RIGHT TO SPEAK POLICY

This document sets out when members of the public and planning agents/applicants, Parish Councils and other Council Members can address Carlisle City Council's Development Control Committee. It sets out the "Right to Speak" policy in relation to planning applications and proposals for new Tree Preservation Orders.

Right to Speak on Planning Applications

For any application which is presented to the Committee you must first have made representation on the application prior to an officer report being published. Just because an objection may have been made to a planning application does not mean it will be reported to the Development Control Committee. Application will only be presented to the Committee when the criteria under the Council's scheme of delegation have been met.

When commenting on an application you may have requested a right to speak to the committee however you cannot register in advance. You will be advised that at the time of you making representation it is not clear whether the application is going to committee and we will not register your right to speak. If you wish to know whether an application will be reported to the Development Control Committee you will have to contact the case officer after the consultation period has ended. If it is going to committee, once the committee schedule of applications has been published (10 days prior to the meeting usually the Wednesday the week preceding the committee) you will be able to register along with others who have made representation.

Right to Speak on Tree Preservation Orders

When a new Tree Preservation Order has been made and an objection has been made this will be reported to Development Control Committee. There will be a right to speak as to whether or not the order should be made. Please note that when an application is made to undertake works to trees protected by a Tree Preservation Order this is usually dealt with under delegated powers by officers and not reported to the Development Control Committee.

When can you register your right to speak?

When the Committee agenda has been published you will be able to register to speak by telephone/email/letter to DCRTS@carlisle.gov.uk or 01228 817179. The agenda includes a schedule of planning applications which will be presented to the committee and you will find a copy of the officer's report within the papers. Reports on Tree Preservation Orders are listed separately on the main agenda.

You have until 5pm on the Wednesday prior to the Committee meeting to register. Once a right to speak has been registered we will inform the agent/applicant hence we have to close the ability to register more than 24 hours prior to the meeting. For Parish Councils and Ward Members please note that whilst a site visit may be undertaken on the Wednesday prior to the meeting you should still register your right to speak by close of play 5pm the same day.

Please note that for delegated reports there is no right to speak and the consideration of all matters relies on written correspondence submitted as part of the application process.

Once a right to speak has been registered the Applicant/agent has a right of reply. There is no automatic right to speak to committee for agents/applicants. If the officer's report is recommending "refusal" of the application, the agent/applicant can have a right of response to the committee. The Technical Clerks will contact you to register the right to speak.

How long is the right to speak for?

For any member of the public wishing to speak you must first have made representation on the application prior to the officer report being published. You will then be able to address the committee for 3 minutes on planning related matters. Three minutes is ample time to present a cogent argument at a reasonable pace of speech, speaking faster to get more information in can result in part of your speech being missed and lessen the impact of what you are saying.

There is a limit of 5 places for members of the public (not from the same household) on each application. If more than 5 people wish to speak it operates on a first come first served basis and you may not be able to speak if you are the 6th person to register. Someone may speak on your behalf and your 3 minutes will be allotted to them. You must arrange this yourself and inform the Council if you choose for someone to speak on your behalf no later than the day prior to the committee meeting. There is therefore a maximum of 15 minutes for residents. Any residents group will be allotted time from within the 15 minutes for residents and no additional time will be given.

Parish Councils will be allowed 10 minutes to address the committee and should inform the Council which Parish Councillor will be speaking on their behalf with written confirmation (e-mail will suffice) from the Clerk/Chairman of the Parish Council.

City Councillors will be allowed 10 minutes to address the Committee where they act on behalf of a number of residents. Sometimes Councillors may have a personal interest and be acting as a local resident in which case they will be limited to 3 minutes.

County Councillors will be allowed to address the committee at the discretion of the committee chair.

The Planning Agent for the application will be notified when a right to speak has been registered and will be informed on the day prior to the meeting how many have registered in relation to the application. If there is no agent, we will inform the applicant. As the agent/applicant as a right of reply, you will be given the sum of time allotted to the other speakers up to a maximum of 15 minutes. Please note this is a maximum time available and it is not a requirement to fill this time.

If anyone chooses to have more than one person speak (e.g. a specialist on certain issues) this will form part of the total time allotted based on the above maximum limits and no additional time will be allowed for more speakers.

Please note that whilst the agent has a right to reply we will inform you of the timings anticipated for other speakers. If one or more speakers do not turn up on the day we will honour the time slot that you have been advised.

The Chair of the meeting will advise you when your time to speak is nearing its end and will request that you come to a prompt close. They also have the ability to override the microphone should you ignore their requests.

Presentations

You can choose to present information on screen if you consider that graphs/tables/images or photographs will assist. The presentations should be sent to the Council's planning technician through the email address DCRTS@carlisle.gov.uk by close of play on Wednesday prior to the meeting. This is to ensure they are incorporated within the presentations to committee and ensure any material requiring redaction is dealt with prior to the meeting (e.g. we redact vehicle registration numbers, or we may obscure faces of people who have not consented to images being used).

We cannot currently include videos within presentations

Late presentations will not be accepted.

Nothing will be allowed to be handed out to the councillors on the day of the committee. Do not expect to hand out notes or photographs to the committee or have a presentation uploaded on the morning of the meeting.

What if the application is to be refused?

If an application is to be refused the agent/applicant will be allowed a right to speak in response to the report. Members of the public who have written in support of the application will be allowed a right to speak as well as Parish Councils and City Councillors will also be allowed to speak. The agent/applicant will have up to 3 minutes to speak if no one else registers. Otherwise the time allowed will be based on the previous time allowances with a maximum of 15 minutes for agents/applicants.

Right to Speak on Tree Preservation Orders

Making of a tree preservation order is only reported to the Development Control Committee when there is an objection. The objector therefore has a 3-minute right to speak. Other people can speak in support or objection with no more than 5 people and a maximum 15 minutes in total.

Rights to speak at the site visit

These will not be allowed as this is not a public meeting.

Agent/applicant may be present (sometimes to allow access to land) but you will not be allowed to address the committee.

Parish Council's will be invited to attend the site visit to observe however if they wish to address the visit it shall be through the local ward member (or vice-chair of the committee if the local ward member is not present).

Members of the public will not be allowed to address the site visit as it is not a public meeting. The site visit is just to allow the Committee members to see the site and its surroundings.

Ward Councillors will be invited to the site visit and may address the committee at the site visit. If you wish to speak at the formal committee meeting please ensure you have registered your right to speak in accordance with this policy.

What happens at the committee?

On the day of the meeting please make the technical officers aware that you have arrived (they will be wearing name badges and be present at the entrance to the Council Chamber). They will then be able to inform the chair that you are in attendance. They will also direct you to a seat in the main chamber so that you will be able to make your right to speak when called. One seat in the chamber is reserved for the rights to speak. Please do not occupy this seat until called by the committee chair.

If you have not spoken at a committee meeting before, the meetings are held in public so please come and see how the meeting works on another day. You may be nervous by the formality of the meeting, but we do try to put you at your ease. You will be asked to leave a set of notes for the committee clerk to assist with the minutes of the meeting. We do not prepare a transcript but will summarise the salient planning points of your speech. Once the minutes have been approved by the committee the copy of your notes will be disposed of and cannot be returned.

Each planning item runs in the following order:

- The officer presents the application;
- Rights to speak are then heard in the following order:
    - Members of the public (Objectors to applications recommended for approval or Supporters of applications recommended for refusal)
    - Parish Council
    - City Councillors
    - Right of response by the applicant/agent
- The Committee will then debate the application and you will not be able to address the meeting further. You can return to your seat to listen to the debate.

What happens if the item is deferred from discussion at the meeting?

Deferring an application means that no decision on the application will be made at that meeting and further discussion will take place. It depends on when and why the application is deferred what happens to your right to speak.

Members may wish the application to be deferred for a site visit before any discussion has taken place and sometimes before the officer has presented the application. In this case your right to speak will be deferred until the next meeting of the committee.

Members may defer the application for more information or to suggest that the applicant may wish to make modifications to their application. This may arise during the debate and you will have had your right to speak. In which case, there is no automatic additional right to speak when the application returns to a later meeting. Exceptionally a further right to speak may be granted depending on what additional information comes forward.

In general, you only have one opportunity to address the committee. If the item is deferred before you have opportunity to speak you will be asked if you wish to speak or wait until the next meeting. We would normally advise that you wait however if you cannot attend the next meeting you can use your right. Please note that when items are deferred for more information or alterations it may be a couple of meetings before the application is reported back to the committee.

<u>Ten practical tips</u>

1. There is no need to stand up to address the committee.
2. There is a static microphone which is operated by a push button and it will be able to pick up your voice, but this will be less clear if you stand up.
3. The planning technician will operate slides for you in a presentation (remote slide changers currently do not operate from the right to speak desk) so please put in your notes when you wish to change the slides.
4. There is no cross-examination. You will not be able to ask questions of the case officer, the committee or the applicant They will not be allowed to ask questions of you.
5. Focus on planning matters as these are the only matters that the committee can consider (Add in examples). The chair or officers may remind you during your right to speak if they consider your issues may not be relevant to the committee.
6. If you have prepared a 3D model (usually for other purposes) it may be put on display outside the chamber and we will advise the members to view it on their way to the meeting.
7. Banners will not be allowed in the chamber
8. Notes are not to be passed to members of the committee and there should be no interaction with members of the committee once the meeting has started.
9. Heckling of officers/members will not be tolerated and you may be removed from the chamber.
10. When your item has been discussed please leave the chamber quietly as the meeting will continue and others will wish to participate and listen to subsequent items.

Special access arrangements

Please note that current access to the Council chamber involves stairs. If you require assistance, please mention this when registering your right to speak so that we can make the necessary arrangements.

Scheduling the timing of the meeting

Please note that the Development Control Committee commences at 10:00 and as each item is debated in order we cannot estimate the timing of when applications will be heard by the committee. Only under exceptional circumstances will items be moved on the agenda.

What happens after the committee?

If an application is refused by the committee, the applicant has the right to appeal to the Planning Inspectorate. This process is then undertaken by the Planning Inspectorate and not the City Council. The Planning Inspectorate's web site advises on procedures for the different types of appeal.

Data Protection

When you register your right to speak we will ask you for contact details including your phone number/email address and we will ask for your postal address to confirm that you have made representation prior to the reports being published.

Your information will only be for the committee purposes in relation to that planning application to be heard in case we need to contact you about any changes to the meeting. We will not pass this information on to any third parties. This is why, if someone is to speak on your behalf you must contact us again and inform us of this change.

Your name will be read out at the meeting when you are called to give your right to speak and you will be named in the Committee minutes. This is to ensure that the impacts of the development are understood and considered by the committee and recorded as such.

Please be aware that we are not able to control what speakers at the committee may say and they may identify individuals during their right to speak. (Add hyperlink to privacy policy for Development Management).