

3. PUBLIC SPEAKING PROCEDURE RULES – COMMITTEES AND CABINET

1. INTRODUCTION

- 1.1 The Council's Public Speaking Procedure Rules enable people to address the people that make local decisions about the way things are done, or to put forward ideas for the future.
- 1.2 With the exception of the Development Management Committee, which has its own Public Participation Scheme (set out in paras 6 to 9 below), this scheme applies to the following meetings and is intended to be flexible within this framework.
 - Cabinet
 - Audit and Governance Committee
 - Licensing and Corporate Business Committee
 - Overview and Scrutiny Committee
 - Policy and Project Advisory Board
- 1.3 **Separately, the Council has a scheme that enables the public to ask a question at the full Council Meeting.** The procedures for this are set out in the Standing Orders for the Regulation of Business (Appendix 4) in Part 4 – Section 1 of the Constitution.

2. Who can use the Scheme?

- 2.1 The Scheme is available to
 - anyone who lives or works within the area of Rushmoor
 - the owner of a business or a property which is located within the Borough
 - a representative of any local group or organisation, which is associated with and operates within the Borough.

3. Requirement to give Advance Notice

- 3.1 Members of the public wishing to speak at a meeting must give advance notice to the meeting administrator in the Democracy Team, not later than 5.00 p.m. two working days before the meeting. Notice can be given by telephone, or in writing by email or letter.
- 3.2 The notice should describe the form of the submission, the appropriate meeting and the questions (if appropriate). In addition, details will need to be given of the individual who will make the presentation.

4. Content

- 4.1 A representation can be made about a matter on the agenda, or in relation to any matter that affects the Borough.
- 4.2 Some matters will fall outside of the scheme, in particular –

- Allegations against individual Councillors or officers
- Representations in relation to any legal action taken by, or against, the Council
- Representations in relation to an individual's circumstances, whether they be other residents, Councillors or Members of staff.

5. During the Meeting

- 5.1 A speaker will be allowed a maximum of 5 minutes to address the meeting, which may be extended to 10 minutes with the agreement of the Chairman. However, if there are multiple speakers who wish to address the meeting on the same issue, arrangements will be made to facilitate a joint case. The Lead Officer for the meeting in consultation with the Chairman will have the final say on the numbers of speakers at the meeting.
- 5.2 Members of the Cabinet/Committee/Board will be permitted to ask questions of the presenter.
- 5.2 Where a response is required to a statement or question, a reply shall be given in writing if it cannot be dealt with at the meeting.

SCHEME FOR PUBLIC SPEAKING AT DEVELOPMENT MANAGEMENT COMMITTEE

6. Requirement to give Advance Notice

- 6.1 Those who wish to speak to the Development Management Committee on a planning application, must register by contacting the meeting administrator in writing by email or post no earlier than five working days before the Committee meeting (usually from 9am on the Wednesday, a week preceding the meeting) and no later than 5pm on the last working day before the relevant meeting (usually the Tuesday immediately before the meeting).

7. Content of Advance Notice

- 7.1 The meeting administrator must be informed of:
- The application on which it is proposed to speak
 - The full name, address, and telephone number of the proposed speaker
 - Whether the speaker is in favour or against the application
 - Whether the speaker represents anyone else
 - Whether the speaker wishes their details to be passed on to any other caller with a similar view.
- 7.2 A member of the public will only be able to speak once this information is properly registered. Speaking to a Planning Officer or telephoning the Council will not be sufficient to register a wish to speak to the Committee. All requests to speak must be made in writing direct to the meeting administrator.

8. Eligibility to Speak

- 8.1 The procedure allows for **two** people to speak against the recommendation and **two** people in support (an exception is set out in para 8.2). Speakers must have already submitted written comments on the planning application, and these must have been received by the Council by the publicised closing date for comments. Requests to speak will be dealt with on a “first come, first served” basis. Therefore, if two people have already asked to speak for or against the recommendation, and someone else wishes to do likewise, they will not be able to do so. Provided that persons registered to speak give their consent, further requests to speak will be passed on, to facilitate a joint case to be made in appropriate circumstances.
 - 8.2 In the case of a major planning application (as determined by the Chairman of the Development Management Committee in consultation with the Head of Planning or Executive Director) where there is expected to be a high level of public interest and the decision is expected to have a significant impact on the Borough as whole, a maximum of seven public speakers may speak against the recommendation and a maximum of seven public speakers in support. Speakers must have already submitted written comments on the planning application, and these must have been received by the Council by the publicised closing date for comments.
 - 8.3 In the case of a major planning application (as set out in para. 8.2 above), the Chairman of the Development Management Committee in consultation with the Head of Planning or Executive Director is delegated authority to decide the appropriate number of speakers up to the maximum (seven), and to determine which speakers are chosen from amongst those who have applied where there are more than the agreed maximum, to ensure a representative range of views are presented. There should be overall balance in the time allocated to those speaking for and those speaking against the application.
 - 8.4 A person will only be allowed to speak if the planning application to which they refer is scheduled to be determined at that particular meeting of the Development Management Committee. The opportunity to speak does not apply to any other matters that might be on the Committee agenda.
 - 8.5 With the exception of planning applicants or their agents, all requests to speak will only be accepted from local government electors for the Borough of Rushmoor and *bona fide* representatives of groups and organisations working or represented locally and recognised as such by the Council.
 - 8.6 A person who is eligible to speak to the Development Management Committee may nominate in writing a representative to speak on their behalf when registering their request to speak. However, the nominated representative must only speak to expand and explain the eligible speaker’s previously submitted written objections or representations.
- ## 9. At the Meeting
- 9.1 Speakers will be advised to read the officer’s report on the application before deciding to make representations to the Committee, so that they understand what is being proposed. The report is available on the Council’s website and at the Council Offices at least five clear working days before the meeting. It is also recommended

that the speaker checks with the meeting administrator before the Committee meeting as to whether any late amendments to the application have been made.

- 9.2 Once registered, speakers must make themselves known to one of the meeting administrators at least fifteen minutes before the start of the meeting so that their attendance can be recorded. Meetings usually start at 7pm. Speakers arriving late after the meeting has started will not be allowed to speak.
- 9.3 **Each person speaking to the Committee will be allowed a maximum period of three minutes in which to speak.** The speaker may not ask questions nor will they be questioned, unless the Chairman considers that there are matters which are not raised in the officer's report. If the speaker represents others, apart from their household, they will need to bring with them documentary evidence that these people have agreed to representations being made on their behalf. This may take the form of a signed letter or other similar authorisation. This must be given to the meeting administrator before the meeting starts.
- 9.4 The three-minute time limit will not be exceeded, and all speakers must stop when requested to do so by the Chairman.
- 9.5 In the case of major planning applications, as set out in paragraph 8.2, an adjustment may be made to the maximum speaking time referenced in paragraphs 9.3 and 9.4 above to achieve a balance of time overall.
- 9.6 No material, including plans, photographs, letters or statements can be handed to the Committee Members at, or just before, the Committee meeting. All requests to hand out or circulate material will be **refused** in accordance with the Council's adopted policy on "Late Representations".
- 9.7 Public speaking will take place as each individual planning application is presented for determination. The order of speaking at the Committee is as follows:
- The Planning Officer will present the application and add any further relevant information.
 - The Chairman will call the registered person expressing objections to the planning application to come forward to speak for a maximum of three minutes. The person will then return to the public gallery.
 - The Chairman will then call the registered person expressing support for the planning application to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
 - The Planning Officer will comment on any factual matters raised by either speaker.
 - Members of the Development Management Committee will then debate the application and ask questions of officers in the usual way and reach a decision without further direct public involvement.
- 9.9 If the application is deferred without discussion, then no public speaking will take place. If a decision on the application upon which speakers have made

representations is deferred after discussion and debate, the speakers will not have an automatic right to speak at the next Development Management Committee meeting at which it is considered. Instead, the speaker must register again.

9.10 In the event of any dispute over these procedures, the Chairman's decision is final.

NOTE: Councillors Requesting to speak at Development Management Committee

Councillors who are not Members of the Development Management Committee have separate rights to ask to speak at the Committee under the Council's Standing Orders (SO 28(7)).

No Member can speak at the Development Management Committee on an item in which they have a pecuniary interest - whether they are a Member of the Committee or not.

All Members involved in the planning process are required to follow guidance in the Code of Conduct for Councillors and the Members Planning Code of Good Practice in Part 5 of the Constitution.