

**REVIEW OF PUBLIC SPEAKING AT DEVELOPMENT CONTROL PANEL
(Report by the Head of Administration)**

1. BACKGROUND

- 1.1 In 2005, the Overview and Scrutiny Panel (Service Support) began a review of Member involvement in the procedural arrangements for the determination of development control applications. As part of the review, the Panel contributed to the development of the scheme to enable public speaking in respect of planning applications at meetings of the Development Control Panel. The scheme was introduced in January 2007 and enables applicants, objectors, ward councillors and representatives of parish / town councils to address the Panel on a particular application.
- 1.2 At its meeting in February 2008, the Panel was reminded that it had been intended to review the operation of the procedure after twelve months. As the process had been instigated by the Panel, it was felt that the Panel should co-ordinate the review and it was agreed that comments should be invited from all Members and analysed for submission to the Development Control Panel.
- 1.3 Following a suggestion by the Chairman of the latter Panel, it was agreed by the Chairman of the Scrutiny Panel that comments should also be obtained from members of the public who had addressed the Development Control Panel on a planning application within the past year on their experience.

The current procedure and explanatory leaflet is set out at Appendix A to assist Members in their deliberations.

2. QUESTIONNAIRE RESPONSE

- 2.1 A questionnaire was distributed to all Members of the Council, a copy of which is attached at Appendix B. A modified version of the questionnaire was distributed to 62 members of the public and representatives of town and parish councils who had addressed the Development Control Panel since July 2007.
- 2.2 The response rate from Members of the Council was disappointing, with only 23% completing and returning the questionnaire. Only 4 Members of the Development Control Panel replied. A comprehensive list of all the responses to the questionnaire is attached at Appendix C. Nineteen responses were received from members of the public which

represented a response rate of 31%. Details of their responses are set out in Appendix D.

3. RESPONSES

- 3.1 Overall, Members of the Council felt that the introduction of public speaking had been well received. Specific comments were made about the opportunity for more informed debates at Development Control Panel meetings, applications being discussed more openly and greater transparency within the decision making process. Three respondents had received feedback from constituents who had addressed the Panel. The comments were broadly positive and it was considered that residents appreciated the opportunity to address members of the Panel.
- 3.2 Of the nineteen questionnaires which were returned by members of the public, ten were received from representatives of town and parish Councils, four from objectors and four from agents / applicants. One was unknown.
- 3.3 The reaction was mixed. Eight respondents considered their experience to be good or better, five thought it was reasonable and a further five considered it to be poor. Although one respondent commented on the welcome, guidance and advice received on the evening, other comments referred to the intimidating and daunting nature of the Panel and concern that Members paid little attention to the representations made by speakers.

4. COMMENTS

- 4.1 The comments made by both Members of the Council and members of the public can be summarised into a number of headings:-

4.2 a) Order of Speakers

Currently the order of speaking for meetings of the Development Control Panel is:-

- Parish / Town Councillor;
- Ward Councillor;
- Objectors; and
- the Applicant / their representative

- 4.3 Overall, Members of the District Council were of the opinion that the ordering and numbering of speakers addressing the Panel was correct.
- 4.4 The comments from members of the public relating to the number / order of speakers were mixed. Twelve respondents thought that the

existing order was satisfactory. However a suggestion was made for town and parish councillors to speak last to provide an opportunity to point out inaccuracies presented by the developers. It was also suggested by one respondent that the applicant / agent should speak first to provide an opportunity for objectors to respond to the points made.

b) Time Limits

- 4.5 Under the current procedure, Ward Councillors, representatives of parish / town councils, objectors and the applicant are permitted three minutes each to address the Panel. Where there are a number of objectors they are encouraged to agree that one person speaks on behalf of them all. If this is not possible the Council allows one third of the time to each of the first three persons who registered to speak.
- 4.6 Approximately 44% of public respondents considered that parties were not given sufficient time to present their case to a meeting of the Panel. Suggestions were made, that:-
- more time should be provided for larger applications or complicated / complex issues;
 - the timescales for objectors wishing to address the Panel should be based upon the number of written objections received;
 - town and parish councillors should be permitted to speak for longer than local residents;
 - time constraints were too rigid and offered too little flexibility; and
 - a division of time between objectors wishing to address the Panel was unfair and undermines the strength of feeling against a particular application.
- 4.7 Of those District Councillors who responded, six had addressed the Panel since the scheme had been introduced, three of whom commented upon the lack of time available to speak. Before the introduction of the scheme, the time limit for District Councillors to address the Panel had been five minutes but this was reduced to three minutes in line with the period afforded to applicants, objectors and representatives from town and parish councils. Two respondents thought that the allotted time for District Councillors should be returned to five minutes. A suggestion was also made that District Councillors should be able to sum up at the conclusion of the debate.
- 4.8 District Councillors also commented upon the occasions when three objectors were required to make representations within the three minutes period. One respondent suggested that in cases where there were several objectors, one minute per person was insufficient. Other comments made by individual Members included the need for officers

to be careful to avoid the introduction of additional information after the applicant / objectors / representatives had left the table and returned to the public gallery.

c) Points of Clarification

- 4.9 The current procedure enables all those who have made representations verbally to offer a final comment on a point of clarification before Panel Members debate an application. All District Councillors who responded considered this to be very valuable. However three respondents thought that the process was not being managed effectively. Concern was expressed by one Member that the process was not being followed and that representatives were being asked to return to the public gallery without being invited to clarify any points arising from discussions. One Member suggested that applicants / agents also should be permitted an opportunity to correct or challenge any statement made during the debate.
- 4.10 All of the members of the public who responded also agreed that this was a valuable exercise, with the majority agreeing that the opportunity to make points of clarification was adequate. Two respondents made suggestions whereby:-
- officers should be able to seek clarification from the agent / applicant if necessary;
 - objectors should be able to question statements made; and
 - the applicant should be offered the opportunity to challenge any statements thought to be false.

Only four public respondents were of the opinion that the process was being managed ineffectively.

d) Housekeeping Arrangements

- 4.11 A number of comments were made in relation to the housekeeping arrangements for meetings of the Development Control Panel with Members of the Council referring to the improvements which will arise from the new civic suite. Although it was acknowledged that there was little that now could be done in the current Council Chamber, specific comments were made by both councillors and members of the public on the need for a new microphone system and to improve the visibility of the Panel from some areas of the public gallery. It was also suggested that speakers should remain at the table until the conclusion of the debate on a particular item. There was a difference of opinion between Members as to whether applications where the public had

asked to speak should be dealt with at the beginning of the Panel meetings to prevent lengthy waiting times for speakers. Several members of the public were supportive of this suggestion.

A suggestion was also made that Panel meetings should be held during the day to prevent meetings running late into the evening.

e) Explanatory Leaflet

- 4.12 Having been asked to comment on the explanatory leaflet provided to members of the public, the majority of District Councillors considered the leaflet to be clear and comprehensive. The only minor improvement suggested was to advise the public about the limited parking availability at Pathfinder House.

Members of the public made the following suggestions:-

- the need to publicise arrangements more widely;
- that the leaflet be distributed with the original letter to residents;
- that objectors should be actively invited to attend and speak at the meeting; and
- a number of detailed comments relating to the text, photos and length of the document.

- 4.13 Members of the public's comments included:-

- an improvement to the audio equipment;
- the recording of speakers to ensure proper accountability;
- the need for members of the Panel to listen to representations with an open mind;
- greater publicity of the right to speak and;
- a separate time slot for groups with particular interests (ie History Society / conservation groups);

- 4.14 Members of the public also suggested a need for the process to demonstrate that it is open, transparent and fair such that speakers feel listened to and understood.

5. CONCLUSION

- 5.1 The responses received to the questionnaires have identified a number of suggestions for potential change to the current procedure. The Panel will now need to consider whether it wishes to pursue these suggestions further. To assist Members in their deliberations, the results of the questionnaire fall into the following areas:-

- Do the time limits for District Councillors, town and parish councillors, objectors and applicants need further consideration?

- Does any consideration need to be given to the current ordering of speakers?
- Is the opportunity for representatives to make points of clarification operating well in practice, is it being managed effectively and are any changes required?
- Should those applications involving speakers be moved to the beginning of the agenda for a particular meeting and should speakers be invited to remain at the table until the conclusion of the debate?
- Does the Panel wish to pursue any of the suggested improvements set out in paragraph 4.13 of the report (namely the recording of speakers, time slots for groups with particular interests and greater publicity for the scheme)
- Are any improvements required to the explanatory leaflet and / or the procedure for distributing this information to the public?

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BACKGROUND INFORMATION

Questionnaire responses

Minutes of the Overview & Scrutiny Panel (Service Support) 12th February
2008