

PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEES

Protocol For Public Speaking at Planning Committees

Kirklees Council has two Planning Committees, each meeting on a 6-weekly cycle; Both Committees meet in Huddersfield Town Hall.

The Strategic Planning Committee deals with major applications from across the district. The District Wide Planning Committee deals with applications for minor and other scale developments from across the district.

The meetings usually commence at 1.00pm.

The venue has public seating areas, where members of the public are able to observe how the decisions on planning applications are made. All meetings are webcast live.

Fewer than 10% of all planning applications are decided at Planning Committee. Most are determined by officers within a delegation scheme as agreed by the Council. The applications that are decided by Councillors at Committee are usually the most contentious, often relating to large development sites, or proposals that have attracted a lot of public interest.

Members of the public are able to address the Planning Committee to put their views on any application which has been submitted for consideration, subject to the provisions of this protocol. Applicants for planning permission and/or their representatives and Ward Councillors are also allowed to present their views.

Interested parties who wish to speak at the meeting must register to do so no later than 5.00pm (for phone requests) or 11:59pm (for email requests) 3 days before the committee meeting.

Registered speakers are asked to aim to arrive by 12.45pm, in order to confirm their attendance before the meeting begins. The Town Hall Reception staff will direct attendees to where the meeting is being held.

The Governance Officer will confirm the names of speakers, the application on which they wish to speak and the capacity in which they will be speaking.

It is not permissible to circulate documents to the Committee on the day or to make powerpoint presentations at the meeting. If a speaker wishes to share such documents, to support their representation, then these must be sent to the planning case officer responsible for the relevant planning application at least 48 hours before the start of the Planning Committee (eg for meetings commencing at 1pm on Thursdays, the deadline for receipt of additional documents/information etc will be 1pm on the previous Tuesday). This is because all parties may not have time adequately to respond to and address the issues raised in those submissions. In particular, members of the committee are unlikely to be able to give proper consideration to the matters raised and officers are unlikely to be able to provide considered advice on any material considerations. The decision to permit in each case is at the discretion of the Chair.

Procedure for the Meeting

- The Chair will begin the meeting at 1.00pm. There will be a number of constitutional items on the agenda that will be dealt with first. The Planning Committee will then progress to consider the schedule of Planning Applications.
- At the beginning of each item the Chair will indicate which application is to be dealt with. The Planning Officer will give a presentation and propose their recommendation.
- The Chair will then invite members of the public who have registered to speak to address the Planning Committee. The Chair will have a list of speakers who have indicated that they want to comment on the application, and he/she will call their name at the appropriate time. Ward Councillors, local residents and objectors will usually be called to speak first, followed by any other interested parties, for example, applicants or their agents.
- The case should be concisely made, concentrating on the 'planning' issues that the Members of the Planning Committee can take into account. Planning issues include:
 - *The planning history of the site*
 - *The visual impact of the development*
 - *Effect on public amenity*
 - *Access, traffic and highway considerations*
 - *The impact on listed buildings, conservation areas, or protected trees.*
- Matters that cannot be taken into account include:
 - *Effect on property values*
 - *The character or identity of the applicant*
 - *Boundary or property disputes*
 - *How the application affects a view (as opposed to the wider effect on public amenity)*
 - *Issues of commercial competition*
- The presentation to the Planning Committee should reinforce and amplify the representations on the application that have already been made to the Council in writing.
- Once all representations have been made, the Planning Committee will consider the application.
- Officers may be asked for more information, or to respond to specific questions, but further comments from members of the public, applicants or agents will not normally be taken, unless the Chair invites further comment.
- Voting on an application will be by a show of hands or roll call and in each case is recorded.

Please note:

- The meeting will be webcast live and by registering to speak consent to the live webcast will be deemed.
- The number of people who will be allowed to speak is at the Chair's discretion, and his/her decision is final. If there is a large number of attendees who wish to comment on the same application, the Chair may ask the group involved to organise a representative so that the case for/against may be put collectively. Speakers will be asked not to repeat points raised by previous speakers and the Chair may intervene if there is repetition and duplication in the representations.
- For pre-application or position statements, public speaking is not the usual practice and is at the absolute discretion of the Chair. The applicant may be in attendance to present the plans and answer any questions from members.
- Objectors, local residents, applicants or agents will have a maximum of three minutes to present their case to the Planning Committee. A visible timing system will be in operation to assist. The Chair may ask a speaker to conclude their presentation if the allotted time has been exceeded.
- Speakers will only be permitted to speak again in exceptional circumstances (as determined by the Chair) and only for the purposes of addressing wholly new issues that may have arisen during the debate or to correct information that is clearly incorrect.
- Councillors who attend committee as observer under Rule 36 of the Council Procedure Rules or members of the committee who choose to make representations as ward Councillor, rather than participate in the determination of an application, will be bound by the 5 minute time limit set out in CPR 36.
- Any representations should be directed to the Councillor who is 'chairing' the meeting. By convention, this person is addressed as 'Chair'. If you refer to a Member of the Council, then the correct way to do this is to refer to them as 'Councillor (surname)'. Dialogue between members of the public and Members of the Committee or Officers is not permitted once the meeting has started.
- Direct questioning of individual committee members or officers will not be permitted. Any comments must be made to the Chair of the Committee.
- Messages must not be passed to members of the Planning Committee before, during or after a presentation.

Agenda for the Meeting

The agenda for the meeting is available one week in advance of the meeting and can be viewed on the Kirklees Website. If assistance in accessing the information, or a hard copy of a report is required, the Governance Officers whose details are provided below can be contacted to assist.

An update is also usually published on the website the day before the meeting and circulated to Members prior to the beginning of the meeting. This provides details of any amendments made to the applications, further consultation responses and representations received since the formal agenda was published and may include legal advice from officers to Councillors on any issues that have been raised in those representations. However, the update should be brief and not raise wholly new issues.

Additional Information

Decisions on planning applications can be challenged by the applicant making an appeal to the Secretary of State.

In the English planning system, third parties eg objectors to the application, have no rights of appeal against the decision but may, in appropriate circumstances, seek to have the decision judicially reviewed in the High Court.

However, the Local Government Ombudsman can investigate any claims that the Council did not follow its own procedures, or allegations of impropriety. Ask a Council Officer for more information if you are considering approaching the Ombudsman.

Contacts:

Governance Team:

District Wide Planning Committee –
Andrea Woodside (ext 74993)
Sheila Dykes (ext 73896)

Strategic Planning Committee –
Sheila Dykes (ext 73896)
Andrea Woodside (ext 74993)

Automated switchboard:
01484 221000

Planning Services:

District Wide Planning Committee –
Julia Steadman (ext 74220)

and use the extension number or ask for the relevant officer by name

Strategic Planning Committee –
David Wordsworth (ext 79071)

Legal Services:

District Wide Planning Committee –
Sandra Haigh (ext 77871)
Deborah Wilkes (ext 77875)

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Deborah Wilkes (ext 77875)
Sandra Haigh (ext 77871)