

<b>Committee:</b>	Development Control			
<b>Date of Meeting:</b>	30 September 2020			
<b>Subject:</b>	Revision of remote meeting ‘Right to Speak’ Procedure and amendment to the physical meeting ‘Right to Speak Procedure’.			
<b>Report Author:</b>	Head of Development Management, Service Director, HR & Monitoring Officer and the Democracy Manager			
<b>Contact Officer:</b>	Sunil Sahadevan 546499 / Sandra Richardson 546304			
<b>Implications:</b>	Legal	<input checked="" type="checkbox"/>	Community Safety	<input checked="" type="checkbox"/>
	Equalities	<input checked="" type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input checked="" type="checkbox"/>	Consultations	<input type="checkbox"/>
	Staffing	<input checked="" type="checkbox"/>	Other	<input checked="" type="checkbox"/>
<b>Wards Affected:</b>	N/A (All Wards)			

## Purpose

1. To seek confirmation of action taken by officers following confirmation with the Chair and Vice-Chair of the Committee, to allow applicants and/or objectors to speak at Virtual DC committee meetings, as set out in the revised Right to Speak Procedure attached at Appendix 1 and to seek approval for amendments to the original 'Right to Speak' Rules as they apply to in-person meetings as set out at Appendix 4, in order to reflect current practice and harmonise with the remote Right to Speak procedure.

## Recommendations

2. The Committee is:-

**[A] Recommended to confirm the action taken by the Service Director, Planning & Transportation following consultation with the Chair and Vice-Chair of Development Control Committee to revise the Right to Speak procedure as set out at Appendix 1 to this report, allowing applicants and objectors to speak at this and future remote meetings of Development Control Committee. This will supersede the emergency right to speak which were approved at the 26<sup>th</sup> August 2020 Development Control meeting;**

and

**[B] That the 'Right to Speak' Rules as they apply to in-person meetings set out in Part 16 of the Council's Constitution are amended as set out in Appendix 4.**

## **Background**

3. At its meeting held on 22<sup>nd</sup> April 2020 the Committee adopted an emergency 'Scheme of Delegation' and an emergency 'Right to Speak' (RTS) procedure to ensure that Luton Borough Council (LBC), as the Local Planning Authority (LPA), could continue to exercise its statutory duty to determine planning applications, whilst maintaining the open and democratic nature of the decision making process. This included the submission of a written statement by applicants/objectors, to be read out on their behalf at DC meetings. This has now been affected at the Meetings of DCC of since 6<sup>th</sup> May 2020. There is no legal right for a member of the public to address DCC, however, as LBC operates a RTS, a practical solution was required to be found.
4. The revised scheme was adopted to remove as much risk to challenge as possible in light of the rapidly evolving legislative context, but also to safeguard the open and democratic nature of the decision making process.
5. The report substantiating the two emergency processes made clear that they would remain under review and, where progress could be made in improving upon the initial measures, then that would be explored by Officers and brought back to Members for their decision.
6. With regard to the emergency RTS procedure, the new process has served its purpose insofar as the views of applicants and objectors have been reported to the Committee. It has, however, been recognised that this solution first and foremost excludes applicants and objectors from speaking at the Meeting and also from being asked questions of clarification by Members.
7. Together with various inefficiencies identified through the operation of the procedure, an alternative solution, that it is hoped shall resolve many of these concerns and return the LPA to a process much closer to the normal procedure, has been identified.
8. The Council has devised the revised proposal in accordance with the prevailing Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the FLAMR 2020).
9. At the Meeting of DCC of 26<sup>th</sup> August 2020, the emergency RTS, together with a slightly revised 'scheme of delegation', was extended for a period up to 1<sup>st</sup> May 2021 (subject to a January 2021 review). It was not possible to bring a revised RTS procedure to that Meeting and Members keenly expressed for a revision to be brought forward for consideration at the earliest opportunity.

## **Report**

### *The Revised 'Right to Speak' Procedure for remote meetings*

10. As was recognised previously, the contribution of members of the public is vital to Members deliberations. The written statement approach has ensured that this has continued, however, it has not been without issue and there has been a slight detachment of members of the public from the process. An alternative RTS procedure to guide the LPA through the ongoing uncertainty is, therefore, recommended to reinstitute the participative characteristics of DCC at remote meetings.
11. The revised RTS procedure is set out within 'Appendix 1' of this report and seeks a return to the verbalised address of DCC by applicants and objectors, with Members then being able to ask clarifying questions of the speaker(s) if they so wish. As before, it is also

intended that a Member of the Ward within which the application site is situated would be permitted to address the Committee through use of the technology.

12. It was previously considered that the risks associated with the processes of familiarisation with the technology were too significant and, therefore, prohibitive. The FLAMR 2020 granted the public the powers of participation, however, in the first instance, it was considered appropriate to offer public involvement only as attendance/observance. In April 2020, Officers reported that the '*RTS procedure*...*could be revisited at a future time if greater certainty around those risks can be achieved.*' Having now successfully undertaken six Meetings of DCC by virtual platform, and with much of the Council's processes and business having been orchestrated remotely without significant issue, Officers consider it to be appropriate to more closely realign with the procedure with which Members and residents are most familiar.
13. The only difference of note to the RTS procedure as it operates in the physical meeting environment is that photographs cannot be circulated.
14. Amongst other matters the FLAMR 2020 states that:

'any member of the public participating in a meeting remotely must, when they are speaking, be able to be heard (and, where it's practical, be seen) by all Members in attendance'
15. In the event that the Skype connection fails to the point where the speaker cannot be reasonably heard according to the Chair and, in the event that any reasonable attempt to reconnect fails; the safeguard envisaged will be for the applicant/objector to be called on the phone number provided and their voice put on speaker phone which can be projected into the Skype meeting. This is the reason why the new procedure strictly requires a phone number to be provided.
16. With the aim of applying the change to this meeting on 30<sup>th</sup> September 2020 and thereafter, members were informally consulted on a new approach, and the agreement of the Chair and Vice-Chair formally sought to the proposed revisions to the RTS procedure.

*The amended 'Right to Speak' Procedure for in-person meetings*

17. The amendments sought are highlighted as track changes in Appendix 4
18. Members will note the need to defer applications as set out in paragraph 11 of Appendix 3 and will recall this happening in relation to the Venue 360 (Aldi) planning application. They will also be aware that the approach adopted for remote meetings to date has been to allow objectors and the applicant to be heard via a written representation and now, as set out above, to speak to one meeting. The removal of the need to defer an item of business and allow objectors and applicants the opportunity to speak at one meeting is considered to be more efficient.
19. The other amend sought relates to extending the speaking time limit beyond 5 minutes as considered prudent and as seen fit on a case by case basis by the Chair in consultation with the Head of Development Management, rather than setting an absolute limit. For example, on more complex or technical applications, it may be prudent to allow 20 minutes to be shared rather than 5 minutes shared or 5 minutes per person. In the event of such a change the objectors/applicant will be advised in advance of the meeting so they can prepare accordingly. There are some other amendments proposed to reflect practice and harmonise with the remote RTS procedure.

## **Concluding Remarks**

20. Through the implementation of the revised remote meeting RTS procedure, Members would again be able engage with applicants and objectors, reinforcing the democratic nature of the decision making process and returning an element of normality at this continuously uncertain time. Although the current written-approach has ensured that legal duties were satisfied, it was recognised that Members wish to see a better or alternative solution.
21. As before, the above constitutes the work of several Service Areas and comprises the collective view of Officers as to an appropriate next step in delivering the Development Management Service.
22. On that basis, approval is recommended, however, the decision is, of course, with Members.

## **Appendix**

Appendix 1 - Revised 'Right to Speak' Procedure – remote meeting (September 2020)

Appendix 2 - Adopted Emergency 'Right to Speak' Procedure (April 2020)

Appendix 3 - Original 'Right to Speak' Procedure (May/August 2002)

Appendix 4 - Amended 'Right to Speak' – in person/physical meetings

## **List of Background Papers - Local Government Act 1972, Section 100D**

23. National Planning Policy Framework (*NPPF, or the Framework*)
24. National Planning Practice Guidance (*NPPG*)
25. Coronavirus Act 2020 (*the CV19 Act*)
26. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (*the FLAMR 2020*)
27. Ministry of Housing Communities and Local Government (MHCLG): *Chief Planners Letter (dated March 2020)*
28. Constitution of Luton Borough Council (CLBC): Part 7 – Scheme of Delegation to Officers (Non-Executive Functions)
29. CLBC: Part 16 – Other Protocols and Conventions
30. Report: Emergency Measures for the Coronavirus Pandemic, dated 22<sup>nd</sup> April 2020
31. Report: Emergency Measures for the Coronavirus Pandemic: Continuation of Measures and Revision of Emergency Scheme of Delegation, dated 26<sup>th</sup> August 2020

## **Human Rights Act 1998**

32. This report is considered to involve the following human rights:
  - i. Article 6: Right to a Fair Trial.

33. The Council operates a right to speak procedure and this recommendation clearly impacts positively upon the ability to exercise that right. Most notably in relation to the ability to address questions of clarification.

### **Equality Act 2010**

34. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief. In this case, no disproportionate effect on people with protected characteristics has been identified.
35. Due to the impact of COVID-19 it is necessary to conduct meetings using the virtual platform. However, that could provide access issues for some people, i.e. people with disabilities, the elderly, or people whose first language is not English. In addition, those who do not have access to IT equipment may not be able to participate in meetings, although they can be contacted by telephone. However, the Council are offering a familiarisation test to assist with any difficulties.

## **The Right to Speak at Development Control Committee – (remote meetings)**

*Luton Borough Council (September 2020)*

### **Glossary**

<b>“Application”</b>	includes any application for planning permission, and any other application, matter or notification which are before the Committee for determination.
<b>“Applicants and Objectors”</b>	means the applicants and objectors or such other persons nominated to speak on their behalf, whether professional or otherwise. It may on occasions include supporters nominated by the applicant to a proposal.
<b>“the Chair”</b>	means the Chair of Development Control Committee.
<b>“the Right to Speak”</b>	means the Right to Speak Scheme as set out in these Rules.
<b>“the Rules”</b>	means the ‘Right to Speak’ procedure comprising the entirety of this document.
<b>“Working Days”</b>	means any day from Monday to Friday (inclusive) which is not Christmas Eve, Christmas Day, Good Friday or any other Statutory Bank Holiday.

### ***The Right to Speak Scheme***

1. The Right to Speak shall apply to all Applications which are referred to the Council's Development Control Committee for determination. It shall not apply to any Applications which may be determined by the Council's Development Control Manager under the Council's Scheme of Delegation to Officers.
2. The Right to Speak shall be as described in the Rules.
3. The Interpretation of the Rules shall be at the sole discretion of the Chair.
4. The lead officer for the receipt of requests to speak shall be the Committee Administrator for that Meeting of Development Control Committee in the Democratic Services Section

5. Information regarding the Rules will be published on the Council's website and Applicants will be notified of this when an Application is first received and also on the notification letters sent by the Council to local occupiers on receipt of an Application.

***“The Rules”***

6. In the event of receipt of written representations relating to any Application (that may be reported to Development Control Committee and not determined by Development Control Manager under Delegated powers) the Planning Case Officer shall inform both the writer and the Applicant of the target committee date.
7. Speakers who may address the Committee:-
  - (a) Objectors and Applicants must restrict the length of their address to Committee to not more than 5 minutes. If more than one Objector has submitted a request to speak, they will be permitted to do so but must not exceed a total time of 5 minutes. The Applicant and anyone speaking on their behalf must not exceed a total time of 5 minutes.
  - (b) Notwithstanding sub-paragraph a) above, in any cases considered by the Chair to be of Town wide significance the Chair may at their absolute discretion permit a longer time period or for each individual speaker to address Committee individually for a time to be agreed in consultation with the Head of Development Management.
8. The Registration for the Right to Speak shall be as follows:-
9. Requests to speak on an Application must be received and registered by the Committee Administrator (see paragraph 4 above) either in writing or by telephone at least 5 Working Days before the day of the Committee (that is, in the case of a Committee on Wednesday, by 5.30 p.m. on the preceding Wednesday).
10. Any person submitting a Request to Speak must leave a contact telephone number with the Committee Administrator in case there are technical difficulties with remote access (currently via Skype,) and where possible, an email address. If a telephone number is not given then the submission to speak will not be regarded as validly made.
11. Any requests received will be communicated to the Development Control Manager by the Committee Administrator.
12. Applicants and Objectors will be offered a familiarisation “Test Event” which will take place before Committee at a time designated by the Committee Administrator. This will give those parties an opportunity to test their system to ensure they can access the meeting and establish whether they have any technical issues.” This will not however be a forum to discuss the Application.

13. If someone submitting a request to speak does not qualify to speak at the Committee Meeting they will be informed by telephone not less than 4 Working Days preceding the Meeting (that is, in the case of a Committee on Wednesday, by 5.30 p.m. on the preceding Thursday).
14. Subject to these Rules, requests to speak received after the time specified in Paragraph 9 above will not be considered other than in exceptional circumstances.
15. The Chair shall have the right at their absolute discretion to suspend the operation of the Rules in such circumstances as they consider appropriate.

### ***The Meeting***

16. Attendance at the Committee Meeting will be subject to the following:-
17. All Applicants or Objectors who have submitted a valid request to speak in accordance with these Rules must ensure that they are present in time for the start of the Committee Meeting (For example, if the meeting starts at 6.00 p.m. it is recommended that you are in the meeting at 5.45p.m.). If they are not present then they may lose their opportunity to speak.
18. The Chair will try to ensure that Agenda items on which there is a valid request to speak and where the speaker(s) is/are present are brought forward for consideration.
19. In cases where Applicants or Objectors are late or do not take up the opportunity to speak, the Committee will proceed to determine the Application. There will be no second opportunity afforded to those who have missed their opportunity to speak and an Application will not be deferred because an Objector or Applicant has failed to attend.
20. All parties invoking the Right to Speak at Committee must restrict the content of their speech to relevant planning issues raised by the Application.

Procedure at the Committee Meeting will be as follows:-

21. Democratic Services and Planning will provide the Chair with a list of requests to speak and identify where multiple Objectors have registered to speak on a particular item(s).
22. At the start of the meeting the Chair will notify speakers of the applications which have multiple requests informing them that they will need to agree between themselves how the 5 minutes is shared or whether a spokesperson(s) will be nominated.

23. At the start of the Application to which more than one Objector is registered to speak, the Chair will ask all concerned if agreement over sharing the 5 minutes has been reached. Only if agreement has not already been reached will the Chair allow up to one minute for it to be reached. If agreement cannot be reached, the Chair will invite Objectors to speak in the order they registered their interest to speak according to Democratic Services, subject to the overarching 5 minute timescale.
24. The period permitted above shall not be used to make representations on the Application.
25. The Head of Development Management will present the report on the application.
26. The Objector(s) will address the Committee for not more than 5 minutes in total.
27. Members of the Committee may ask questions of the Objector(s) to seek clarification of points raised in their speech.
28. The Applicant or his/her agent can address the Committee where they have registered to do so for not more than 5 minutes.
29. Members of the Committee may ask questions of the Applicant or their agent to seek clarification of points raised in their speech.
30. The Committee may then ask questions of officers and go on to debate the issues and determine the application with no further involvement from either Objectors or Applicants
31. Under no circumstances may Objectors and Applicants either cross examine each other or engage in a debate with Council officers or Committee Members.
32. The time limits for addressing Committee shall be strictly adhered to without exception.
33. Where any Objector and/or Applicant fails to comply with the procedure rules above (and following a request by the Chair to do so) the Chair shall have the authority at their absolute discretion to adjourn the Meeting for such period as they consider necessary.
34. Where any Objector/ or Applicant refuses to comply with the Chair's earlier direction the Chair shall have the power to order their removal from the meeting in addition to the power to adjourn the meeting.
35. No written submissions (including photographs) may be made by Applicants or Objectors at the Committee Meeting.

36. If, after an application which is subject to the Right to Speak has been considered by the Committee, it is deferred for further consideration, no further opportunity will be provided to Applicants or Objectors to address the Committee for a second time.

**Emergency 'Right to Speak' Procedure (Development Control Committee)**

*Luton Borough Council*

***Introduction and Background***

The adopted 'Right to Speak' procedure was first agreed by Development Control Committee in May 2002. The purposes of this document are to provide for an acceptable procedure by which Development Control Committee can continue to operate as openly and democratically as practicable through the uncertainty provided by the ongoing Coronavirus pandemic.

***The Emergency 'Right to Speak' Procedure***

This document establishes a set of temporary 'Rules', which shall be followed at each Meeting of the Development Control Committee to which they are relevant during the emergency period.

These 'Rules' are applicable with effect from 23<sup>rd</sup> April 2020 and shall conclude on 31<sup>st</sup> July 2020. This period shall be subject to review, with the authority to extend the period delegated to the Head of Development Management, in consultation with the Chair and Vice Chair of Development Control Committee, should it be considered necessary, to 31<sup>st</sup> August 2020, having regard to Government legislation, regulation and guidance. Should further extension of these Rules beyond 31<sup>st</sup> August 2020 be considered necessary, the matter shall be referred back to Development Control Committee beforehand.

<b>"Application"</b>	includes any application for planning permission, and any other application, matter or notification which are before the Committee for determination.
<b>"the Chair"</b>	means the Chair of Development Control Committee.
<b>"Interested Party(ies)"</b>	means the applicants and objectors or such other persons nominated to speak on their behalf, whether professional or otherwise, and any other individual/group who wish to make representations to the Committee.
<b>"The Right to Speak"</b>	means the Right to Speak Scheme as set out in these Rules.

**“the Rules”**

means the ‘Right to Speak’ procedure comprising the entirety of this document.

**“Working Days”**

means any day from Monday to Friday (inclusive) which is not Christmas Eve, Christmas Day, Good Friday or any other Statutory Bank Holiday.

***The ‘Right to Speak’ Procedure***

1. The ‘Right to Speak’ shall apply to all Applications which are referred to the Council’s Development Control Committee for determination. It shall not apply to any Applications which may be determined by the Council’s Head of Development management under the Council’s Scheme of Delegation to Officers.
2. The purpose of the ‘Right to Speak’ is to respond to the contents of the report of the Officer as it is published ahead of the Meeting. It is not to revisit those comments made within earlier representations submitted to the Authority.
3. The interpretation of the Rules shall be at the sole discretion of the Chair.
4. The attendance of the public at Meetings of the Development Control Committee shall be virtual and be defined as observance, not participation.
5. The lead officer for the receipt of requests to speak shall be the Committee Administrator for that Meeting of Development Control Committee.

**“The Rules”**

6. The registration for the ‘Right to Speak’ shall be as follows:
  - (a) Requests to speak on an Application must be received by the Democracy & Scrutiny Officer by email at [democraticservices@luton.gov.uk](mailto:democraticservices@luton.gov.uk) no later than five Working Days before the day of the Committee (that is, in the case of a Committee on Wednesday, by 17:30hrs on the preceding Wednesday);
  - (b) Any person submitting a Request to Speak must provide a contact telephone number and/or email address to the Democracy & Scrutiny Officer; and
  - (c) Any requests received will be communicated to the Head of Development Management by the Democracy & Scrutiny Officer the day following the deadline to submit requests.

7. The 'Right to Speak' shall be understood to comprise:

- (d) The 'Right to Speak' shall be through the submission of a written statement (document or email) only;
- (e) The written statement shall be no more than 500 words in length;
- (f) Interested Parties shall provide a written statement by 12:00hrs on the Working Day before the day of the Committee (that is, in the case of a Committee on Wednesday, by 12:00hrs on the preceding Tuesday);
- (g) These written statements shall be circulated by the Democracy & Scrutiny Officer to Members of Development Control Committee for their attention no later than 17:00hrs on that Working Day before the Meeting;
- (h) To be validly submitted, Written Statements must be submitted either by email or as a document attachment to an email to [democraticservices@luton.gov.uk](mailto:democraticservices@luton.gov.uk);
- (i) The Head of Development Management reserves the right to reject a written statement if it exceeds the word count specified at (e) above or contains content that is not directly relevant to the application to which it relates;
- (j) If someone submitting a request to speak does not qualify to speak at the Committee Meeting, they will be informed by telephone or by email by the Democracy and Scrutiny Officer not less than four Working Days preceding the Meeting (that is, in the case of a Committee on Wednesday, by 17:00hrs on the preceding Thursday); and
- (k) Written statements submitted after the deadline (f) shall be considered only in exceptional circumstances and at the discretion of the Chair.

***The Meeting***

8. The procedure at the Committee Meeting will be as follows:

- (a) The Head of Development Management/Development Management Officer will present his report on the application;
- (b) The Democracy & Scrutiny Officer will confirm the applications in respect of which written statements have been received and that these were circulated to Members. The Head of Development Management/Development Management Officer will then present the written statements to the Meeting;

- (c) Members of the Committee may ask clarifying questions of the Officer as they relate to the written statements;
  - (d) A Member of the relevant Ward may address the Committee, either by written statement consistent with paragraphs 6 and 7, or through the virtual environment with reference to the Chair; and
  - (e) The Committee will then debate the issues and determine the application with no further involvement from Interested Parties.
9. No submissions may be made by any Interested Parties at the Committee Meeting. There is no provision for the 'Right to Reply'.
  10. The Chair will try to ensure that Agenda items on which there are valid written representations are brought forward for consideration.
  11. If, after an application which is subject to the Right to Speak has been considered by the Committee, it is deferred for further consideration, no further opportunity will be provided to any Interested Parties to address the Committee at that following Meeting.
  12. With any Application considered by the Chair to be of Town wide significance, the Chair may at his or her absolute discretion amend rule 7(e).

### **Luton Borough Council**

#### **The Right to Speak at Development Control Committee**

These Rules ("the Rules") come into force on 1<sup>st</sup> May 2020.

These Rules shall, unless otherwise extended, remain until 31<sup>st</sup> July 2020.

#### **Interpretations**

**"Applicants and Objectors"** means the applicants and objectors or such other persons nominated to speak on their behalf, whether professional or otherwise.

**"Application"** includes any application for planning permission, and any other application, matter or notification which are before the Committee for determination.

**"the Chair"** means the Chair of Development Control Committee.

**"The Right to Speak"** means the Right to Speak Scheme as set out in these Rules.

**"Working Days"** means any day from Monday to Friday (inclusive) which is not Christmas Eve, Christmas Day, Good Friday or any other Statutory Bank Holiday.

#### **The Right to Speak Scheme**

1. The Right to Speak shall apply to all Applications which are referred to the Council's Development Control Committee for determination. It shall not apply to any Applications which may be determined by the Council's Development Control Manager under the Council's Scheme of Delegation to Officers.
2. The Right to Speak shall be as described in the Rules.
3. The Interpretation of the Rules shall be at the sole discretion of the Chair.
4. The Rules shall be presented and applied as follows:
  - a) A summary of the Rules ("the Summary") will be printed on the acknowledgement letter sent to applicants when an Application is first received and also on the notification letters sent by the Council to local occupiers on receipt of an Application.
  - b) The Summary is intended to be for guidance only and is to be no more than a resume of the Rules.

- c) In any case of conflict between the two, the Rules will always prevail.
  - d) Full copies of the Rules will also be held in the offices of the Council's Development Control Group and the Council's Democratic Services Section and will be available to members of the public on request, free of charge during normal working hours.
- 5. The lead officer for the receipt of requests to speak shall be the Committee Administrator for Development Control Committee in the Democratic Services Section.
- 6. In the event of receipt of written representations relating to any Application (that may be reported to Development Control Committee and not determined by Development Control Manager under Delegated powers) the Planning Case Officer shall inform both the writer and the Applicant of the target committee date.
- 7. Registration for the 'Right to Speak' shall be as follows:
  - a) Requests to speak on an Application must be received and registered by the Committee Administrator (see paragraph 5 above) either in writing or by telephone at least 5 Working Days before the day of the Committee (that is, in the case of a Committee on Wednesday, by 5.30 p.m. on the preceding Wednesday);
  - b) Any person submitting a Request to Speak must leave a contact telephone number with the Committee Administrator;
  - c) Any requests received will be communicated to the Development Control Manager by the Committee Administrator;
  - d) The 'Right to Speak' shall be exercised through written submission only. Applicants and Objectors shall be required to provide a written statement by 12pm on the day of the relevant Committee. These should be provided to [developmentcontrol@luton.gov.uk](mailto:developmentcontrol@luton.gov.uk) and [democraticservices@luton.gov.uk](mailto:democraticservices@luton.gov.uk).
  - e) The written statement shall be no more than one side of A4 in length (Font: Arial, Point: 12). The statement should focus only on the material planning considerations of the application and should not repeat on concerns stated within previously submitted representations.
  - f) If someone submitting a request to speak does not qualify to speak at the Committee Meeting they will be informed by telephone not less than 4 Working Days preceding the Meeting (that is, in the case of a Committee on Wednesday, by 5.30 p.m. on the preceding Thursday).
  - g) Where a request to speak has been received from an Objector the Development Control Manager shall notify the Applicant and where

a request to speak has been received from the Applicant the Development Control Manager shall notify the Objector. In each case notification shall be made without delay.

8. Subject to these Rules, requests to speak received after the time specified in Paragraph 7 above will not be considered other than in exceptional circumstances.
9. Notwithstanding the foregoing the Chair shall have the right at his or her absolute discretion to suspend the operation of the Rules in such circumstances as he or she considers appropriate.
10. The Right to Speak at Development Control Committee will apply in the following circumstances:-
  - a) When an Application is recommended by officers for approval:
    - i. Objectors may address the Committee;
    - ii. Where one or more Objector has submitted an intention to speak at Committee, the Applicant or his/her agent may also address the Committee, even if they have not submitted a request to do so;
    - iii. The applicant or his/her agent may address the Committee where a request to speak has not been received from objectors, but must have submitted their Request to Speak within the time specified in Paragraph 7(a) above.
  - b) When an application is recommended by officers for refusal:-
    - i. The applicants may address the Committee
    - ii. Where an applicant has submitted a request to speak at the Committee Meeting, objectors who have submitted their requests within the required time may also address Committee.
    - iii. Objectors may not address Committee where a request to speak has not been received from the applicants.
11. If, at the Committee Meeting, the Committee is minded to determine the application contrary to the officer recommendation, the application will be deferred to a later Committee Meeting to provide objectors and applicants [subject to Paragraphs 10 (a) and (b) above] with the opportunity to request to speak if they so wish, if they have not already addressed the Committee.
12. The following time limits shall be observed:
  - a) Objectors and applicants must restrict the length of their address to Committee to not more than 5 minutes. If more than one objector

has submitted a request to speak, they will be permitted to do so but must not exceed a total time of 5 minutes. Only one person may speak on behalf of the applicant.

- b) Notwithstanding sub-paragraph 12(a) above, in any cases considered by the Chair to be of Town wide significance the Chair may at his or her absolute discretion permit each individual speaker to address Committee individually for a maximum of 5 minutes each

13. Attendance at the Committee Meeting will be subject to the following:-

- a) All Applicants or Objectors who have submitted a valid request to speak in accordance with these Rules must ensure that they are present in the Committee Room in time for the start of the Committee Meeting (usually 6.00 p.m.).
- b) The Chair will try to ensure that Agenda items on which there is a valid request to speak and where the speaker(s) is/are present are brought forward for consideration.
- c) In cases where Applicants or Objectors are late or do not take up the opportunity to speak, the Committee will proceed to determine the Application at its normal place in the written order of the published Agenda. There will be no second opportunity afforded to those who have missed their opportunity to speak and an Application will not be deferred because an objector or applicant has failed to attend.

14. All parties invoking the Right to Speak at Committee must restrict the content of their speech to relevant planning issues raised by the Application.

15. Procedure at the Committee Meeting will be as follows:-

- a) The Development Control Manager will present his report on the application.
- b) The Objector(s) will address the Committee for not more than 5 minutes in total
- c) Members of the Committee may ask questions of the Objector(s) to seek clarification of points raised in their speech
- d) The Applicant or his/her agent will address the Committee for not more than 5 minutes
- e) Members of the Committee may ask questions of the applicant or his/her agent to seek clarification of points raised in their speech
- f) The Committee will then debate the issues and determine the application with no further involvement from either objectors or applicants.

16. Under no circumstances may Objectors and Applicants either cross examine each other or engage in a debate with Council officers or Committee Members.
17. The time limits for addressing Committee shall be strictly adhered to without exception. Objectors and Applicants shall cease to address Committee at the end of their allocated 5 minutes.
18. Observance of time limits:
  - a) Where any Objector and/or Applicant fails to comply with paragraphs 16 or 17 above (and following a request by the Chair to do so) the Chair shall have the authority at his or her absolute discretion to adjourn the Meeting for such period as he or she considers necessary.
  - b) Where any Objector or Applicant refuses to comply with the Chair's earlier direction the Chair shall have the power to order his or her removal from the meeting room in addition to the power to adjourn the meeting.
19. No written submissions may be made by applicants or objectors at the Committee Meeting (although photographs may be displayed and circulated to illustrate a point). Any written submissions must be made to the Planning Case officer for the Application or the Development Control Manager at least 5 Working Days before the Committee Meeting (that is, for a Committee Meeting on Wednesday, by 5.30 p.m. on the preceding Wednesday).
20. If, after an application which is subject to the Right to Speak has been considered by the Committee, it is deferred for further consideration, no further opportunity will be provided to Applicants or Objectors to address the Committee for a second time.

## **Luton Borough Council**

### **The Right to Speak at Development Control Committee** (In person meetings)

~~These Rules ("the Rules") come into force on 1 August 2002.~~  
Luton Borough Council (September 2020)

#### **Interpretations**

**"Applicants and Objectors"** means the applicants and objectors or such other persons nominated to speak on their behalf, whether professional or otherwise. It may on occasions include supporters nominated by the applicant to a proposal.

**"Application"** includes any application for planning permission, and any other application, matter or notification which are before the Committee for determination.

**"the Chair"** means the Chair of Development Control Committee.

**"The Right to Speak"** means the Right to Speak Scheme as set out in these Rules.

**"Working Days"** means any day from Monday to Friday (inclusive) which is not Christmas Eve, Christmas Day, Good Friday or any other Statutory Bank Holiday.

#### **The Right to Speak Scheme**

1. The Right to Speak shall apply to all Applications which are referred to the Council's Development Control Committee for determination. It shall not apply to any Applications which may be determined by the Council's Development Control Manager under the Council's Scheme of Delegation to Officers.
2. The Right to Speak shall be as described in the Rules.
- ~~3. The Interpretation of the Rules shall be at the sole discretion of the Chair.~~
- ~~4. Information regarding the Rules will be published on the Council's website and Applicants will be notified of this when an Application is first received and also on the notification letters sent by the Council to local occupiers on receipt of an Application.~~
- ~~3. (a) A summary of the Rules ("the Summary") will be printed on the acknowledgement letter sent to applicants when an Application is first received and also on the notification letters sent by the Council to local occupiers on receipt of an Application.~~

~~The Summary is intended to be for guidance only and is to be no more than a resume of the Rules.~~

~~(b) In any case of conflict between the two, the Rules will always prevail.~~

~~(c) Full copies of the Rules will also be held in the offices of the Council's Development Control Group and the Council's Democratic Services Section and will be available to members of the public on request, free of charge during normal working hours.~~

4.5. The lead officer for the receipt of requests to speak shall be the Committee Administrator for Development Control Committee in the Democratic Services Section, ~~currently Sandra Paradine on Luton 546041.~~

5.6. In the event of receipt of written representations relating to any Application (that may be reported to Development Control Committee and not determined by Development Control Manager under Delegated powers) the Planning Case Officer shall inform both the writer and the Applicant of the target committee date.

6.7. (a) Requests to speak on an Application must be received and registered by the Committee Administrator (see paragraph 5 above) either in writing or by telephone at least 5 Working Days before the day of the Committee (that is, in the case of a Committee on Wednesday, by 5.30 p.m. on the preceding Wednesday).

(b) Any person submitting a Request to Speak must leave a contact telephone number with the Committee Administrator and where possible, an email address.

(c) Any requests received will be communicated to the Development Control Manager by the Committee Administrator.

(d) If someone submitting a request to speak does not qualify to speak at the Committee Meeting they will be informed by telephone not less than 4 Working Days preceding the Meeting (that is, in the case of a Committee on Wednesday, by 5.30 p.m. on the preceding Thursday).

~~(e) Where a request to speak has been received from an Objector the Development Control Manager shall notify the Applicant and where a request to speak has been received from the Applicant the Development Control Manager shall notify the Objector. In each case notification shall be made without delay.~~

7.8. Subject to these Rules, requests to speak received after the time specified in Paragraph 7 above will not be considered other than in exceptional circumstances.

~~8.9. Notwithstanding the foregoing, the Chair shall have the right at his or her absolute discretion to suspend the operation of the Rules in such circumstances as he or she considers appropriate.~~

~~9. The Right to Speak at Development Control Committee will apply in the following circumstances:-~~

~~(a) When an Application is recommended by officers for approval:-~~

~~(i) Objectors may address the Committee.~~

~~(ii) Where one or more Objector has submitted an intention to speak at Committee, the Applicant or his/her agent may also address the Committee, even if they have not submitted a request to do so.~~

~~(iii) The applicant or his/her agent may address the Committee where a request to speak has not been received from objectors, but must have submitted their Request to Speak within the time specified in Paragraph 7(a) above.~~

~~(b) When an application is recommended by officers for refusal:-~~

~~(i) The applicants may address the Committee~~

~~(ii) Where an applicant has submitted a request to speak at the Committee Meeting, objectors who have submitted their requests within the required time may also address Committee.~~

~~(iii) Objectors may not address Committee where a request to speak has not been received from the applicants.~~

~~10. If, at the Committee Meeting, the Committee is minded to determine the application contrary to the officer recommendation, the application will be deferred to a later Committee Meeting to provide objectors and applicants [subject to Paragraphs 10 (a) and (b) above] with the opportunity to request to speak if they so wish, if they have not already addressed the Committee.~~

~~10. Speakers who may address the Committee.-~~

~~11. (a) Objectors and Applicants must restrict the length of their address to Committee to not more than 5 minutes. If more than one Objector has submitted a request to speak, they will be permitted to do so but must not exceed a total time of 5 minutes. Only one person may speak. The Applicant and anyone speaking on their behalf must not exceed a total time of 5 minutes. the Applicant.~~

~~(b) Notwithstanding sub-paragraph 10.212(a) above, in any cases considered by the Chair to be of Town wide significance the Chair may at his or her~~

absolute discretion ~~extend the 5 minute timeframe. permit a longer time period or for each individual speaker to address Committee individually for a time to be agreed in consultation with the Head of Development Management permit each individual speaker to address Committee individually for a maximum of 5 minutes each~~

12. ~~113~~ Attendance at the Committee Meeting will be subject to the following:-

All Applicants or Objectors who have submitted a valid request to speak in accordance with these Rules must ensure that they are present in the Committee Room in time for the start of the Committee Meeting (~~For example, if the meeting starts at 6.00p.m. it is recommended that you are in the meeting at 5.45p.m.)usually 6.00 p.m.).~~

If they are not present then they may lose their opportunity to speak.

(a) The Chair will try to ensure that Agenda items on which there is a valid request to speak and where the speaker(s) is/are present are brought forward for consideration.

(b) In cases where Applicants or Objectors are late or do not take up the opportunity to speak, the Committee will proceed to determine the Application ~~at its normal place in the written order of the published Agenda.~~ There will be no second opportunity afforded to those who have missed their opportunity to speak and an Application will not be deferred because an ~~Objector~~ or ~~A~~applicant has failed to attend.

13. ~~124~~ All parties invoking the Right to Speak at Committee must restrict the content of their speech to relevant planning issues raised by the Application.

14. ~~135~~ Procedure at the Committee Meeting will be as follows:-

(a) The Development Control Manager will present his report on the ~~A~~application.

(b) The Objector(s) will address the Committee for not more than 5 minutes in total

(c) Members of the Committee may ask questions of the Objector(s) to seek clarification of points raised in their speech

(d) The Applicant or his/her agent ~~can~~will address the Committee where they have registered to do so for not more than 5 minutes.

(e) Members of the Committee may ask questions of the ~~A~~applicant or his/her agent to seek clarification of points raised in their speech

(f) The Committee ~~may~~will then ask questions of officers and go on to debate the issues and determine the ~~A~~application with no further involvement from either objectors or applicants.

15. ~~146~~ Under no circumstances may Objectors and Applicants either cross examine each other or engage in a debate with Council officers or Committee Members.

16. ~~157~~ The time limits for addressing Committee shall be strictly adhered to without exception. ~~Objectors and Applicants shall cease to address Committee at the end of their allocated 5 minutes.~~

17. ~~168~~(a) Where any Objector and/or Applicant fails to comply with the procedure rules paragraphs 4616 or 5717 above (and following a request by the Chair to do so) the Chair shall have the authority at his or her absolute discretion to adjourn the Meeting for such period as ~~they~~he or she considers necessary.

(b) ~~Where any Objector or Applicant refuses to comply with the Chair's earlier direction the Chair shall have the power to order his or her removal from the meeting room in addition to the power to adjourn the meeting.~~

18. ~~179~~ No written submissions may be made by applicants or objectors at the Committee Meeting (although photographs may be displayed and circulated to illustrate a point). Any written submissions must be made to the Planning Case officer for the Application or the Development Control Manager at least 5 Working Days before the Committee Meeting (that is, for a Committee Meeting on Wednesday, by 5.30 p.m. on the preceding Wednesday).

~~1820~~ If, after an application which is subject to the Right to Speak has been considered by the Committee, it is deferred for further consideration, no further opportunity will be provided to Applicants or Objectors to address the Committee for a second time.

11.

19. ~~K:\Legal\Umrigar\Rules-Right to Speak 11.06.02~~