

PUBLIC PARTICIPATION

At Planning Committee



A SCHEME OF OPERATION

What is the Public Participation Procedure?

The Planning Committee operates a Public Participation procedure whereby the public can apply to address the Committee in person.

Who can and cannot apply to speak?

A member of the public can request to speak on any item on the agenda, with certain exceptions listed in the next section.

Applicants, their agents or people who are the subject of the item concerned, will only have the right to respond to members of the public who have registered that they wish to speak on that item. They do not have to make a written request, as this is an automatic right to respond.

What items can I speak on?

Generally, the public can ask to speak on any item on the agenda, although there are a few exceptions. Some examples of speaking items are listed below:-

- Planning applications
- Amended plans for a previously approved planning application
- Tree Preservation Orders
- Applications for Diversion/
Extinguishment of Public Footpaths

What items will I not be able to speak on?

Generally, the items which are not subject to the Public Participation Procedure are items where the Committee is only being asked to receive information, but it also includes the following:-

- Items where the Committee is being asked to take enforcement action
- Applications for grants

How do I apply to speak on an item?

Written notice of the wish to speak to the Committee must either be posted to arrive, or be delivered to:-

The Committee Manager
Finance Department
South Lakeland District Council
South Lakeland House
Lowther Street
KENDAL, Cumbria LA9 4UQ

before 12.00 noon on the last working day before the relevant Committee meeting day. It is up to the person wishing to speak and the applicant or subject of the agenda item (the respoondee), to find out the date when the Committee is to consider the item.

How do I find out the date of the Committee meeting which is to consider the item?

The Planning Committee tends to meet on a monthly basis. Agendas for the meeting are published five working days in advance of the meeting date and can be inspected at the Council's offices.

If you wish to speak on a planning application and wish to have longer to prepare your speech before the meeting, you can contact the appropriate planning officer who may be able to give you an indication of the date of the meeting which is to consider the application.

What if I miss the deadline?

Any late requests will not be permitted.

What do I need to put in the written notice of my intention to speak?

The written notice must include the person's name, address, contact telephone number and a written copy of what the speaker intends to say at the meeting.

What if I am a member of a group, association or one of a few people wishing to express the same views at the meeting?

If there are a number of people expressing the same views on the item they can group together and appoint one of their number to speak on their behalf. Where a spokesperson is to be heard, they must bring written authority to do so from the person or group they are representing.

How do I know if someone has requested to speak on my application?

The Council will endeavour, where possible, to contact an applicant when a request has been received to speak on their application. However, applicants are advised to find out if a request has been made and may contact the Committee Clerk by telephoning 01539 733333 Ext.7434 after the deadline of 12.00 noon on the last working day before the relevant Committee date.

Where and when will the Committee meeting be held?

Meetings are normally held in the Council Chamber at South Lakeland House, Kendal - entrance is via the Town Hall (opposite Woolworths). The meetings usually start at 10.00 a.m. and you should try to arrive about ten minutes early so that your attendance at the meeting can be recorded.

When will the item that I wish to speak about be heard?

It is impossible to give an exact time when particular items are to be heard, but it is normal practice for the Committee to bring forward to the beginning of the meeting those items which people have come to speak on, so that they are not kept waiting longer than necessary. However, when there are a lot of requests to speak you should be prepared to wait for some time until your item is heard.

The order in which requests to speak are heard is the numerical order in which they appear on the agenda.

For how long will I be allowed to speak to the Committee?

Individuals are given three minutes to put their views to the Committee.

Where a group of people or association or a petition is presented, one spokesperson representing the body will be allowed to speak for up to five minutes.

Applicants or their agents are allowed three minutes to respond to what members of the public have said to the Committee. Where more than one speaker has addressed the Committee on an application, the applicant or their agent will be allowed up to five minutes to respond. This may be extended at the discretion of the Chairman on the day. It is important to note that applicants only have the right to respond. If the member of the public fails to attend the meeting or decides not to speak, the applicant or agent will not be able to speak.

What happens if I am the applicant or his agent and the member of the public decides to speak at the meeting, even though the Committee have already made it known that it is to be deferred to another meeting before a decision is made?

You will have the right to respond but cannot defer your response to the Committee meeting considering the application.

In what order will the Committee consider representations?

When the Committee comes to an item where a request to speak has been received, it will normally follow this procedure:-

1. Members of the public who have requested to speak (if there is more than one they will normally be taken in the order that they have been received).

2. The applicant.

3. The Planning Officer.

The Committee will then debate the item.

Can I ask questions at the meeting and will anybody ask me questions?

There is no discussion or cross-examination of speakers by Members of the Committee permitted at the meeting. Likewise speakers cannot ask questions of Members or Officers.

Members shall not speak until all presentations on a particular item have been made and, in any event, once a Member speaks on the item, no further presentations by the public can be made on that item.

What happens if the item I wish to speak on is being recommended for deferral or a site visit?

If the item is being recommended for a site visit or deferral, the Chairman will ask those people wishing to speak on the item whether they wish to speak or defer their right to speak until the matter comes before the Committee again.

However, if you are the applicant/person who is the subject of the report, you only have the right of reply so, if the member of the public speaking on your item decides to wait until the application comes before the Committee again you will not be able to speak until that time.

Can I speak again if, after considering the item, the Committee decides to defer making a decision on it?

If an application is deferred after a presentation is made, that person's

presentation will not be permitted to be repeated at the following or any subsequent meeting where there is consideration of that application. However, if amended details have been received which require re-consultation, speaking will be permitted by the same people on the amended details, but not on the principle of the application generally.

What happens if I am unable to attend the Committee meeting?

If you have applied to speak but do not attend the meeting, the determination of the item will not be postponed.

Similarly, if you are the applicant, his agent or the subject of the report and are unable to attend the meeting, consideration of the item will not be postponed.

Can I produce documents/ photographs for display or circulation at the meeting?

This is not normally allowed but, in exceptional circumstances, and only with the prior approval of the other party, will display or circulation of this type of information be permitted.

General Points

Public participants are not subject to the privilege rule and, therefore, each individual who makes a presentation should be aware of the defamation and slander laws.

Disruptive behaviour may result in the meeting being adjourned and/or the individual being asked to leave.

The use of video or tape recorders or cameras is not permitted in the public gallery unless the express permission of the Chairman has been obtained prior to the meeting.