

**TO EACH MEMBER OF THE
COUNCIL**

22 September 2015

Dear Councillor

COUNCIL - TUESDAY 22 SEPTEMBER 2015

Further to the Agenda and papers for the above meeting, previously circulated, please find attached two urgent items which have been agreed by the Mayor. The first is a report requesting an amendment to the Scheme for Public Participation at Planning Committee; the urgency relates to the need for a decision to be made prior to the consideration of an application at the Planning Committee meeting on 29 September and this will be taken at Item 10 on the Agenda. The second is a confidential report relating to Land at Kayte Lane, Bishop's Cleeve (Southam Parish); this is urgent due to the need to approve the commencement of Committal proceedings in the High Court for the breach of an Injunction Order (contempt of Court) and will be considered at the end of the Agenda in separate business.

Should you have any queries regarding the above please contact Democratic Services on
Tel: 01684 272021

Yours sincerely



**Lin O'Brien
Democratic Services Group Manager**

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	22 September 2015
Subject:	Amendment to Scheme for Public Participation at Planning Committee
Report of:	Lin O'Brien, Democratic Services Group Manager
Corporate Lead:	Sara Freckleton, Borough Solicitor
Lead Member:	Councillor D M M Davies
Number of Appendices:	One

Executive Summary:

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is required to “consult any district or parish council if the development is likely to “affect land” in the area of that parish council or district council”. There is currently no provision within the Tewkesbury Borough Council Scheme for Public Participation at Planning Committee for a representative from an adjoining local authority which is affected by an application, or from the local Ward Member or Parish Council(s) within that local authority area, to register to speak on that application at Planning Committee. In light of the fact that we have already received a request from the local Ward Member in respect of the application for residential development at Land at Farm Lane, Shurdington, which is on the Schedule for the next meeting of the Planning Committee, and it is anticipated that further requests may be received, Members are asked to consider whether they wish to make an amendment to the Scheme in order to allow representatives from adjoining local authorities, and the Parish Council(s) from within those areas, an opportunity to register to speak on planning applications for which they are statutory consultees.

Recommendation:

To consider whether to make an amendment to the Scheme for Public Participation at Planning Committee in order to allow representatives from local authorities, local Ward Members and Parish Councils, which have been consulted on planning applications in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, an opportunity to register to speak at Planning Committee.

Reasons for Recommendation:

To give Members the opportunity to consider whether they wish to expand their Scheme for Public Participation at Planning Committee to include neighbouring local authorities, Ward and Parish Council representatives.

Resource Implications:

None directly arising from this report.

Legal Implications:

None directly arising from the report.

Risk Management Implications:

If the Council decides not to amend the Scheme there may be reputational damage in respect of statutory consultees directly affected by an application not having the same opportunities as those from within the authority.

Performance Management Follow-up:

The Scheme would be amended and changes publicised, should the Council decide to make an amendment.

Environmental Implications:

Not applicable.

1.0 INTRODUCTION/BACKGROUND

1.1 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is required to “consult any district or parish council if the development is likely to “affect land” in the area of that parish council or district council”.

1.2 At the Planning Committee meeting on 29 September 2015, Members will be asked to determine an application for residential development comprising 369 dwellings, including access and associated infrastructure, at Land to the West of Farm Lane, Shurdington. The site is located on the southern fringes of Cheltenham and lies within the vicinity of the village of Leckhampton. The site comprises part of the housing allocation site (A6) in the JCS (Submission Version) and the majority of the strategic allocation is located within Cheltenham Borough Council on the opposite side of Farm Lane. Whilst the application site is located within Shurdington Parish, which is part of Tewkesbury Borough, in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Cheltenham Borough Council and Leckhampton with Warden Hill and Up Hatherley Parish Councils have also been consulted on the application.

2.0 IMPLICATIONS FOR THE SCHEME OF PUBLIC SPEAKING AT PLANNING COMMITTEE

2.1 At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period, starting with the term of the Council in May 2015, and so commenced with the Planning Committee in June. A copy of the Scheme is attached at Appendix 1.

- 2.2** Under the Scheme, the following individuals are permitted to speak:
1. A representative of the Town and Parish Council or Parish Meeting(s) within which the application is located – to put forward considered views of that council/meeting rather than their own independent views.
 2. A representative on behalf of the objectors.
 3. A representative on behalf of the supporters.
 4. Ward Councillors.
- 2.3** Where an application will affect land in an adjoining local authority area, as in the case of the Land West of Farm Lane application, there is currently no provision within the Scheme to allow a representative from that local authority, the local Ward Member or Parish Council(s) within that local authority area, to speak on the application at Planning Committee. In respect of the Land West of Farm Lane application, a request has already been received from the local Ward Member for Leckhampton and it is anticipated that further requests will be received. Members are therefore asked to consider whether they wish to amend the Scheme so that representatives from local authorities, local Ward Members and Parishes, which have been consulted on planning applications in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, have an opportunity to register to speak.
- 3.0 OTHER OPTIONS CONSIDERED**
- 3.1** To seek no amendment to the Scheme and accordingly refuse the requests that we may receive in respect of this application from the local authority, local Ward Members and Parish Councils, and future applications that fall within this category.
- 4.0 CONSULTATION**
- 4.1** Not applicable.
- 5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 5.1** Scheme for Public Participation at Planning Committee.
- 6.0 RELEVANT GOVERNMENT POLICIES**
- 6.1** Town and Country Planning (Development Management Procedure) (England) Order 2015
- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1** None directly arising from this report.
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1** None directly arising from this report.
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** None directly arising from this report.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Council – 14 April 2015 – Approval of Scheme of Public Participation for Planning Committee.

Background Papers: None

Contact Officer: Sara Freckleton, Borough Solicitor
01684 272011 Sara.Freckleton@teWKesbury.gov.uk

Appendices: Appendix 1 – Scheme of Public Participation at Planning Committee.

Scheme for Public Participation at Planning Committee Meetings

Members of the public have the right to attend most Committees arranged by the Council. In addition there is a Public Participation Scheme in place which allows the public to make submissions to meetings of the Council or its Executive Committee.

The majority of planning applications received by the Council are determined by Officers under the Council's delegation scheme; however, major or contentious proposals are dealt with by the Council's Planning Committee. The Committee usually meets every four weeks on a Tuesday morning at 9.00am in the Council Chamber at Tewkesbury Borough Council Offices and the Agenda is published on the Monday of the week prior to the meeting. It is a non-political meeting and all decisions are made strictly on planning grounds.

Everyone has the right to make written representations about a planning application and all are carefully considered before a decision is made. In addition to this provision, the public speaking facility was introduced in May 2015. It allows individuals to speak at the Planning Committee to state their views on specific proposals.

When is public speaking allowed?

Public speaking is allowed on any application contained within the Planning Schedule of applications considered by the Planning Committee. Public speaking is not allowed on items contained within the Agenda such as potential enforcement action, tree preservation orders etc.

If public speaking has taken place on an application and it is then deferred, for example, to enable Members to visit the site or to allow further negotiations, further public speaking will be permitted when the application is reconsidered by the Committee; the original speakers will be automatically re-registered unless notification is received to the contrary.

Who is allowed to speak?

The following individuals can speak and will be called in the following order:

1. A representative of the Town or Parish Council or Parish Meeting(s) within which the application is located – to put forward considered views of that Council/Meeting rather than their own independent views.
2. A representative on behalf of the objectors.
3. A representative on behalf of the supporters (this includes the applicant or their agent).
4. Ward Councillors.

No one is required to speak; it is an entirely voluntary opportunity.

Members of the Committee who have a Code of Conduct interest in an application within the Agenda which prevents them from participating in the debate will be able to speak for three minutes prior to leaving the meeting.¹

¹ Town and Parish Councillors are reminded of their responsibilities under the agreed Code of Conduct.

Procedure for Applying to Speak at Planning Committee Meetings

It is the responsibility of the person wishing to speak to check that an item is on the Schedule of Planning applications for the meeting. This can be done by calling the Planning Case Officer or the Democratic Services section. The Agenda for the meeting, including a copy of the Schedule, is published five clear working days before the meeting; this is usually the Monday of the week before the meeting. The Agenda and Schedule can be viewed at the Council Offices or on the Council's website www.tewkesbury.gov.uk

Members of the public wishing to speak at Planning Committee meetings will need to telephone Democratic Services on 01684 272021 – this is the only way to register a request to speak. The deadline for registration is 10.00am on the day before the meeting.

Registering to speak will not guarantee the opportunity to speak at the Committee. This is because there may be many requests to speak on certain applications. The Chairman of the Committee will only allow one speaker “for” and one speaker “against”. The onus is entirely on the parties concerned to communicate with each other and agree who should act as the spokesperson. If no agreement is reached the speaking slot will be given to the first registered speaker.

Public speakers are requested to submit a copy of their representations, either by email to democraticservices@tewkesbury.gov.uk in advance of the meeting or by handing a copy to the Committee Administrator at the meeting.

How long are public speakers allowed to speak?

Within each speaking slot, a maximum of three minutes per speaker per application will be allowed in which to speak. This time must be strictly adhered to and speakers are encouraged to practice their presentation in order to use the time constructively.

What is the procedure for consideration of applications at Planning Committee?

The Chairman will introduce the application and the Planning Officer may then provide a short presentation.

Speakers will be asked by the Chairman of the Committee to move to a designated seating area before they speak. The three minute limit will be strictly applied by the Chairman and speakers will be asked to return to their seats in the public area after that time.

When there are no further speakers, the Chairman will start the debate. Finally the Committee will be asked to take a decision on the application.

What are speakers allowed to say?

Speaking slots will be purely provided to enable views to be expressed. Speakers will not be permitted to enter into debate with Members or Officers, nor with each other, and the Chairman will not allow cross-examination of either the applicant or the objector by either party.

No new written material, documents, plans, photographs or other visual aids may be presented on the day of the meeting.

Planning Committee meetings are held in public and comments of a personal, slanderous, defamatory or otherwise offensive or abusive nature must not be made. The Chairman of the Committee has the right and duty to stop anyone speaking if such comments are made and the speaker may then forfeit their opportunity to continue to speak.

Advice for Public Speakers

- Keep observations brief and relevant.
- Speak clearly using the microphone.
- Please limit your views to relevant planning issues, for example:
 - impact of the development on the character of the area;
 - external design, appearance and layout;
 - impact of development on neighbouring properties;
 - highway safety; and
 - government guidance.
- Avoid referring to non-planning matters as these cannot be taken into account when the Committee determine the application e.g.:
 - “trade” objections such as competition issues;
 - boundary or property disputes;
 - the developer’s motives;
 - “moral” arguments;
 - matters covered by other laws;
 - loss of “view”;
 - personality issues; and
 - reduction in property values.
- Please remember that you are addressing Members of the Planning Committee and not the public gallery.