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<b>REPORT TO:</b>	<b>Environmental &amp; Development Services</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>	<b>1<sup>st</sup> June 2006</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>Deputy Chief Executive</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Gill Hague 595742</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Public Speaking at Development Control Committee</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: DC01</b>

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### **1.0 Recommendations**

- 1.1 Members recommend that a scheme for allowing public speaking at Development Control Committee, as contained in Section 3 of the consultant's report (attached as Appendix A), be introduced for a trial period of six months as soon as the necessary literature, procedures and equipment are in place; and
- 1.2 Five months into the trial period a report be presented to Members regarding the success or otherwise of the scheme in order for Members to determine whether or not the scheme should continue on a permanent basis either as existing or in an amended form.

### **2.0 Purpose of Report**

- 2.1 To inform Members of the study findings regarding public speaking at Development Control Committee and seek support for the introduction of a scheme for a trial period.

### **3.0 Detail**

- 3.1 The issue of allowing public speaking at Development Control Committee was raised during a workshop undertaken as part of the consultation exercise on the Statement of Community Involvement (SCI) and has also been raised at Parish Liaison Meetings.
- 3.2 It is important to ensure that in implementing a scheme it is based upon best practice and that it is equitable. ENTEC UK Ltd the consultants who

undertook the SCI work were engaged to undertake research on the matter and recommend a preferred approach that would be suitable for South Derbyshire. The methodology used and the findings are set out in the full study report that has been circulated to all Members.

- 3.3 In order that the scheme is beneficial to those who participate and to add value to the discussion at the Development Control Committee, it is also proposed to introduce the presentation of plans and photographs by means of a power point presentation as part of the officer report.

#### **4.0 Financial Implications**

- 4.1 The cost of the consultants study has been found from the planning delivery grant.
- 4.2 There will be costs incurred in implementing a scheme such as the installation of audio-visual equipment, printing of guidance and staff time.

#### **5.0 Corporate Implications**

- 5.1 The introduction of a scheme will meet a requirement under the community focus heading in the Local Code of Corporate Governance.

#### **6.0 Community Implications**

- 6.1 If introduced successfully the scheme should enrich the community's participation in the determination of planning applications and lead to a better understanding of the decision making process.

#### **7.0 Conclusions**

- 7.1 The study undertaken is a comprehensive piece of work that underpins the proposed scheme, which is considered to be the most appropriate for South Derbyshire.
- 7.2 During the trial period continuous monitoring will be undertaken including interviews with participants to ensure that if necessary further improvements are made.
- 7.3 It is the intention that this report be forwarded to the Standards Committee for comments and that the consultant gives a presentation to Development Control Committee at its meeting on 27<sup>th</sup> June prior to consideration of a report to full Council at its meeting on 6<sup>th</sup> July.

#### **8.0 Background Papers**

- 8.1 None other than those referred to in the report.

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## 3. Recommendations for South Derbyshire District Council

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### 3.1 Introduction

The following section sets out recommendations for a potential approach to public speaking in South Derbyshire. As noted previously, the report does not consider whether South Derbyshire should allow for public speaking, but considers the ways in which a scheme could operate if it were introduced.

These recommendations are the view of the consultant based on the discussions held in preparing this report. However, South Derbyshire may decide on an alternative approach based on further consideration of their own procedures and those in other authorities not included in this research.

The recommendations are based on retaining the existing procedures and processes for the meetings, for example continuing to hold meetings at 6pm in the Council Chamber. They aim to provide for meaningful public speaking within these parameters. However, the Council may wish to review these, and recommendations are made for other changes to maximise the value of public speaking at the meetings in **Section 3.2.9**. Where the recommendations may be affected by such changes, this is highlighted in the text.

### 3.2 Potential approach

#### 3.2.1 Registering intention to speak

The research highlighted that one of the main factors determining success was the administration of the system. A well co-ordinated system will help to limit the risk that people will be disgruntled with a system they do not fully understand, and will help to ensure that South Derbyshire meets requirements.

As South Derbyshire does not currently notify applicants or objectors when an application is to be considered at committee, the easiest way for them to administer a system for public speaking would be to follow the example of Walsall and High Peak, which advise people of the opportunity in the acknowledgement and notification letters but do not provide any further information.

However, other procedures encourage speaking more effectively and make the process more accessible. The majority of authorities have adopted a procedure that makes it easier for those people wishing to speak. In many cases, the council writes to all those who have made a written representation to indicate that an application is going to committee. Although this increases the time and resource implications for the council, it is considered to be the approach that best encourages public speaking and would be the recommended approach for South Derbyshire.

If the council wishes to adopt an intermediate approach that fits more closely with their current system, it would be recommended to use an approach similar to Bolsover in preference to that

of Walsall and High Peak. This may include sending a form with the notification letter that is returned to the council indicating that if an item goes to committee, the person wishes to be informed so that they are able to register to speak. The council could ask for a stamped addressed envelope for this, consistent with the need to send an envelope for notification of the decision.

It is understood from discussions with South Derbyshire officers that an intermediate approach would be difficult to administrate. It would add a further stage in assessing written representations, and would encourage people to rely on the council to inform them. This presents a risk that human error will mean that someone is not informed of a particular application going to committee. As such, the minimal or more inclusive approaches would present better options. At present, South Derbyshire officers consider the minimal approach, of notifying people of the opportunity in the notification and application acknowledgement letters, to be the most reasonable. However, it is recommended that such an approach is reviewed in the future to allow the council to take a more proactive role in encouraging public speaking.

It is also recommended that the provision for public speaking is made clear on the council's website and in other information circulated about its development control procedures. Indicating how public speaking fits into the decision making process will help to make the system genuine, and provision of the information will help to make the system accessible.

The most efficient way of registering people to speak is considered to be to register the first person who requests to speak on a particular application and then, subject to checking with the individual concerned first, to provide their details to anyone who requests at a later date. However, it should be noted that this may encourage people to register early, before it has been decided whether an application will be considered by committee. There may therefore be registrations on more applications than are going to committee.

Based on a 'first-come, first-served' rule for registering, it would be necessary to accept requests for public speaking from the time that an application is received. It is recommended that South Derbyshire informs those people who have registered to speak whether the relevant application is going to committee and the date of the meeting once it is known. This could be a standard email, by phone or by letter, and it should be clearly stated that only one attempt at contact will be made. If the website is improved to allow people to track the progress of applications on line, people registering should be encouraged to monitor this themselves. However, even in this case, South Derbyshire should provide an alternative for those people with limited or no access to the internet. This could be either by the council contacting people or by informing those registering that they should ring the council to check whether an application is expected to go to committee.

It would seem reasonable to accept requests to speak up to the end of the working day on Monday, prior to the meeting on Tuesday evening. This would allow for members to be made aware of those items that had speakers. In discussion with South Derbyshire District Council officers, speakers could be able to register up to noon on the day of the meeting. This would give potential speakers longer to register their interest, but would still allow sufficient time to compile a list of speakers to be given to members before the meeting. The council may also wish to consider whether to reorder the agenda so that the items with speakers are considered first, although there is no consensus on the value of this from the authorities interviewed.

### **3.2.2 Number of people allowed to speak**

In line with the majority of councils interviewed, it is recommended that provision be made for one applicant and one objector to speak. Where more than one person wishes to speak, they should be able to split the time or nominate a representative. In these cases, the changes should be agreed between the first speaker to register and the others sharing the time or the representative.

Although some councils provide for an additional speaker representing the parish council, this is not included in the recommendations for South Derbyshire for two reasons: the involvement of parish councils in planning decisions and equality within the district. Firstly, the parish council is unlike individuals or other organisations in that there is a statutory requirement to notify them of receipt on all applications within its area, being sent information and invited to comment. As such, it is considered to face a more explicit opportunity to comment at other stages of the consideration of the planning application, and along with other written representations, any submission by the parish council is considered in determining an application. Secondly, not all areas of South Derbyshire have a parish council, and not all parish councils are equally as active in planning matters. As such, allowing a speaker from the parish council would increase provision of public speaking in some rural areas more than for other parts of the district. However, it should be noted that the lack of additional provision for the parish council does not preclude a parish councillor speaking where they are or have been asked to represent the applicant or objectors.

### **3.2.3 Length of time to speak**

Following the majority of councils consulted, it is recommended that South Derbyshire allow 3 minutes for each speaker. However, they may wish to consider whether to allow for additional time in exceptional circumstances, for example where limiting the time to three minutes for a particularly contentious application would adversely affect the Council's credibility.

### **3.2.4 Control of the time**

At present there is no provision controlling time in the Council Chamber. Many councils allow for public speaking without any provision, and therefore, South Derbyshire could implement a system with no change to the current room. However, more sophisticated systems are used successfully in some councils. Visual aids, such as amber lights or digital clocks, help to prompt speakers without disrupting the flow of their presentation. As such, South Derbyshire could introduce these to give a more efficient indication of the time for speakers.

As different councils have different people controlling the time, there does not appear to be a clear preferred system. The time could be controlled by the chairman or by a democratic services officer. Following discussion with South Derbyshire officers, it is recommended that a democratic services officer keeps the time, with the chairman advising the speaker when they should stop. This will allow the chairman to focus on the content of the presentation, but will mean that the speaker is both invited to start and requested to stop by the chairman.

### **3.2.5 What can the public speak on**

Most councils allow the public to speak on any issue, and none of those surveyed indicated that people needed to submit their main points prior to the meeting. As such, it is recommended that

South Derbyshire allow people to raise any issues. However, this will potentially require the chairman to intervene if an individual brings up inappropriate points.

It is recommended that the public speakers should not be able to present information to the committee, for example by passing round documents and photos, or making a video or PowerPoint presentation. This is in line with the authorities interviewed, and this information is best dealt with in the written submissions or in an officer presentation (see **Section 3.2.9** for recommendations on officer presentations).

It is recommended that the council produce guidance on the procedure for public speaking, and that in addition to the process for requesting to speak and an indication of the process during the meeting, the guidance also indicates what issues speakers may wish to address. This could guide people to avoid repeating points made previously, although this is less likely to be an issue if only one speaker is allowed, and could also indicate the range of planning issues. Provision of guidance is discussed in **Section 3.2.8** below.

It is also recommended that this be tried and reviewed, with the potential of limiting people to the points made in written representations. If the speakers are to be restricted in this way, and there is one speaker representing many objectors, the individual should be able to comment on points made in all the representations rather than only their own.

### **3.2.6 Interaction between speakers and the committee during the meeting**

It is recommended that speakers are provided with a microphone that is connected to any hearing loop system to allow members to hear all of the speakers.

It is not felt that there would be significant advantage for the members of South Derbyshire Development Control Committee in being able to question speakers. It is also noted that other councils felt that the questions added time to the meeting, and as such, for South Derbyshire's evening meetings, may not be advisable.

### **3.2.7 Speaking if an item is deferred**

If an item is deferred, it is recommended that people are able to speak again at the next committee meeting, although guided not to repeat points. However, in terms of highlighting key issues to the members, repetition of some points could be valuable.

### **3.2.8 Guidance provided to speakers**

It is recommended that South Derbyshire provide written guidance to applicants, supporters and objectors. As noted above, the guidance should clearly fit within information that indicates how public speaking contributes to the development control decisions, to help inform people and improve understanding of the system. The guidance should also set out the process for public speaking. A draft of guidance that could be used by South Derbyshire is included in **Appendix C**.

The option for public speaking and the guidance for speakers should be made clear and available on the internet, as well as in other locations where development control information is provided. On the website, information could be included in the section for development control and alongside the agenda for the committee meeting.

It is understood from discussions with South Derbyshire officers that it would intend to provide this guidance for the registered speakers. The alternative would be to provide it with notification and application acknowledgement letters, or in response to all written representations. These alternatives would provide the information to a greater number of people, but there are concerns that this would increase the volume of paper and the postage costs. As such, it is recommended that the notification letter be amended to highlight the option for public speaking on those applications that are considered by Committee. It is recommended that the letter reflect some of the information in the guidance leaflet, including the number of people allowed to speak, the process for arranging to speak, and where they can find out more information about public speaking. This would support any information provided in the letter setting out the process for applications, including how people can follow the progress of an application and find out whether and when it will be considered by committee.

### **3.2.9 Other recommendations**

In reviewing the procedures for public speaking at other authorities, and particularly during the visits to the other committees, the research has identified a range of approaches to Committee meetings. Some of the methods used in other authorities help to support public speaking by encouraging better public understanding of and involvement in the planning meetings. They may also have benefits for the members or the officers.

#### **Audio equipment**

At East Lindsey the Council Chamber is fitted with microphones for the officers, members and for the person addressing the committee. This ensures that all members are able to hear clearly, and also helps the public to hear the discussion of the applications. Provision of a microphone is likely to be particularly important if public speaking is introduced to make sure that all of the committee and the members of the public are able to clearly hear what is being presented by the speaker. As such, it is recommended that at a minimum, a microphone be provided for the public speaker, but that the Council should go further in reviewing the option to install audio equipment for all members of the committee.

#### **Officer presentations**

At both East Staffordshire and East Lindsey some information on the application is provided during the meeting. East Lindsey has the more comprehensive of the two systems. For each application, the planning officer makes a presentation of the proposal, with overhead monitors displaying plans, layouts and photographs of the application site and proposal. Monitors are positioned so that both members and the public can see this information. At East Lindsey, the presentation is made after the public speakers have made their presentation, as the council feels that this can help members to focus and the officer can respond to points made by the speakers. On the other hand, High Peak noted that the officer presentation is made before public speaking in order to provide an overview of the application.

The main benefit of a presentation is in helping to refresh members on a particular application, particularly those who may not have viewed the most recent sets of plans, although it also provides an overview to the public. South Derbyshire could consider providing short presentations for each application that include presentation of maps or plans. These would need to be provided on screens, either new or existing. If it is to be provided on existing screens, this would reduce costs but would encourage those at the table at the front of the chamber to turn away from the members during the presentation. Therefore, it is recommended that South

Derbyshire considers whether it is possible to include presentations for each application and how visual information could be provided so that it can be seen most effectively by members and the public.

### **Guidance on development control**

Review of the guidance leaflets and the process of finding these leaflets on websites for some of the authorities also indicates that guidance on public speaking is most helpfully located when put in context with other information about development and development control. While some councils provide a greater amount of detail on the context within the guidance for public speaking, it is considered that this information, which is more generally relevant, should be set out clearly on the website or in other guidance leaflets. For South Derbyshire, this could include the following information, some of which is already available:

- What is development?;
- What is development control?;
- How do I make a planning application? or Where do I find out how to make a planning application?;
- What happens to planning applications?;
- How do I know if there is an application that might affect me?;
- How can I comment on an application?;
- How can I find out what is happening to an application?;
- How are decisions made about applications?;
- What might the decision be?;
- Can I appeal if I don't agree with a decision?; and
- Where can I find out more information?.

### **Trial period for public speaking**

If South Derbyshire does decide to implement a scheme for public speaking, it is recommended that it allows for a trial period of six months to assess the impacts of the scheme they chose. This would also allow appropriate changes to be made to the scheme at the end of the trial period.

## **3.3 Implications of the recommendations**

Introducing public speaking according to these recommendations would have implications for the time and resources of the council. Some of the key implications are summarised below:

- Time and cost of designing and printing guidance notes on public speaking;
- Time to update the notification letter and content of the council website to reflect provision for public speaking;



- Time from Democratic Services officers in registering people requesting to speak and in passing on contact details to others who request to speak;
- Time from Democratic Services officers in compiling a list of applications and speakers for committee members;
- Any increased awareness of Development Control Committee as a result of public speaking may also increase queries received from the public, beyond just registering to speak;
- Time to consider options for improving audio and visual facilities within the Council Chamber; and
- Depending on the outcome of the review of options, there may be costs of purchasing and installing audio and visual equipment.

The majority of councils consulted highlighted that although public speaking had implications for officer and member time and resources, in general, none of these implications were too significant to be accommodated.

