

# PART 7 – THE CONSTITUTION

## F – PROTOCOL FOR PUBLIC SPEAKING AT MEETINGS

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## 1. Public Speaking at Development Management Panel Meetings

### 1. Public Speaking at Development Management Panel Meetings

- 1.1 Planning applications are determined by either a Development Management Panel or either officers acting under delegated authority, or a Development Management Panel.
- 1.2 Each application is subject to a public consultation exercise which enables the public and other bodies to comment in writing on the application before it is determined.
- 1.3 The Council provides the opportunity for the public and for applicants (or their agents) to speak at the planning meeting before the Council Members Development Management Panel ~~to~~ make their decision.
- 1.4 If objectors speak at the meeting, the applicant must be allowed to speak. An applicant may speak at a meeting even where there are no objectors wishing to speak (but if the applicant is in agreement with the Officers' recommendations to the Panel the Chairman will request the applicant to restrict any comments to matters not covered, or not covered fully, in the Officer's Report).
- 1.5 Anyone who has written to the Council with objections or comments to a planning application will be contacted at least one week before the relevant meeting is due to take place when the application will be considered. They will be invited to tell the Council if they wish to speak at the meeting.

#### Notification to Democratic Services

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- 1.6 If anyone does wish to speak they must notify ~~let~~ Democratic Services know ~~by~~ 5 pm, ~~two~~ 2 working days before the Development Management Panel (i.e. Monday, 5pm, if the Panel is on Wednesday). If anyone wishes to use visual material e.g. photographs, plans etc. or present documents, these should be sent by email to the planning Case Officer using the [planning.maidenhead@rbwm.gov.uk](mailto:planning.maidenhead@rbwm.gov.uk) address as soon as possible before the relevant meeting.
- 1.7 The Panel Chairman will not normally allow members of the public to speak if they have failed to notify the Council as stated above, of their wish to speak or to present additional information to the panel that has not been first submitted to the Case Officer.

#### Speeches to the Development Management Panel

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- 1.68 Generally, applications where the public are to speak will be moved to the start of the Agenda. Any objectors will be given, together, a total of three minutes in which they can present their views. It may be convenient, if there are a number of objectors, that they agree amongst themselves to appoint one or two spokesmen for them all, to stay within the ~~three~~ 3 minutes allotted.

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- 1.9 If the objectors are unable to agree amongst themselves, the Chairman shall refer to the list of notifications received from people wishing to speak and shall call them in the order the names are recorded, which shall, as far as reasonably possible, reflect the time of notification of their interest in speaking. When the end of the 3 minute period has been reached, the Chairman will not permit any more objectors to speak.

- 1.107 No new documents should be circulated to the Panel at the meeting except the Panel Update. Messages should not be passed to individual Panel Members.

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1.118 If a Parish or Town Council has made representations and a Member of that Council wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow Members to address the meeting.

1.912 If any other Parish or Town Council wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow members to address the meeting.

1.130 A Parish or Town Council representative will be allotted a further two **minutes**, in addition to the objectors' three **minute** period. If more than one Parish or Town Council wishes to address the meeting, no additional time will be allocated unless exceptional circumstances apply (see below).

1.1411 If a neighbourhood plan successor organisation wishes to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to address the meeting. The organisation must be based in the appropriate neighbourhood plan area. The organisation will be allocated two **minutes** to speak. If more than one group registers to speak, they will be asked to share the single **two minute** speaking opportunity.

1.125 Following the adoption of a Neighbourhood plan or equivalent, should a *bona fide* representative residents' organisation wish to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to address the meeting. The organisation will share the allocated two minute opportunity to speak with any successor Neighbourhood Plan resident group.

1.136 The applicant, his agent or any supporters will be allocated, in total three **minutes** in which to present their views. If in addition to the Applicant or his agent, members of the public wish to speak in favour of an application, they must notify the Council, by 5.00 pm, at least two working days before the Panel meeting. They should also contact the applicant or his agent as the total time allocated to the applicant and any supporters is a total of three **minutes**.

1.14 Any Member of the Council, not already a Member of the DMP, wishing to speak at a Panel will be permitted to speak in favour or against any agenda item after all public speakers have spoken and prior to the Panel debating the item. Non Panel Members will be restricted to three **minutes** in total.

1.15 The Chairman of the meeting has discretion to extend the speaking time for any party, in exceptional cases. This discretion is intended to be applied only rarely. Exceptional circumstances might arise as a result of the range of issues raised by the matter. Where the Chairman has extended speaking time for those (either for or

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against the application) then the time shall be extended by a similar amount for the other party.

## 2. Public Speaking at Cabinet.

Please see Part 3 A2.8 of the Constitution.

## 3. Public Speaking at Council.

Please see Part 2 C9 of the Constitution.

## 4. Public speaking at other Committees, Forums and Panels

- 4.1 This Protocol sets out how members of the public can take part in many Council meetings, including meetings of most Committees, Forums and Panels. As set out above there are separate provisions for the public to ask questions at meetings of the Council (Part 2 C9); Cabinet (Part 3 A2.8) and speaking at Development Management Panels (covered in the preceding section).
- 4.2 The operation of this Protocol will be the responsibility of individual Chairmen and may need to be revised from time to time, or disapplied in particular circumstances.
- 4.3 Members of the public cannot attend meetings when confidential or exempt items are being discussed.
- 4.4 This Protocol will not apply to appeal or other quasi-judicial hearings, such as most Appeals Panels.
- 4.5 Any members of the public wishing to speak may only do so in relation to an item on the agenda of the meeting. The Council wishes to provide the opportunity for the public to speak at the meeting before the Members take their decision but t~~The Chairman will have the right to apply the criteria set out in A9 to restrict public questions or participation if he feels it necessary to do so for the better conduct of the meeting. The Council wishes to provide the opportunity for the public to speak at the meeting before the Members take their decision.~~
- 4.6 If the matter is one where there are applicants or supporters of a proposal speaking, objectors must be allowed to speak at the meeting, and vice versa. An applicant may speak at a meeting even where there are no objectors wishing to speak (but if the applicant or objector is in agreement with the Officers' recommendations to the Panel Forum or Committee, the Chairman will request the applicant or objector to restrict any comments to matters not covered, or not covered fully, in the Officer's Report). Members of the public may not necessarily be supporters or objectors but may wish to ask questions or make statements to Members about the item under discussion. This is permitted under the terms of the Protocol.
- 4.7 If anyone wishes to speak at a meeting, they must let the Democratic Services know by 5.00 pm, 2 the working days before the meeting, by contacting the Democratic Services Manager. If anyone wishes to use visual material, e.g. photographs, plans, etc., or present documents, these should be sent to the Council, as soon as possible, before the relevant meeting. The Chairman will not normally allow members of the

public to speak if they have failed to notify the Council, as stated above, of their wish to speak.

4.8 ~~In respect to any meeting that isn't an ordinary committee, joint committee or subcommittee of the Council (such as A non-statutory Forums), and~~ at the sole discretion of the Chairman, items may be added to the agenda and/or additional public speaking be allowed at the meeting.

4.9 Generally, items where the public are to speak will be moved to the start of the agenda. The individuals speaking on the item will be allowed up to **a maximum of 3 minutes** to speak, with a total time for public speaking of **9 minutes** per agenda item. It may be convenient, if there are a number of members of the public that they agree amongst themselves to appoint one or two spokesmen for them all to stay within the time allotted. If the speakers are unable to agree amongst themselves, the Chairman shall ~~share the 9 minutes equally amongst the persons on the~~ **refer to the** list recording the names of members of the public wishing to speak attending the meeting. ~~The Chairman and~~ shall call them strictly in the order the names are recorded, ~~which shall, as far as reasonably possible, reflect the time of notification of their interest in speaking.~~ When the end of the period allowed for public speakers has been reached, the Chairman will not permit any more public speakers.

4.10 The Chairman of the meeting has discretion to extend the speaking time for the public by up to a further **3 minutes** in exceptional cases. This discretion is intended to be applied only rarely. Exceptional circumstances might arise as a result of the range of issues raised by the matter.

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