minutes.

2.3 Matters for determination or other matters requiring a decision

- 2.3.1 Applicants, supporters and objectors to an application or other form of consent before the Panel for determination or other matter requiring a decision, will normally be allowed to speak to the Panel, subject to the details of the procedure set out below and on giving notice of their wish to do so to the Chief Planning Officer by no later than 5.00pm on the Tuesday immediately preceding the Panel.
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