

**Teignbridge District Council
Overview and Scrutiny Committee
28 May 2024
Part i**

Notice of Motion (NOM) - Public Speaking at Planning Committee

Purpose of Report

To provide information as requested by the Overview and Scrutiny Committee on 9 April 2024, on the Planning Committee's current public participation scheme (PPS) and consequences of the amendment to the scheme as proposed by the NOM, to enable consideration of the NOM.

Recommendation(s)

The Committee is recommended to consider the NOM detailed at paragraph 2.1 below.

Financial Implications

See 6.1 and 7.1 below for financial implications

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Legal Implications

There are no legal implications arising from this report save that the Council's adopted policies and procedures should operate to mitigate any risk to the risk by way of challenge or otherwise. Care should be taken when considering this matter to avoid unintended consequences.

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Risk Assessment

The risks with amending the PPS relate to legal implications as above.

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Environmental/ Climate Change Implications

No environmental or climate change implications.

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Executive Member

Councillor Keeling – Executive Member for Corporate Resources
Councillor G Taylor - Executive Member for Planning.

Appendices/Background Papers

Appendix – the current Planning Committee public participation scheme

1. BUDGET AND POLICY FRAMEWORK

- 1.1 The current PPS can be found at the Appendix. The impact of the scheme is that it enables the public to address the Planning Committee on planning applications as either a supporter or an objector. The scheme is a procedure and has no budget allocation.

2. BACKGROUND

- 2.1. The NOM was presented to Council by Cllr P Parker as follows:

“In light of recent presentations by supporters and objectors at recent planning committee meetings it is apparent that the quality and clarity of presentations can vary.

There are instances where councillors would benefit from being able to request clarification for a point made during a presentation enabling a better decision to be reached.

*For this reason I request **that standing orders for planning committee meetings are altered to allow, through the chair, questions requesting clarification of a point made during the presentation to be put to an applicant/objector and answered by them.**”*

- 2.2. The NOM was referred by Council to the Procedures Committee. The Procedures Committee referred the matter to the Overview and Scrutiny (OS) Committee as set out on the agenda for the OS meeting on 9 April [Agenda](#)

3. CURRENT POSITION

- 3.1. The current PPS is detailed at the Appendix.
- 3.2. Legal advice was sought on interpretation of the proposed amendment to the PPS as set out in the NOM and is detailed below.
- 3.3. Should there be more speakers registered to speak than the scheme permits a spokesperson(s) is agreed by those registered who speaks on behalf of the others registered. I

4 ADVICE & OPTIONS

- 4.1 Advise in relation to risk management is set out at paragraphs 5 to 8 below.
- 4.2 The options for consideration are:
 - No change to the current PPS.
 - An amendment to the PPS in accordance with the NOM.
 - An amendment to the current Committee debate practice whereby Cllrs continue to ask planning related questions of the Planning Officer for points of clarification and then through the Chair allowing the Planning Officer to direct the question to an objector or supporter in instances where the Planning Officer is unable to provide an answer.

5. RISK MANAGEMENT

- 5.1 Risk implications include:
 - Incorrect information being provided by an objector or supporter which could be taken into account by Cllrs when reaching a decision.
 - The supporter or objector being perceived as being part of the debate.
 - The Meeting evolving into a magistrate's court room environment.
- 5.2 The Council is open to challenge in relation to a planning application decision if it is considered that a public speaker(s) has unduly influenced a decision.
- 5.3 Questions that the objector, supporter or Planning Officer cannot answer could result in an application being deferred for the information and therefore affecting the Council's national and local performance targets.

6. FINANCIAL IMPLICATIONS

- 6.1 The Council could incur costs should it be challenged in relation to a planning decision considered to be unduly influenced by a public speaker(s).

7. RESOURCE IMPLICATIONS

- 7.1 There is the potential for increased staff time with any increase in the average time for a planning Committee meeting to deal with all matters on the agenda at a meeting. Any issue that cannot be answered at the meeting could result in the application being deferred and resources required to research the matter and take back to Committee for a decision to be made.

Appendix

Current procedure for Speaking at Planning Committee

What do I do if I wish to speak at Planning Committee

If you wish to speak at a Planning Committee Meeting on an application please email democraticservicestdc@teignbridge.gov.uk by 12 noon on the Thursday before the meeting giving your full name, email address, mobile telephone number and quote the planning reference number. If more than one person requests to speak your email address will be sent to all who wish to speak for you to arrange a spokesperson between yourselves.

Members of the public who speak at a committee will have their name published within the minutes and they will be recorded where a meeting is broadcast live. Should members of the public wish to remain anonymous then they should contact comsec@teignbridge.gov.uk to make this request.

What is the order of speakers on an application at a Planning Committee

- Planning Officer presenting the report
- Objector(s)
- Supporter(s)
- Discussion by Councillors
- Decision (which may be approve, refuse, or defer to a subsequent meeting e.g. to allow for a site visit).

Who may speak and for how long

For major applications up to two objectors and two supporters may speak for 5 minutes each. The time between objectors and supporters is balanced. For example if there are two objectors but only one supporter the supporter will be able to speak for 10 minutes.

For other applications one objector and one supporter may speak for a maximum of 3 minutes each.

What may I speak about

Only planning related matters can be considered and any comments regarding disability, race or ethnicity, religion or belief, sexual orientation or gender reassignment or that are defamatory, prejudiced or otherwise likely to cause offence to the subject of the comments or any other reader will be removed. Any comments that are considered to constitute hate incidents or hate crimes may be passed to the police.

Examples of planning related comments include:-

- Overlooking/loss of privacy
- Design/effect on appearance of area
- Access, parking, traffic, road safety
- Trees/Biodiversity/Landscape/Heritage
- Noise/disturbance
- Local or Government Policy/Economic benefits
- Flooding issues

Comments which should not be made and cannot be considered include:-

- Loss of property value/loss of view
- Boundary/land ownership/neighbour disputes
- Impact on private drainage systems
- Inappropriate or personal comments
- Doubts as to integrity of applicant
- Breach of covenant
- Principle of development when outline consent exists