

# **PART 4 - PROCEDURAL RULES**

## **SECTION E**

### **PUBLIC SPEAKING PROCEDURE RULES**

#### **1. INTRODUCTION**

- 1.1 The Council allows members of the public to present petitions, speak at meetings and make presentations at meetings of the Council and to speak at Planning Applications Committee. Public speaking at meetings will only be permitted in accordance with these Procedure Rules.

#### **2. PRESENTATION OF PETITIONS AT COUNCIL MEETINGS**

- 2.1 Except at the Annual Meeting, a member of the public, resident or working in the Borough, may present a petition at a meeting of the Council.
- 2.2 Members of the Council may also present petitions on behalf of members of the public. A councillor with a prejudicial interest is not prevented from presenting a petition.
- 2.3 Notice of the intention to present a petition, giving details of the person wishing to speak, together with copy of the petition, must be received by the Head of Legal and Corporate Services at least three clear working days before the Council meeting at which the petition is to be presented (i.e. if the meeting is on a Wednesday, the petition must be received by 5 pm on the preceding Thursday).
- 2.4 The notice of intention to present a petition will not be accepted unless the Head of Legal and Corporate Services is satisfied that the petition meets the following criteria:
- (a) it is relevant to some matter over which the Council has powers or duties or which specifically affects the Borough or part of it, or its residents;
  - (b) it has been signed by at least ten persons (with addresses); and
  - (c) it does not relate to planning or licensing applications, or personal, exempt or confidential matters.
- 2.5 The presentation of a petition will be limited to not more than three minutes.
- 2.6 The person presenting the petition will be confined to reading out, or summarising, the subject matter of the petition, indicating the number and description of the signatories, and making such further supporting remarks as are relevant.
- 2.7 If the petition relates to a matter which is not for debate at that meeting, it will usually be referred without discussion to the next ordinary meeting of the Executive or appropriate Committee for consideration. The Mayor may however, if he or she considers it convenient and conducive to the despatch of business, allow the petition to be dealt with at the Council meeting at which it is presented.

- 2.8 If the petition is debated at the meeting at which it is presented, any Councillor with a prejudicial interest may make representations in relation to the petition but must withdraw from the room as soon as his/her representations have been made.
- 2.9 Petitions will be presented in the order in which the Head of Legal and Corporate Services receives notice of them.

### **3. QUESTIONS BY THE PUBLIC AT COUNCIL MEETINGS**

- 3.1 Except at the Annual Meeting, a period of fifteen minutes will be allocated to allow members of the public, or formally constituted public groups or bodies previously registered with the Head of Legal and Corporate Services, to ask questions of an Executive Portfolio Holder or Chairman of any Committee provided
- (a) it is relevant to some matter over which the Council has powers or duties or which specifically affects the Borough or part of it, or its residents; and
  - (b) it does not relate to planning or licensing applications or personal, exempt or confidential matters.
- 3.2 The Member to whom the question is directed may choose whether to answer the question orally at that time or defer for a written response within seven days.
- 3.3 The questioner will be permitted to ask a supplementary question provided it is relevant to the original question and does not introduce a new subject matter.
- 3.4 Questions and responses will not be matters for debate.
- 3.5 Any person or body wishing to ask a question must submit the question in writing to the Head of Legal and Corporate Services at least three clear working days before the Council meeting (i.e. if the meeting is on a Wednesday, the question must be received by 5 pm on the preceding Thursday).
- 3.6 If the Head of Legal and Corporate Services decides that the proposed question does not meet the criteria in 3.1(a) and (b) above he/she will reject it and advise the questioner accordingly.

### **4. PRESENTATIONS AT COUNCIL MEETINGS**

- 4.1 The Chief Executive, after consultation with the relevant Executive Portfolio Holder or Committee Chairman, may invite recognised public bodies or groups, or individuals, to make a presentation and/or ask questions of the relevant Portfolio Holder or Chairman, at a Council meeting, in relation to matters of major policy or where there is substantial interest by the public.
- 4.2 Matters to be the subject of the presentation or questions must not relate to planning or licensing applications, personal, exempt or confidential matters.
- 4.3 The Chief Executive will issue the invitation to make a presentation or ask questions to a body, group or individual not less than 14 days before the date of the Council meeting concerned.
- 4.4 The body, group or individual must notify the Chief Executive, in writing, at least 5 clear working days before the Council meeting of its/his/her intention to accept the invitation (i.e. if the meeting is on a Wednesday notice must be received by 5 pm on

the preceding Tuesday). A copy of any material which it/he/she intends to produce at the meeting must also be received by the Chief Executive by the same deadline.

- 4.5 Presenters or questioners will be allowed a maximum of 20 minutes to make representations and for questions to be answered.
- 4.6 Following the presentation Members will be permitted to ask questions of the presenter and vice versa. Members may decline to answer a question or may offer a written response within seven days.

## **5. PUBLIC PARTICIPATION AT PLANNING APPLICATIONS COMMITTEE**

### Introduction

- 5.1 The public participation procedure allows members of the public, representatives of amenity societies, residents or business associations to speak, by prior arrangement, at Planning Applications Committee meetings in objection to some planning applications and for applicants to respond.

### Criteria to Trigger the Public Participation Procedure

- 5.2 Public speaking at Planning Applications Committee meetings will only be permitted in respect of a planning application to be determined by the Committee, where the application has been recommended for approval by the Head of Built Environment and
  - (a) there have been 10 or more written objections from separate households, or a petition in objection signed by more than 50 signatories with addresses, in respect of an application for development within an urban area or village settlement; or
  - (b) there have been 5 or more written objections from separate households, or a petition in objection signed by more than 25 signatories with addresses, in respect of an application for development outside an urban area or village settlement.
- 5.3 In order to be counted in relation to the public participation procedure, the objections or petitions must have been received at least 14 days before the date of the Committee meeting. Only addresses within the vicinity of the site will be counted.
- 5.4 Where an application triggers the public participation procedure, all objectors to the application, whose objections have been received at least 14 days before the date of the meeting, will be notified and offered the opportunity to speak at the Committee meeting.

### Objectors

- 5.5 Only one objector will be allowed to speak in objection to an application which triggers the public participation procedure.
- 5.6 An objector may only speak if
  - (a) he/she has submitted a written objection at least 14 days before the date of the Committee meeting; and

- (b) he/she has registered his/her wish to speak by responding to the invitation to speak.

5.7 The speaker will be chosen on a first come, first served basis. If more than one person wishes to speak, the first person to register may choose to include the views of other objectors and/or may share the allocation of time with another objector.

#### Representative of Amenity Society, Residents or Business Association

5.8 Only one representative of an amenity society, residents or business association will be allowed to speak in objection to an application which triggers the public participation procedure.

5.9 The representative of an organisation may only speak if

- (a) the organisation has submitted a written objection at least 14 days before the date of the Committee meeting
- (b) the application under consideration directly affects the organisation's area of concern;
- (c) the organisation is one which has previously registered with the Head of Legal and Corporate Services;
- (d) the organisation has registered its wish to speak on the application.

5.10 If more than one organisation wishes to speak, the representative to speak will be chosen on a first come, first served basis. The first person to register may choose to include the views of another organisation and/or may share the allocation of time.

#### Applicant

5.11 Where an objector, or a representative of an amenity society, residents' or business association, speaks in objection to an application, the applicant, or his agent, will be given the opportunity to speak in favour of the application.

#### Speaking at the Meeting

5.12 A maximum of four minutes will be allocated to each speaker.

5.13 The speakers will be required to confine their presentations to relevant material planning issues.

5.14 The speakers will not be permitted to use visual aids or circulate material at the meeting.

5.16 Members of the Committee may only ask the speakers questions for the purposes of clarification. The speakers will not be allowed to ask questions of Members or officers.

#### Decision contrary to Officer's Recommendation

5.16 Where the Committee is minded to grant planning permission in respect of an application which has been recommended for refusal by the Head of Built Environment, and the application has the required number of objections to trigger the

public participation scheme, consideration of the application will be deferred to the next Committee meeting to allow public participation to take place.

#### Councillors with a Prejudicial Interest

- 5.17 Where an application has triggered the public participation procedure and members of the public have been invited to speak, any councillor with a prejudicial interest may attend the meeting to make representations in respect of that planning application and to answer questions.
- 5.18 A maximum of four minutes will be allocated in total to the number of councillors with prejudicial interests to make representations in relation to the application.
- 5.19 Councillors must withdraw from the room as soon as his/her representations have been made.

