

Appendix 5 – Officer comments and Working Group response

Consultee	Key Points Raised	Working Group Comments (if any)
<p>Borough Solicitor</p>	<ul style="list-style-type: none"> <li>• Scheme appears to be working well – speakers keep to their time, keep to planning issues and don't try to become part of the debate.</li> <li>• Visual timing aid has enabled efficient time-keeping.</li> <li>• Appears to have been generally welcomed by Parish Councils and most have registered in advance as required.</li> <li>• Transparent forum for Parish Council to make verbal representations to the Committee.</li> <li>• Instances where problems occurred: <ul style="list-style-type: none"> <li>- Parish Councillor not allowed to speak when they had failed to register as required – need to remind Parish/Town Councillors of the requirements?</li> <li>- Parish Councillor attended with the intention of presenting their own views, rather than those of the Parish Council. Registration had taken place as required but the Parish Councillor had assumed that the designated slot was an opportunity for any Parish/Town Councillor to give their views on an application within their Parish. In the circumstances, the Parish Councillor was not heard by the Committee.</li> </ul> </li> <li>• Possible areas of clarification: <ul style="list-style-type: none"> <li>- Public speaking scheme/leaflet has been interpreted that any Ward Councillors (that are not Planning Committee Members) wishing to speak have to register in the same way as any other speakers. So far this has not been challenged but they could possibly draw on Rule 48 in Section 1 Part I of Part 4 of the Constitution.</li> <li>- Deadline for registration is 10.00am on the day before the</li> </ul> </li> </ul>	<p>Members felt that Ward Councillors that were not Planning Committee Members should be required to register to speak in the same way as other speakers. It was noted that the Constitution set out that a Councillor who was not a Member of the Committee may speak at a meeting of the Committee during the consideration of any item or Motion brought by the Councillor direct to the Committee or referred by the Council in accordance with Council Procedure Rules 13 and 14; with the agreement of the Chair of the meeting; or during the consideration of any matter specifically affecting that Councillor's Ward. Whilst this right could not be withdrawn completely, it could be reworded to make the Constitution more compatible with the scheme.</p> <p>It was considered that the issue in relation to the Parish Councillor not being allowed to speak could be avoided in future by ensuring that the scheme was more widely publicised.</p> <p>It was agreed that the scheme itself should be amended to refer to the deadline for registration being 10.00am on the "working day" before the meeting.</p> <p>It was noted that a number of people had commented on how well managed the Committee meetings had been and Members felt that this was largely due to the relevant information being available in advance so that a detailed briefing note could be produced for the Chair and Vice-Chair. This would not be possible if Tewkesbury Borough Council adopted the same procedure as Malvern District Council whereby the Parish Council did not have to register in advance.</p> <p>The Working Group felt that it would be considerably</p>

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	<p>meeting – the scheme refers to “the day” before the meeting whereas the information leaflet refers to “working day” – the latter should be inserted into the scheme also.</p> <ul style="list-style-type: none"> <li>• Differences in known schemes operating in the area: <ul style="list-style-type: none"> <li>- Malvern District Council – does not require any registration by Parish Councils.</li> <li>- Cheltenham Borough Council – does not require speakers to await the publication of the relevant Agenda before they can register their wish to speak on a particular application. They do have a dedicated Planning Committee Co-ordinator. Potentially too administratively burdensome for TBC to operate within its current Member Services resource. To date there have been no issues regarding this element of the procedure at TBC, apart from one instance when a prospective speaker had wished to register in advance due to being on holiday.</li> <li>- Locum Planning Solicitor experience elsewhere is that some authorities have a limit of 5 minutes speaking. This would potentially lengthen the process significantly without any obvious benefit to the decision making process or experience of the participants.</li> </ul> </li> <li>• If more than one speaker wishes to register in a slot, we try to avoid encouraging sharing the slot, i.e. 1.5 minutes each, but if they cannot come to an agreement about one person taking on the views we would have difficulty refusing. If the situation arose we would manage it by having the speakers sat side by side with one immediately carrying on from the other once 1.5 minutes had passed.</li> </ul>	<p>more onerous for Member Services if registration could take place at any time, as was the case at Cheltenham Borough Council, and additional resources would be required if an amendment was made along those lines. It was noted that the onus was currently on the individual themselves to ensure that they registered to speak at the appropriate time and that was not something which Members wished to change.</p> <p>The issue of sharing slots had not arisen to date but sharing slots was not something which would be encouraged and no reference was made to it within the current scheme.</p>

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Development Manager	<ul style="list-style-type: none"> <li>• Officers had originally been wary of the introduction of public speaking from an operational perspective but it had actually worked very well in practice.</li> <li>• A strong Chair is essential for the scheme to work properly.</li> <li>• Does raise a question about Parish/Town Council attendance on the Committee Site Visits but that would be considered under a separate review.</li> <li>• 3 minute slots are long enough.</li> <li>• Public speaking had not noticeably slowed the Planning Committee process.</li> <li>• Adds to the sense of openness and transparency.</li> <li>• Being able to engage in the planning process is particularly important to Parish/Town Councils.</li> <li>• Has led to a noticeable reduction in the amount of late paperwork received.</li> <li>• General feedback is that people are happy with the process and grateful for the opportunity.</li> <li>• No adverse comments from Planning Officers.</li> </ul>	<p>A separate review of the Protocol for Councillors and Officers Involved in the Planning Process, which included the Committee Site Visit procedure, would be undertaken in due course.</p>

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<p>Support Services Team Leader</p>	<ul style="list-style-type: none"> <li>• Involved in the process from a customer point of view – advising that public speaking is available for use, explaining the process and pointing them in the direction of Democratic Services to register.</li> <li>• Scheme is promoted at the point of receipt of an application – applicants/agents are informed that if the application goes to Committee they will have a chance to register to speak. When the Schedule is published online, a letter is sent to the applicant/agent advising that it will be going to Committee and pointing them to the information leaflet on the website.</li> <li>• If someone sends in a letter of support or objection they would be advised that there was an opportunity to register to speak if the application went to Committee.</li> <li>• Very positive reaction - had previously been an expectation that TBC should have a scheme in place.</li> <li>• Good idea to advertise the scheme more widely e.g. in the Borough News.</li> <li>• Planning had recently gone through a systems review and part of that had involved changes to the acknowledgement letters for applicants/agents. Bullet points were being introduced to show the next steps of the application process and the scheme was something which could be included within that.</li> <li>• Some confusion over deadlines – deadline for registering to speak is 10.00am on the day before the meeting whereas the deadline for written representations is 5.00pm on the day before the meeting.</li> </ul>	<p>With regard to the confusion over the different deadlines for registering to speak and the submission of additional representations, it was noted that, as a matter of law, anything which was received before the start Planning Committee meeting needed to be put to Members; any representations received after 5.00pm on the day before the meeting were reported verbally at the meeting. Consideration was given as to whether the deadline for additional representations should be aligned with the deadline for registering to speak, however, there was currently some benefit in being able to advise people who had missed the deadline for registering to speak that there was still an opportunity to submit written representations. Extending the deadline for registering to speak beyond 10.00am would have an impact on the ability of Member Services to produce an up-to-date briefing note for the Chair in time for the meeting. Members understood the points which had been raised and felt that the deadlines should remain the same but that the distinction between the two needed to be made clearer.</p>

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Senior Planning Officer	<ul style="list-style-type: none"> <li>• Public speaking does lengthen Committee meetings but not significantly.</li> <li>• Most people are well-prepared.</li> <li>• It had not resulted in unfair criticism of Officers which was a concern before the scheme was introduced.</li> <li>• 3 minutes is long enough for each speaker to get their points across, does not need to be longer,</li> <li>• Useful for speakers to raise any salient points arising from the Committee reports and not worry about them being lost amongst the late papers.</li> <li>• The fact that there are usually a number of speakers at each Committee suggests that the scheme is of value but it was not something which he was often asked about by applicants/agents.</li> <li>• There were sometimes situations where there were 2/3 applications for the same site and he did not see the value in speakers repeating the same points for each application.</li> <li>• Training for Officers would be useful. Not everyone understood the scheme in place or how it was administered.</li> </ul>	<p>Members felt that some training for Planning Officers would be beneficial. The key point was for Officers to recognise that the only way to register was by telephoning Democratic Services.</p> <p>In terms of having separate speaking slots for applications on the same site, it was recognised that there might be a legal issue if speakers were allowed for one site but not the other. It was possible that there could be a scenario where the applications had different recommendations or where there the salient points for each application were different.</p>

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<p>Member Services Officer</p>	<ul style="list-style-type: none"> <li>• A few teething problems but now working well.</li> <li>• Speakers arrive in advance of the meeting and are ticked in and shown where to sit etc. If people are late and the meeting has commenced this can be a problem, particularly when the schedule is large as some people are unwilling to sit through the whole meeting if their item is towards the end.</li> <li>• Registration only starts once the Agenda for the meeting has been published and is by telephone call to Democratic Services only – we considered email but that could be a problem if it is not picked up e.g. if someone is on holiday or an email is received over the weekend etc.</li> <li>• Only one slot for Parish/Town Councils, one for objectors and one for supporters. If a second person calls to register in a slot which is already taken we would look to put them in touch with the registered speaker to see if they would incorporate the points the second person wished to make into their speech. This has not happened to date – tend to find that local residents have already spoken about it and nominated a speaker.</li> <li>• Have to obtain consent to pass on telephone numbers and that speakers are happy to be recorded at meetings. A few people have expressed concern about this but it is not something which we can control.</li> <li>• Once the deadline for registration has passed a briefing note is prepared for the Chair setting out the speakers for each application.</li> </ul>	<p>There was discussion as to whether it would be appropriate for Ward Councillors who were not Members of Planning Committee to be timed by the electronic clock. Rule of Procedure 16.7 states that, other than the mover of a motion or amendment, all other speeches may not exceed three minutes. However, the Rules of Procedure also allow the Chair a discretion to allow the speaker to continue for a specified time. Therefore, whilst it would not be inappropriate to sue the electronic clock as an aid to the Members, there would be an opportunity for a Member to be allowed to continue beyond this time.</p>

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	<ul style="list-style-type: none"> <li>• The administration of the scheme has created additional work (approximately 1hr extra from point of publication of the Agenda and the meeting and an additional 30mins on the day of the meeting). In addition, full Minutes are now written for every application.</li> <li>• It would be significantly more work if we allowed people to register on any application as soon as it was valid, rather than waiting for the Agenda to be published.</li> <li>• It is helpful to know in advance if any Ward Councillors who are not Members of the Planning Committee would like to speak so they can be included on the Chair’s briefing note.</li> <li>• Concern that Planning Officers do not know the process for registration.</li> </ul>	