

North Tyneside Council**Planning Committee****Temporary Speaking Rights Scheme 2020****1. Introduction**

- 1.1 The Council's Planning Committee meets regularly to make decisions on major and contentious planning applications. The Council is committed to providing members of the public with opportunities to become involved in its decision making and so it allows objectors and supporters of major and controversial planning applications with a right to speak to the Committee before it makes its decision.
- 1.2 In making decisions on planning applications the Committee must apply the "rules of natural justice" which means it must avoid being biased and give everyone a fair hearing.
- 1.3 The purpose of this scheme is to provide a clear set of procedural rules so that everyone involved understands the process and to ensure that the process is fair. The Chair of the Committee has the authority to regulate and control the conduct of meetings and so in exceptional circumstances the Chair may decide to depart from these rules. In these circumstances all parties will be notified of the decision and the reasons for it.
- 1.4 **At present face to face meetings of the Planning Committees are not possible because of the Coronavirus outbreak. This scheme has therefore been temporarily varied to provide those people who would normally be allowed to attend meetings and speak to the Committee with an alternative method of contributing to the decision making process.**

2. Notice of Applications

- 2.1 Planning applications are publicised in several ways. This can be by notification letters sent to adjoining neighbouring properties or public notices displayed on site, published in local newspapers or posted on the Council's website.
- 2.2 Members of the public have a right to make representations in relation to an application by either:
- a) writing to the Planning Department, Quadrant 1FL,
The Silverlink North, Cobalt Business Park, North
Tyneside, NE27 0BY,
 - b) uploading comments through the Council's website;
 - c) sending an e-mail to
development.control@northtyneside.gov.uk
- All representations must include a name and address, the application reference number and the reasons for either objecting or supporting the proposal.



(Note: In determining planning applications, the Council can only take into account relevant planning issues such as privacy, visual amenity, design, noise, car parking, highway safety and congestion, landscaping, drainage and character of the area.)

3. Request to Speak

- 3.1 A member of the public who submits a written representation to the Council in relation to a planning application may also request to speak to the Planning Committee. The purpose of allowing members of the public to speak at the Committee is to enable those who have made representations to emphasise the important points made in the representation before the Committee reaches a decision. In determining planning applications, the Committee can only take into account relevant planning issues. If a speaker refers to irrelevant issues these cannot be taken into account. For example the Planning Committee cannot give consideration to issues such as the potential loss of a view, fears that neighbouring properties may be devalued, trade objections from competitors, the terms of covenants or moral objections.
- 3.2 Any request for speaking should be submitted in writing to the Council prior to the end of the consultation period preferably at the same time as the person submits their written representation. The request should set out reasons why the request should be granted, taking into account the criteria set out below. Where the consultation period is open in the days leading up to a committee meeting, any requests for speaking should be received at least 5 working days before the meeting.
- 3.3 Any request to speak to the Planning Committee will be considered by the Chair and/or Deputy Chair of the Planning Committee. The Chair/Deputy Chair will normally grant speaking rights if:
- a) the member of the public has submitted a written representation to the Council in relation to the application;
 - b) the member of the public has a material planning interest in the outcome of a planning application; and
 - c) the application is so significant or contentious that it warrants consideration by the Planning Committee and the granting of speaking rights. Speaking rights will not normally be granted in respect of applications for residential extensions or alterations.
- 3.4 If the Chair/Deputy Chair decide not to grant speaking rights, the Council will notify the member of public explaining why they will not be allowed to speak. The decision of the Chair/Deputy Chair is final and there is no right of appeal.
- 3.5 If the Chair/Deputy Chair grant speaking rights during the period when face to face meetings of the Planning Committee are not possible because of the Coronavirus outbreak the speaker will be invited to submit a written statement of no more than 850 words to highlight or expand on the important points made in their representation. The Council will seek to give the member of public 5 or more days notice of the deadline for the receipt of the statement. They will also be notified of the date and time of the Planning Committee and be directed to

copies of the agenda and this scheme, which are available on the Council's website: www.northtyneside.gov.uk

- 3.6 If, having read the report, the member of the public decides they do not wish to submit a statement to the Committee (the report may contain a recommendation or proposed conditions which address their concerns) they must notify the Council of their decision to withdraw from the process in writing to the clerk of the committee either by email to democraticsupport@northtyneside.gov.uk or by using the contact details set out on the agenda. If a statement is not submitted prior to the deadline the Committee will continue to determine the application without a statement. The original representation will still be taken into account.
- 3.7 When more than one member of the public have been granted speaking rights, either for or against an application, they will be requested to submit a single statement. Normally only one statement will be allowed in opposition and one in support of an application. If speakers cannot agree on a single statement, the person allowed to submit a statement will be the author of the first written letter of support and/or objection received by the Council where speaking has been requested.
- 3.8 A member of the public who has been granted speaking rights must submit their written statement before 12noon on the third working day before the meeting so that it can be considered by the planning officers and shared with the other parties. So if the committee is to meet on a Tuesday any documentation must normally be submitted on the Thursday before. Any documentation presented after this deadline will not be admissible.
- 3.9 Speakers should aim to emphasise the important points made in the representation and ensure their comments are relevant to the planning issues set out in the report to the Committee. If a speaker refers to irrelevant issues these cannot be taken into account. For example, the Planning Committee cannot give consideration to issues such as the potential loss of a view, fears that neighbouring properties may be devalued, trade objections from competitors, the terms of covenants or moral objections.

4. Councillors

- 4.1 Councillors may also request to speak to the Planning Committee. This right is in addition to, and separate from, the right of Councillors to request that an application, which would otherwise be determined by officers, be determined by the Planning Committee.
- 4.2 Councillors must submit a request to speak on an application in writing via email to development.control@northtyneside.gov.uk and to the planning case officer or by 12noon, three working days before the meeting. So if the Committee is due to meet on a Tuesday any request must normally be received by 12noon on the Thursday of the week before. The request should set out reasons why it should be granted, taking into account the criteria set out below.

- 4.3 Any request from a Councillor to speak to the Committee will be considered by the Chair and/or Deputy Chair. The Chair/Deputy Chair will normally grant speaking rights if the application is so significant or contentious that it warrants the granting of speaking rights.
- 4.4 Councillors should not request speaking rights merely to seek clarification or to ask questions. Councillors are encouraged to raise questions with officers prior to the meeting.
- 4.5 If the Chair/Deputy Chair grant speaking rights to a councillor during the period when face to face meetings of the Planning Committee are not possible because of the Coronavirus outbreak, the councillor will be invited to submit a written statement of no more than 850 words to summarise their grounds for objection or support. A councillor who has been granted speaking rights must submit their written statement before 9.00am on the day before the meeting so that it can be considered by the planning officers and shared with the other parties.
- 4.6 If a Councillor is granted speaking rights and they are a member of the Planning Committee, they will be requested to ensure they do not take part in the decision making on the application.

5. Applicant's Right to Respond

- 5.1 Where a member of the public or a Councillor has submitted a statement to the Committee, the applicant will be provided with a copy and given a right to respond by submitting a written statement of no more than 850 words. An agent may respond on behalf of the applicant.
- 5.2 If the applicant does not provide a response this will not prevent the statement from the member of the public or Councillor from being submitted to the committee and the application will be determined by the Committee.

6. The Committee Meeting

- 6.1 At present face to face meetings of the Planning Committee are not possible because of the Coronavirus outbreak. During this period remote meetings are being held using Microsoft Teams video conferencing software. The meetings are streamed live on the Council's YouTube channel and can be viewed and recorded by the press and public.
- 6.2 Those granted speaking rights will not be invited to participate in a remote hearing. This is to ensure that everyone has the same opportunity to contribute to the process and anyone who is unable to access a remote meeting is not disadvantaged. The submission of written statements in these circumstances is considered to be the fairest system for all.
- 6.3 The process to be followed by the Committee in determining the application. will normally be as follows, but may be subject to change at the discretion of the chair, who is responsible for the conduct of the meeting:-

- a) the planning officer will present a report to the committee, outlining details of the application and highlighting the material planning considerations on which the committee must judge the application;
- b) the clerk to the committee will read out the written statement submitted by anyone granted speaking rights;
- c) the clerk will read out any written statement submitted by the applicant or agent;
- d) members of the committee will be invited to ask questions of the officers;
- e) the committee will make comments and debate the merits of the application;
- e) the chair will move that the Committee approves the recommendation contained in the planning officer's report;
- f) each Committee member will vote for or against the recommendation;
- g) the clerk will confirm the outcome of the vote; and
- h) if the committee vote against the officer recommendation they will be asked to agree the reasons for their decision.

7. After the Meeting

- 7.1 Applicants will be formally notified of the decision of the Planning Committee. The decision will also be recorded and published in the minutes of the meeting, available on the Council's website (www.northtyneside.gov.uk) normally within 5 working days of the meeting.

If you require any further information or guidance in relation to your right to speak at the Planning Committee, or if you require this document in an alternative format such as Braille, audiotape, large print or an alternative language please contact:

the Democratic Services Team
democratic.support@northtyneside.gov.uk

Tel: 0191 643 5359

or

the Planning Officers
development.control@northtyneside.gov.uk

Tel: 0191 643 2310