

Supplementary Information

**HAVANT BOROUGH COUNCIL
PLANNING COMMITTEE
THURSDAY, 22ND JUNE, 2023**

Please note that the attached supplementary information was unavailable when the agenda was printed.

Agenda No	Item	
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3	Scheme for Submitting Views at Planning Committee Meetings	1 - 20
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To adopt the Scheme for Submitting Views at Planning Committee Meetings.

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NON-EXEMPT

[EXEMPT / NON EXEMPT / PART EXEMPT]

HAVANT BOROUGH COUNCIL

Planning Committee

22 June 2023

Scheme for Submitting Views at Planning Committee Meetings

[FOR DECISION

Portfolio Holder: Councillor Lloyd

Key Decision: No

Report number: HBC/11/2023

1. **Purpose**

- 1.1. The Committee is asked to consider changes to the current scheme for submitting views at the Planning Committee.

2. **Recommendation**

- 2.1. That the scheme for submitting views to the Planning Committee attached at Appendix A be adopted.

3. **Executive Summary**

4. The Committee's current scheme for submitting views to the Planning Committee was last reviewed in 2019 is out of date and does not conform to the existing practices. In particular, the Constitution has been revised to include a requirement for written statements to be submitted by members of the public, if they wish to address the Committee.

5. **Additional Budgetary Implications**

- 5.1. There are no additional funding requirements or costs arising directly from the recommendations set out in this report.

6. **Background and relationship to Corporate Strategy and/or Business Plans**

6.1. **Background**

- 6.1.1 The Council has established procedure whereby residents, applicants, ward councillors and county councillors and other interested parties may submit their views to the Planning Committee. The primary intention of this scheme is to complement the formal consultation processes by enabling parties to

bring to the Committee's attention concerns already raised during the statutory consultation process. Although this scheme is discretionary, it has been in practice for such a considerable time that it has given rise to a legitimate expectation that it will continue.

6.2. **Design of the Deputations Scheme for the Planning Committee**

6.2.1 Good practice, following research in other schemes and protocols, suggests the following procedures should be followed when designing a deputation scheme for planning matters:

- Where possible all parties should be given a fair and reasonable opportunity to submit a deputation to the Committee
- The primary purpose of the scheme is to enable speakers to make a statement to the Committee and not enter into a debate with the committee
- Planning officers should be able to address any issues raised in deputations and the Committee members should be able to question officers
- The scheme should complement and not substitute the statutory consultation scheme

6.3. **Problems With the Current Deputation Scheme**


6.3.1 The existing scheme is a combination of the written scheme adopted by the Development Management Committee in 2019 as amended by Standing Order 28, which requires member of the public to submit written submissions who wishes to address the Committee and the practices adopted for hybrid meetings. As a result, the Council does not currently have a transparent scheme for the submission of views to the Planning Committee.

6.4. **Relationship to the Corporate Strategy and/or Business Plans**

6.4.1 An underpinning principle of delivering the priorities in the corporate strategy is to engage and work with our communities and stakeholders who can influence and shape their local areas in which they live and work. This will be done through continued engagement with our communities and stakeholders to understand changing needs, priorities, and challenges that they face.

6.5. **Options to be considered**

6.5.1 The main options are:

No.	Details	For	Against	Viable
1	Continue with the current scheme	None	The existing scheme is a combination of the written scheme adopted by the Committee in 2019 as amended by Standing Order 28, which requires member of the public to submit written submissions who wishes to address the Committee and the practice adopted for hybrid meetings. As a result the Council does not currently have a transparent scheme for the submission of views to the Planning Committee.	X
2	Amend the current scheme to reflect the constitutional changes and current practice	This scheme would provide a fair, transparent and equitable scheme.	None	

7.0 Resource Implications

7.1 Financial Implications

Changes to the scheme may incur additional administration costs which can be accommodated within the existing budget. If a party challenges the Council on the grounds that the adopted scheme is unfair or unreasonable there will be additional legal costs.

Section 151 Officer comments

Date: 19 June 2023

Havant Borough Council should be looking to adopt best practise and transparency of decision making in all areas. This proposal does exactly this and I fully support that.

The proposal may incur some additional pressure on existing resources but not to the point that requires additional budget. There is also a risk of legal challenge and the associated costs. It is a minimal risk and should not prevent the Council from updating and improving our practises in this area.

Steven Pink – Chief Finance Officer (S151)

7.2 Human Resources Implications

N/A

7.3 Information Governance Implications

Changes to the deputation scheme will not give rise to additional information governance implications

7.4 Other resource implications

N/a

7.5 Legal Implications

There is no statutory obligation for the Council to have a scheme. However, as the Council has operated such a scheme for a considerable time there is a legitimate expectation that such a scheme will continue. There is an obligation that the adopted scheme should be fair and reasonable.

Monitoring Officer comments

Date: 19 June 2023

The Monitoring Officer supports the adoption of the scheme which promotes transparent and open decision making.

8.0 Risks

N/a

9.0 Consultation

N/a.

10.0 Communication

The agreed option will take effect immediately. Any changes to the scheme will be published on the Council's website

Appendices

Appendix A – Recommended Scheme

Background papers

None

Agreed and signed off by:

Monitoring Officer: Jo McIntosh

Section 151 Officer: Steven Pink

Contact officer:

Name: Mark Gregory

Job title: Senior Democratic Services Officer

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Scheme for Submitting Views at Planning Committee Meetings

A Glossary

Committee	Planning Committee of Havant Borough Council
County Councillor	A member of Hampshire County Council, who represents a ward within the boundaries of the Borough of Havant
Clear Working Days	Clear Working Days means a complete period of 24 hours excluding days when the Public Plaza is closed, weekends, Bank Holidays and the day when meeting is held.
Deputation Statement	A written statement, which must be provided in advance to support a speech, setting out the issues a speaker wishes to raise with the Committee during his or her address.
Non-Member	Havant Borough Councillor, who is not attending a meeting of the Planning Committee as a member of the Committee
Speaker	A person, who is not a member of the Committee or officer of the Committee, that has been accepted by the Council to speak at a Committee meeting.
Statutory Consultation Period	The period of time for formal public consultation on a planning application.
Written Submission	A written text submitted for consideration by the Committee by a party, who does not wish to speak to the Committee

B. General Notes

- 1 The primary intention of this scheme is to allow members of the public who have submitted representations on a specific planning application during the statutory consultation period, agents, Hampshire County Councillors and Havant Borough Councillors, who are not members of the Planning Committee, to:
 - a speak at a meeting of the Planning Committee; or
 - b submit written submissions to a meeting of the Planning Committeeon a specific planning application before the Committee and bring to the Committee's attention concerns already raised during the statutory consultation

period. This scheme is the adopted scheme for speaking referred to in paragraphs 3.7 and 8.2 of the adopted Planning Code of Conduct.

- 2 Please note that although Planning Committee meetings are held in public, they are not public meetings; as a result, a person, who is not a member of the Committee or an officer of the Committee, may only speak to the Committee if he or she has registered to speak as shown below.

C How to Submit Views to the Planning Committee

Applies to members of the public, agents, Hampshire County Councillors, and Non-Members

- 1 Once the agenda has been published there is an opportunity for:
 - a members of the public, who have submitted representations on a specific planning application to be considered at a meeting of the Planning Committee during the statutory planning period;
 - b applicants or agents;
 - c Hampshire County Councillors; and
 - d Havant Borough Councillors, who are not attending as Members of the Planning Committee

to submit comments to the Committee on an application which is due to be considered at that meeting. Such comments must relate to concerns and/or issues raised during the statutory consultation period.

- 2 The recommended way to submit views to the Committee is to either:
 - (a) submit a written statement, which is known as making a written submission if you do not wish to speak to the Committee but wish to highlight specific issues raised during the statutory consultation period¹. Details of how to make a written submission are shown below: or
 - (b) request to speak to the Committee to highlight issues you wish to raise², which is known as a deputation. When requesting this, a written statement (“deputation statement”) must be provided in advance, setting out the issues you want to raise at the Committee. Details of how to do this are shown below.
- 3 If an application is deferred to be considered at a later meeting, no public speaking will take place on the application deferred and registered speakers will have to apply again to speak.

¹ Members of the public may only raise issues they raised during the statutory consultation period

² Members of the public may only raise issues they raised during the statutory consultation period

- 4 If an application is deferred to be considered at a later meeting, written submissions will not be considered on the deferred application and will have to be resubmitted.

D Form, Structure, and Content of a Deputation Statement and Written Submission

Applies to members of the public, agents, Hampshire County Councillors, and Non-Members

1 Content

- a A written submission or deputation statement will only be accepted if it relates to a planning application included in the agenda for a meeting of the Committee.
- b It is important to remember that the Committee can only consider certain criteria when deciding a planning application. To help you, we have provided details below of examples of what can and cannot be taken into account.

Matters that can be considered	Matters that cannot be considered
Matters that are contrary to development plan policies	Devalue property or cause the loss of a private view
Not in accordance with government policy	Breach of covenant in a private contract
Highway safety and traffic impact; inadequate parking	Applicant does not own the land
Servicing or turning space provided	Boundary disputes
Harmful to conservation area or listed building	Local opposition i.e. vandalism, over-population
Overdevelopment or overintensive development	Matters covered by other legislation e.g. alcohol licensing
Overlooking or loss of privacy or other residential amenity	Objections raised on moral, racial, or religious grounds
Visually intrusive or overbearing	Personal views about the applicant
Poor external design; appearance or layout	Already too many other similar uses
Loss of trees and/or landscaping seen from public spaces	
Noise and disturbance from the proposed development (but not from construction work).	
Conflict with Nature Conservation criteria for the area.	

- c The written submission and deputation statement should contain a summary of reasons for supporting or opposing the application¹. A list of headings or bullet points without an explanation will not be accepted.
- d Deputation statements or written submissions that are accepted will be published on the Council's website and copies made for councillors and members of the public. The laws of defamation are very strict. If you say or write something defamatory in public about a person which is not true, even if you believe it to be true, you may be at risk of legal action. Therefore, avoid defamatory comments in any deputation statement or written submission to the Committee.
- e The Monitoring Officer may rule out of order any deputation statement or written submission that is vexatious, derogatory, defamatory, frivolous, or offensive.
- f A deputation statement or a written submission may not contain images or photographs.
- g Please note that speakers are not expected to read out their deputation statement word for word. It is anticipated that the speaker will use the allocated time to highlight the issues raised in their deputation statement. This is not however, an opportunity to raise issues not included in the deputation statement.

2 **Format of Written Submissions and Deputation Statements**

- a Written submissions and deputation statements must be:
 - i typed in a regular Arial 12 font with standard spacing between the words and single line spacing between lines;
 - ii free of any photographs, diagrams or other images; and
 - iii free of letter headings, dates, email addresses, postal addresses and signatures.

3 **Length of Written Submissions and Deputation Statements**

Applies to members of the public, agents, Hampshire County Councillors

- a A written submission or deputation statement may be no more than **two sides** of A4 paper

Applies to Non-Members

- b A written submission or deputation statement may be no more than **four sides** of A4 paper

¹ Members of the public may only include reason they raised during the statutory consultation period

E Where to Submit a Written Submission or a Request to Speak to the Planning Committee

Applies to members of the public, agents, Hampshire County Councillors, and Non Members

- 1 All written submissions and requests to speak to the Committee must be in writing and sent to the Democratic Services Team by emailing

democraticservices@havant.gov.uk

or

by letter sent to: Democratic Services Team, Havant Borough Council, The Plaza, Civic Centre Road, Havant PO9 2AX

- 2 It is strongly recommended that written submissions, requests to speak and deputation statements are sent well in advance and via email as these can be picked up more quickly and amended (if necessary).

F Submission of a Written Submission¹,

1 Who May Submit a Written Statement

Applies to Members of the public, agents, Hampshire County Councillors, and Non-Members

- a A written submission will only be accepted for a meeting if it relates to a planning application included in the agenda for that meeting.

Applies to Members of the public

- b A written submission will only be accepted from members of the public who made written representations objecting to or in support of the application during the statutory consultation period.

Applies to County Councillors

- c A written submission will only be accepted from a Hampshire County Councillor who represents a ward within the boundaries of the Borough of Havant

Applies to Applicants and Agents

- d A written submission will only be accepted from the applicant or his or her agent, who submitted the application under consideration.

Applies to Non-Members

¹ For appointment of a representative see H below

- e A written submission will only be accepted from a Havant Borough Councillor who represents a ward within the boundaries of the Borough of Havant

2 *Restrictions on Written Submissions*

Applies to Members of the public, agents, Hampshire County Councillors, and Non Members

- a A written submission will only be accepted if it relates to a planning application included in the agenda for that meeting and conforms with the requirements set out in Section D above.
- b A member of the public, agent, applicant, and/or Non-Member may not submit more than one written submission for the same application
- c It is important to remember that the Committee can only consider certain criteria when deciding a planning application. To help you make the most of the time you have allocated to speak, we have provided details in Section D on typically what can and cannot be taken into account. The Council reserves the right to reject any submissions containing defamatory or discriminatory statements.

3 *Deadline for Submission of a Written Submission*

Applies to Members of the public, agents, Hampshire County Councillors, and Non Members

A written submission must be received by the Democratic Services Team by no later than 12 noon two clear working days¹ before the meeting. Therefore, if a meeting is on a Thursday with no intervening public holidays, written submissions must be received by 12 noon on the previous Monday. Any written submissions received after this deadline will be rejected and will not be submitted to the Committee for their consideration except in exceptional circumstances.

4 Additional Information to be Provided with the Written submission

Applies to members of the public, agents, Hampshire County Councillors, and Non-Members

When sending in a written submission, the following information must be provided:

- a the application number and address of the application you are writing about
- b Confirmation that that it is written submission and not a request to speak to the Committee;
- c your name, an email address, postal address and/or contact telephone number;

¹ See glossary for definition of clear working days

- d indicate whether you are an applicant, agent, supporter or objector
- e Indicate whether you represent a group of objectors or supporters and if so supply details of who you represent together with confirmation that they all made representations during the statutory consultation period and
- f if F4e above doesn't apply, confirmation that you have previously made a representation during the statutory consultation period.

5 Publication of Written Submissions

The Democratic Services Team will collate and send all written submissions to the Committee before the meeting as part of a supplementary agenda. This will be published on the Council's website.

6 Amendment of Written Submissions

The Council may allow a submitted written submission to be amended in cases where the wrong version of the submission was originally submitted to the Council or to make amendments requested by the Monitoring Officer provided that the revised version is received no later than 11am on the day before the meeting. Please note if the Monitoring Officer has requested that a written submission be amended and the revised version is not received by 11 am on the day of the meeting, the original written submission will not be put before the committee.

G Speaking at Planning Committees¹

1 Who May Speak at a Planning Committee Meeting

Applies to Members of the public

- b* Only members of the public, or their representative, who have previously made written representations objecting to or in support of the application may address the Committee.
- c* The Council will accept a speaker, who represents a group of supporters or objectors, who had previously made a written representation during the consultation period,

Applies to County Councillors

- d* Only Hampshire County Councillors who represents a ward within the boundaries of the Borough of Havant will be allowed to address the Committee

Applies to Applicants and Agents

¹ For appointment of representatives see Section H below

- e An applicant or his or her agent, who submitted the application under consideration may address the Committee.

Applies to Non-Members

- f Any Havant Borough Councillor who represents a ward within the boundaries of the Borough of Havant who is not attending the Committee in his or her capacity as a Member of the Committee may address the Committee.

2 Registering to Speak

Applies to Members of the public, agents, Hampshire County Councillors, and Non Members

- a All requests to make a deputation must include:
- Contact details, including the name and email address, of the person who will be addressing the meeting
 - application number and details of the relevant application
 - whether the speaker, is the applicant, agent, a support or objector
 - whether the speaker would consent to his or her contact details to be shared with others who registers to speak on the same application.
 - a deputation statement in the form and structure set out in D above
- b It is strongly recommended that deputation statements are sent well in advance and via email as these can be picked up more quickly and amended (if necessary).
- c Requests to speak to the Committee must be received by the Democratic Services Team by no later than 12 noon two clear working days¹ before the meeting. Therefore, if a meeting is on a Thursday, requests to speak must be received by 12 noon on the previous Monday. Any requests received after this deadline will be rejected and will not be provided to the Committee for their consideration except in exceptional circumstances.
- d The Democratic Services Team will collate and send all deputation statements to the Committee before the meeting as part of a supplementary agenda. These will be published on the Council's website.

3 Failure to Register to Speak

Applies to members of the Public, Agents, Applicants, Supporters, Non-Members and/or County Councillors

¹ For definition of Clear Working Days see Glossary

- a If a speaker does not register in full accordance with Section G2 above, he or she will not be allowed to speak, and the Committee will decide the application without his or her involvement.

4 Limit on the Number of Speakers

Members of the Public, Agents, Applicants and/or County Councillors

- a Subject to Section G5d below, only two people can speak against each application. The first two people to register as objectors will have the right to speak.
- b Subject to Section G5d below, only two people can speak in support of an application. The first two people to register as supporters will have the right to speak
- c Subject to Section G5d below, only two County Councillors will be able to speak to the Committee on each application. The first two County Councillors to register will have the right to speak.

Non-Members

- d There is no limit on the number of Non-Members who can register to speak to the Planning Committee.

Applies to members of the Public, Agents, Applicants, Supporters, Non-Members and/or County Councillors

- e Deputation statements submitted by speakers, who have not been registered to speak will be circulated and published as written submissions

5 Time Limits for Speakers

Applies to members of the Public, Agents, Applicants, Supporters, Non-Members and/or County Councillors

- a The time limits will be strictly followed and cannot be exceeded. All speakers must stop when requested to by the Chairman.

Applies to Members of the Public, Agents, Applicants and/ County Councillors

- b Subject to G5d below there will be a maximum public speaking time of fifteen minutes allocated for each application
- c Subject to Section G5d below a total of five minutes per application will be allocated to hear the views of all objectors, five minutes for all County Councillors and five minutes for all supporters.
- d In exceptional cases where all the following criteria are met, the number of people permitted to speak to the Committee and the time allocated for public speaking will be amended as set in Section G5e below:

- (i) the application will involve more than 50 dwellings; 5,000 m² or more of employment floorspace; 2,500 sq m or more of retail floorspace; or 1,000 m² or more of leisure floorspace.
- (ii) at least three requests have been received to make a deputation against the recommendation set out in the officer's report;
- (iii) the Chairman agrees to an extension of time; and
- (iv) the Head of Planning, or in their absence a Manager agrees to an extension of time.

e If the criteria set out in G5d above is met, the time allocated for public speaking will be as follows:

	Number of Speakers	Time Limit
Objectors	Up to 4 speakers	3 minutes each
Supporters	Up to 4 Speakers	3 minutes each
County Councillors	Up to 4 County Councillors	3 Minutes each

f If at any time prior to or during a Committee meeting the number of speakers registered to speak against a particular application falls below 3, the time allocated for public speaking will be as set out in G5b and c above

Non-Members of the Committee

h Non-Members may speak for no longer than 10 minutes. Non-Members are encouraged to contact the Planning Officer prior to the Committee meeting to clarify any factual issues with the planning application and raise any queries relating to the content of the report to Committee.

6 Questions for Speakers

Applies to members of the Public, Agents, Applicants, Supporters, Non-Members and/or County Councillors

- a Members of the Committee may ask speakers factual questions of clarification at the discretion of the Chairman. Such questions may not be used to draw out a speaker's opinion on a particular issue or to enable a speaker to expand their speech.
- b The Chairman may use his or her discretion to allow consultants employed by the applicant and/or the applicant's agent, who are not speakers, to answer technical questions from Members of the Committee

7 Failure of Registered Speakers to Attend the Committee Meeting

Applies to members of the Public, Agents, Applicants, Supporters, Non-Members and/or County Councillors

- a If a registered speaker or their representative does not arrive at the meeting before the Committee begins to consider an application they have registered to speak on, the Committee will rely upon the speaker's deputation statement when making its decision. The written deputation will not be read out at the meeting by an officer or member of the Committee.

9 Amendments to the Deputation Statement

Applies to members of the Public, Agents, Applicants, Supporters, Non-Members and/or County Councillors

The Council may allow a submitted deputation statement to be amended in cases where the wrong version of the statement was submitted to the Council or to make amendments requested by the Monitoring Officer provided that the corrected version is received no later than 11am on the day before the meeting.

Please note if the Monitoring Officer has requested that a deputation statement to be amended and the revised version is not received by 11 am on the day of the meeting, the registered speaker will not be allowed to address the Committee and original deputation statement will not be put before the committee.

H Right to Appoint a Representative

Applies to members of the Public

- a A member of the public or a group of members of the public may appoint a representative to submit a written submission or register to speak and speak on their behalf provided that the representative only represents members of the public, who have submitted a representation during the statutory consultation period

Applies to applicants and agents for the applicants

- b An applicant or an agent representing an applicant may appoint a representative(s) to submit a written submission or register to speak and speak on their behalf.

Applies to County Councillors

- c If a County Councillor who is registered to speak is unable to address the Committee for any reason, another County Councillor may be permitted to speak in their place, provided that the registered speaker notifies the Democratic Services Team of the change at least 30 minutes before the meeting is due to start.

Applies to Non-Members

- d If a Non-Member is unable to address the Committee for any reason, any elected councillor, who is not attending as member of the Committee, will be permitted to speak in their place, provided that the Non-Member notifies the Democratic Services Team of the change at least 30 minutes before the meeting is due to start.

J Procedure at the Meeting

- 1 Committee meetings will start at the time and held at the venue advertised on the Council's website.
- 2 Speakers are recommended to arrive 15 minutes before the start of the meeting. A member of the Democratic Services Team will be there to greet Speakers and explain the procedure, including how to use the microphone.
- 3 All written deputations and written submissions will be published on the Council's website before the start of the meeting. At the start of the meeting, the Chairman will ask the members of the Committee to confirm that they have all read the submitted Committee papers, which include written submissions and deputation statements. The meeting will adjourn, if necessary, to enable members to read all the necessary papers. Deputation statements or written submissions will not be read out at the meeting by an officer of the Committee or a member of the Committee.
- 4 No written material, photographs, diagrams or other papers may be distributed by speakers at the meeting itself.
- 5 Speakers may not present slides or video presentations at a committee meeting.
- 6 Each application is considered in turn with the following procedure:
 - a The Chairman reads out which item is to be discussed next
 - b One of the planning officers will give an introduction and/or some factual updates about the application
 - c The speakers will then be invited by the Chairman to address the Committee from an allocated desk in the following order:
 - Objector(s)
 - County Councillor(s)
 - Non-Member(s)
 - Applicants or the agent/supporter

Please note that speakers are not expected to read out their written deputation word for word. It is anticipated that the speaker will use the allocated time to highlight the issues raised in his or her deputation statement. However, this is

not an opportunity for the speaker to raise issues not included in the deputation statement.

- d After a speaker has finished speaking the Chairman may allow the members of the Committee to ask the speaker factual questions of clarification.
- e All speakers will be requested to return to the public seating area after they have made their deputation and answered any relevant question(s) put to them by Members of the Committee.
- f Officers will be given an opportunity to respond to issues raised by the speakers and any issues raised in written submissions or deputation statements.
- g Members of the Committee may ask officers questions relating to the application.
- h Members of the Committee will debate and vote on the application. In a majority of cases the debate is heard in public. However, occasionally, the committee may need to go into closed session to consider information that is confidential or exempt from publication. If this happens, the committee will pass a resolution to that effect and any participant who is not a member of the committee will be asked to leave the meeting.
- i When a decision is made, the Committee will move on to the next item on the agenda

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