

## Procedure for Speaking at the Planning Control Committee

### 1) Scope of scheme – general

- 1.1) This scheme covers the public (which includes the applicant/ agent), and generally non-Members of the Planning Control Committee (the “Committee”), who are District Councillors, and their right to speak at the Committee. It does not cover Members of the Committee, other than those, who have successfully requested that the application be determined by the Committee (“call-in” or “called-in”) and / or are acting as the Ward Advocate<sup>1</sup>, or nominating someone to act as Ward Advocate, and do not then sit on the Committee that determines the application. It does not cover Officers (Council/ or e.g. Highways Officers).
- 1.2) Only those members of the public and Members of Council, who are required to register/have permission or agreed to share speaking time on a planning application at the Planning Control Committee (‘Committee’) meeting (please see 2 below), can do so.
- 1.3) The scheme applies to applications, made under the Town and Country Planning, Listed Building and Conservation Area Acts and related legislation, which are the subject of a written report to a particular Committee meeting, and not to those applications which are determined under officer delegation.
- 1.4) Anyone addressing the Committee will need to have made written representations during the consultation and base your comments on issues which are material planning considerations relevant to the application. There is no set list, although some examples of material planning considerations may include:
  - design, appearance, and materials
  - environmental impact of the development
  - any policy in the Council’s Local Development Framework / relevant Local Plan
  - any policy in an applicable Neighbourhood Plan
  - Government planning policy guidance, circulars, orders and statutory instruments.

#### *Issues that cannot be considered by the Committee:*

Boundary disputes, private rights of way, private covenants or agreements, the applicant’s conduct, private affairs or how a business is run, the applicant’s motives (including profit), the impact on property values, suspected further development, loss of views over other people’s land or land ownership.

- 1.5) The scheme speakers are divided into “group(s)”:
  - **Objectors** – a maximum of three persons against approval of the application, the speaking time will be allocated on a first-come-first-served basis, and the right to address the Committee is confined to persons who have previously made written representations on the application (either as an individual or as part of a consulted group during the consultation) and registered to speak.
  - **Member** - who called-in the application (under section 8.4.5(c)(iii) of the Constitution), and Objector: Ward Advocate/ other Member, who is able to register and speak under 6.2 below.
  - **Supporters** – a maximum of three persons in favour of approval of the application and the right to address the Committee is confined to persons who have

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<sup>1</sup> See Constitution definition section 2.2

previously made written representations on the application (either as an individual or as part of a consulted groups during the consultation) and registered to speak.

- **Supporter Member/ Ward Advocate** – Supporter(s) who are able to register and speak under 6.2 below.
  - **Applicant/ Agent or Representative** – registered to speak for the planning application.
- 1.6) In all cases, where more than one person has registered to speak within a group, it is strongly recommended that one individual is nominated to address the Committee to make effective use of the allocated time. However, no more than two elected Members may speak in a group or three members of the public may speak as a group on an application.
- 1.7) The time allocated to each group of speakers is 5 minutes, other than Objector and Supporter (members of the public). Where more than one person *from those two groups*, has registered, that group may have to 9 minutes (if up to three members of the public have registered and each having 3 minutes). If two have registered, it will be up to 6 minutes (3 minutes each) and if one, this will be 5 minutes. This time limit is strictly adhered to.
- 1.8) In the case of a Major application<sup>2</sup> or being of significant public interest, the Chair may agree to extend the speaking time allocated to each “group” to a maximum of 10 minutes. Any request to extend the speaking time **should be made to the Chair in writing by 5pm, three clear working days prior to the meeting date**. The Committee, Member & Scrutiny Team will be advised/ and then advise all registered speakers of the extension. Any agreed extension of time shall be offered to all registered speakers.
- 1.9) Please note, any speech should be about the planning application – not about the applicant, agent, officers or Members. When speaking, it should be respectful and in a civil manner. The Council will not allow any inappropriate (discriminatory, offensive, or defamatory) comments about any party. Those engaging in the above, will be instructed to cease by the Chair. The Chair also has discretion to suspend a meeting for the purpose of maintaining order.
- 1.10) Persons addressing the Committee should not expect questions to be answered by the Chair, Members or Officers (unless 1.13 below applies).
- 1.11) Points of clarification may be asked by Members of the Committee, which relate to points raised during the public / Member presentation.
- 1.12) Any queries regarding the content of the Officer’s report should be raised by the public or non-Members of the Committee, in advance of the meeting with the Planning Officer directly by no later than midday of the meeting, so a suitable response can be provided at the meeting, if appropriate, in material planning terms.
- 1.13) Those under 1.2 above, wishing to speak at a meeting will be required to attend in person at the Council Chamber, District Council Offices, Gernon Road, Letchworth, SG6 3JF, or wherever the meeting is being held.

## 2) Registration Process

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<sup>2</sup> As defined under the Town and Country Planning (Development Management Procedure) (England) Order 2015, or replacement legislation

- 2.1) Persons (public or Member\*) will only be allowed to address the Committee if they have registered by **5pm the day before the meeting**, but not before the agenda for the meeting has been published (i.e. no later than 5 clear working days before the meeting). If requests are made before the agenda has been published, these persons will be advised that they will need to make contact after the publication of the agenda.
- 2.2) Registration requests should be made to [Committee.Services@north-herts.gov.uk](mailto:Committee.Services@north-herts.gov.uk) in the first instance. Alternatively by phone 01462 474655.
- 2.3) Anyone registering should confirm if their details can be appropriately shared with others within the relevant group (see 1.5), to avoid duplication of representations. This requirement does not apply to Members – whose Council contact details are available. The Committee, Member & Scrutiny Team must receive confirmation from the first registered speaker, if they choose to share their time.

***\*Please note the Member who called-in the application, does not need to register to speak, as per 6.1 below***

### **3) Procedure at Meetings**

- 3.1) Those persons who have registered to speak should arrive at least 15 minutes before the meeting to contact the Committee, Member & Scrutiny Services Officer.
- 3.2) At the appropriate point in the meeting, the Chair announces the item and invites the Planning Officer to speak.
- 3.3) The Planning Officer presents the proposal. Committee Members are invited to ask questions of the Planning Officer.
- 3.4) Objectors: The representative(s) of those persons objecting to the application is/are invited to address the Committee.
- 3.5) The Committee may ask points of clarification of the speaker(s). The Chair can decline to put a point of clarification if they consider this to not be a point of clarification, irrelevant in planning terms or that this was covered in the Planning Officer's report or during any of the representations.
- 3.6) The Objector Member(s) / Ward Advocate (subject to 6.2) and if shared the Member who called-in the application. Similarly points of clarification may be asked of the speaker(s) as per 3.5.
- 3.7) Supporter(s): The representative(s) of those persons is/are invited to address the Committee. Similarly points of clarification may be asked of the speaker(s) as per 3.5.
- 3.8) The Supporter Member/ Ward Advocate/ Member(s) (subject to 6.2) of the application is/are invited to address the Committee. Similarly points of clarification may be asked of the speaker(s) as per 3.5.
- 3.9) The Applicant, Applicant's Agent or representative is/are invited to address the Committee. Points of clarification may be asked of the speaker(s) as in 3.5.
- 3.10) The Chair will invite the Planning Officer to comment on any of the issues raised during the above.

3.11) The Committee will debate the proposal and then make its decision.

#### 4) Circulation of Documents

4.1) The public / Members will not be allowed to distribute documents at the meeting itself and they should not normally approach Members of the Committee before or during the meeting. Any documentations should already have been provided during the consultation period.

4.2) Note: Supplementary documents from Planning Officers or consultees received following the agenda publication, will be compiled, and published as one update after **4pm on the day before the meeting**. Any documents received after this will not be supplied as a supplementary document to the agenda and the Planning Officer will provide as a verbal update at the meeting.

#### 5) If the planning application is deferred

5.1) If a proposal is deferred after public speaking has occurred on that item, there is no automatic entitlement to speak when it comes back to Committee. Previous presentations will be taken into account. However, if the public/ Member wish to speak again, they will need to register to speak again on the deferred application as per 2 above.

#### 6) Non-Committee Member speaking at Planning Control Committee (& Committee Members who call-in and speak to/ acting as Ward Advocate).

6.1) The right of non-Planning Control Committee Members to speak at the Committee is, in the first instance, allocated to the (first) Ward Member from the ward in which the application is situated, who registered to speak thereafter others from the Ward (where applicable) and the Members who called-in the application to the Committee (**in compliance with the Committee's terms of reference**). The Member who called in the application is not required to register with the Committee, Member & Scrutiny Team. They are, however, required to attend the meeting to present their reasons/ grounds to the Committee and the Ward Members are expected to share time with the Member who called in the application. If the Member who called in the application is unable to attend, the Member must arrange for another Member to present on their behalf (and notify the Committee, Member & Scrutiny Team), or provide a written statement presenting their reasons/grounds (which the Chair will read out), otherwise the item may be deferred.

6.2) Other non-Planning Control Committee Members' requests to speak, will be considered by the Chair in the following circumstances, and may be entitled to speak, after registration, in this priority order:

- **If not called- in under 6.1:** the **Objector** Ward Advocate/ Member(s) in whose ward the application site is located (this is subject to the first to register to speak, agreeing to share time within that group); the **Supporter** Ward Advocate/ Member(s) in whose ward the application site is located (this is subject to the first to register to speak agreeing to share time within that group);
- **if 6.1 call-in applies:** (subject to the Ward Member(s)/Advocate and Members who called in the application). These two should share the time allocation. Other Ward Advocate/ Member(s) in whose ward the application site is located may do so, if it can be agreed;
- On applications in Wards where all relevant Ward Members serve on the Planning Control Committee (including single Member Wards), such Members may nominate

another Member<sup>3</sup> to the Committee, Member & Scrutiny Team, in advance of the deadline, to be registered and address the Committee in the role of Ward Advocate either for or against an application. Where this is a single Member ward application site, that nominated Member will be treated as the Member who has called-in the application.

- Applications which are Major<sup>4</sup> or of significance within the wider area, other Members may address the Committee, in addition to the relevant Ward Member(s) if the Chair agrees in writing, in advance of the meeting, as per 1.8.

#### Conflicts of interest/ Predetermination/ bias or apparent bias

- 6.3) Any Member who has an interest (Disclosable Pecuniary Interest – DPI, Other Registrable Interest- ORI; or non-Registrable Interest - NRI, should comply with the requirements of the Councillor Code of Conduct and Planning Code of Good Practice that applies at the time of the meeting. ***In the event of conflicting language in Codes, the Councillor Code of Conduct prevails and a Member should seek advice from the Monitoring Officer / Deputy on its interpretation prior to involvement in the planning process.***
- 6.4) **Please note**, a Member with an interest should not call in an application nor act as a Ward Advocate, or determine an application. They may register to speak to exercise a Councillor’s Speaking Right if they have an ORI, or NRI, subject to 6.2 above, although a Member is strongly encouraged to appoint another Member to represent them at the Committee. A Councillor Speaking Right does not apply when a Member has a DPI, and a Member should not attend/ remain during such an item, without a dispensation from the Monitoring Officer. ***If the Member attends the meeting and is exercising a Speaking Right or has a Dispensation, they must still declare the interest(s) they have prior to speaking at the meeting.*** More details on the Code requirements can be found in sections 8 and 17 of the Constitution.
- 6.5) A Member of the Committee, who has called-in an application and is required to speak to the call in (and does not have an interest) may do so. If they do so, they cannot then sit or be involved in any related determination of the application, at that meeting, or if deferred, at a later meeting when the application is finally determined (even if they choose not to register to speak at the later meeting(s)).
- 6.6) Any non-Planning Control Committee Member, who does not have an interest, who has expressed a view for or against an application may potentially request determination by a Committee – if this complies with the Committee’s Terms of Reference. Other Members may apply to speak as per 6.2. This does not apply to Planning Control Committee Members who have expressed such views and are therefore excluded from participating in the Planning Control Committee decision making process. Whilst it is possible to register to speak on such planning applications, such Members should seek advice from the Monitoring Officer/ Deputy (or relevant Planning Lawyer) in advance of doing so.

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<sup>3</sup>This should be agreed with the Member in advance and ensure that Member can attend.

<sup>4</sup>As defined under the Town and Country Planning (Development Management Procedure) (England) Order 2015, or replacement legislation