

**Governance Working Group - Public Speaking Scheme at Planning Applications Committee**

Portfolio	Non-executive function
Ward(s) Affected:	n/a

**Purpose**

**To review elements of the Public Speaking Scheme for the Planning Applications Committee and consider the adoption of a Protocol for the Registration of Organisations for the purpose of Public Speaking.**

Background

1. The Public Speaking Scheme for Planning Applications Committee allows for public speaking on applications where thresholds for triggering the Scheme have been met, therefore facilitating speaking on an item where an application has generated a genuine interest in the community. The Scheme has also been designed with the intention that its operation reflects the principles of natural justice.
2. The Governance Working Group, at its meeting on 27 April 2018
  - a. reviewed proposed amendments to the Scheme to support the principles of natural justice;
  - b. considered the adoption of a Protocol for Registering Organisations for the purpose of speaking at Planning Applications Committee meetings; and
  - c. reviewed the call-in Procedure for Planning Applications.

Public Speaking Scheme for Planning Applications Committee

3. The Working Group recommends that the Scheme be amended to clarify that an individual or organisation can only register to speak in accordance with the nature of the representation they had submitted, i.e. either in support of or in opposition to an application. This will guarantee that the principles of natural justice are met by giving those in objection and those in support equal opportunities to speak.
4. The Working Group also proposes that the Scheme be amended to ensure that an individual can only speak on an application once. This will mean that, an individual will not be permitted to register both themselves and their organisation to speak on an application. However a different member of the association will be able to speak on its behalf.

Protocol for the Registration of Organisations for Public Speaking at Planning Applications Committee

5. The Public Speaking Scheme currently provides for a Residents' Association, Business Association or Amenity Society, previously registered under this scheme, which has submitted a representation in

respect of the application and registered to speak, to be entitled to one of the speaking slots. This enables an established group to speak on behalf of a number of households, or a wider community area. Groups are asked to submit a constitution, accounts and information on membership and key officer in support of their initial application.

6. The Working Group considered a Protocol intended to make certain that these registered organisations remains, representative and current.
7. The Protocol includes criteria to make sure that
  - a. the organisation represents a 'genuine' membership of an area;
  - b. membership is open to all members of the relevant community;
  - c. the organisation will consult its members on any views presented to the Planning Applications Committee on their behalf; and
  - d. the organisation remains current and valid.
8. The Working Group recommends that, in order to ensure that the organisations remain current and valid, they be required to submit the signed minutes of their most recent Annual General Meeting which must have been held within the previous 18 months.

#### Call-in Procedure for Planning Applications

9. The Working Group also reviewed the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution in relation to the call-in procedure. This procedure enables the Chairman, Vice Chairman of the Planning Applications Committee or a relevant ward councillor to "call-in" a delegated planning application for determination by the Planning Applications Committee. The review had been prompted by the relatively large number of called-in applications on a recent agenda.
10. The Working Group is of the opinion that the delegation to the Executive Head of Regulatory which refers to any request for an application to be called in to be supported by "broad planning reasons" is appropriate and proportional. However, the Working Group has requested that, in future, the broad planning reason should be included in the Executive Head of Regulatory's report to the Committee on the planning application.

#### Options

11. The Council has the option to
  - a. agree or not agree the changes proposed or suggest alternative amendments to the Public Speaking Scheme for Planning Applications Committee; and

- b. agree or not agree to adopt a Protocol for the for the Registration of Residents' Associations, Business Associations and Amenity Societies for the purpose of Public Speaking at Planning Applications Committee, with any amendments as necessary.

#### Resource Implications

12. There are no resource implications.

#### Recommendation

13. The Council is asked to RESOLVE that
  - (i) the Public Speaking Scheme for Planning Applications Committee, as set out at Part 4, Section E of the Constitution, be revised as set out at Annex A to this report; and
  - (ii) a Protocol for the Registration of Residents' Associations, Business Associations and Amenity Societies for the purpose of Public Speaking at Planning Applications Committee be adopted, as set out at Annex B to this report, and added to the Documents Which Support the Constitution.

Annexes: Annex A – Proposed Revisions to the Public Speaking at Planning Applications Committee Scheme.

Annex B – draft Protocol for the Registration of Residents' Associations, Business Associations and Amenity Societies for the purpose of Public Speaking at Planning Applications Committee.

Background Papers: None

Report Author Rachel Whillis Democratic Services Manager  
rachel.whillis@surreyheath.gov.uk

Service Head: Richard Payne Executive Head of Corporate  
richard.payne@surreyheath.gov.uk