

COVID-19: TEMPORARY PLANNING PETITION SCHEME CHANGES - WRITTEN REPRESENTATIONS IN LIEU OF PHYSICAL SPEAKING RIGHTS

Committee name	Major Applications Planning Sub-Committee
Officer reporting	Mark Braddock, Senior Democratic Services Manager
Papers with report	Appendix A - Constitutional references Appendix B - Protocol on written representations
Ward	All wards

SUMMARY

To recommend to the Sub-Committee a suspension of Committee Standing Orders in light of the Coronavirus Pandemic and UK national emergency. This relates to temporary changes to the Council's Petition Scheme on speaking rights (for planning committees) and provides for the replication of physical speaking rights with written and visual representations. For the avoidance of doubt, this is a temporary measure and will, upon both UK Government advice and if the Council determines, revert back to the normal speaking rights upon the resumption of traditional planning committee meetings.

RECOMMENDATION

That under the provision of Standing Order 16 (Committee Procedure rules), the temporary suspension of Standing Order 13 (Committee Procedure Rules) and the immediate application of written representations as set out in the Protocol in Appendix B, be approved.

SUPPORTING INFORMATION

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020 were published on 2 April and came into force on 4 April. They remove the 'place' requirement so meetings can be held virtually. These are temporary national regulations and, unless the Council determines otherwise, will only last until May 2021.

Many councils have adapted their speaking rights for virtual meetings. This is purely a practical matter for each council to decide, in terms of the most effective operation of the virtual meeting based on local circumstances, but critically to ensure, in whatever way, the views of all relevant parties are taken into account before a decision is made during current circumstances.

In Hillingdon, residents and others traditionally enjoy well established public speaking rights on planning applications. It is important to note that this is a right granted locally (not legally) as part of the Council's own Petition Scheme since 2002.

After due consideration of the vital practicalities of chairing and conducting effective meetings virtually, e.g. the practical implications for chairing and co-ordinating the meeting with multiple

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people joining at different times and the potential problems with disenfranchising those who are not technologically savvy or who have not used related video-conferencing applications before, it is proposed that written representations be instigated in lieu of the usual 'physical' speaking rights.

In an effort not to restrict those who are traditionally permitted to speak in person through the Council's Petition Scheme and provide for a robust and equitable temporary process, it is proposed to enable full written representations to be read out during the virtual meeting (inclusive of any visual presentations) replicated through a maximum word count based on the approximate usual speaking times. A similar word count limit would apply to Ward Councillors and Conservation Area Panel representatives for their respective approximate speaking times. The Chairman would retain discretion with multiple petitions.

Importantly for anyone submitting written and/or visual representations to a virtual planning committee meeting, the intention is that the meeting and any representations will be broadcast simultaneously, live on the Council's YouTube channel: [Hillingdon London](#). This is the world's most accessible video platform to view proceedings at any time, on any device and anywhere.

The proposal set out to the Committee would not require a constitutional change to the formal Petition Scheme by full Council. The Committee itself is permitted, under Committee Procedure Rules Standing Order 16, to suspend elements of its procedures, and in this case, public speaking rights as per Standing Order 13. A copy of Standing Orders 16 and 13 are shown in **Appendix A** for reference.

Therefore, to ensure upcoming virtual planning committee meetings can continue to hear the views of residents and others participating in the most universally accessible and suitable way during this national emergency and pandemic, **Appendix B** sets out a proposed protocol for new temporary procedures for written representations for committee consideration.

Financial Implications

None.

Legal Implications

It is a well-established and important right that petitions can be presented to the Council's planning committees and that petitioners have the right to address Members of the committees for up to five minutes on the subject of the petition. This right is reinforced in the Council's Planning Code of Conduct for Members. It is a fundamental and long established principle of public law that Members should have all relevant information before them in order to make a 'Wednesbury reasonable' lawful decision. The hearing of petitions fully accords with this principle. The Borough Solicitor can confirm that the proposed temporary changes to the Council's planning petition procedures, as set out in the report, are both lawful and constitutional provided of course that the requirements of the relevant Standing Orders are strictly observed

BACKGROUND PAPERS

- [Council Constitution, Committee Procedure Rules & Petition Scheme](#)
- <https://wordcounter.net> (example website on word counts vs speaking times only - not definitive)
- [Hillingdon's YouTube Channel](#).

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Appendix A

Committee Standing Order 13 - Speaking Rights & Petitions

- (1) When a proposed development falling within a Conservation Area is considered by a Planning Committee, a representative of the relevant Area Panel will be entitled to attend and address the committee for a maximum of five minutes. Notification of the intention to speak and the name of the speaker must be supplied to the Head of Democratic Services in the usual manner.
- (2) The procedures for petitions and speaking rights at Committee meetings are set out in Schedule F – Hillingdon Council Petition Scheme.

Committee Standing Order 16 - Suspension of Standing Orders

A motion to suspend Standing Orders shall require the support of at least half of the members of the Committee present.

Appendix B - COVID-19 Temporary protocol for written representations for virtual planning committee meetings

A temporary suspension of the Council's Petition Scheme has been agreed in light of the Coronavirus pandemic and UK national emergency. In its place, it has been agreed that written and/or visual representations are received where there is a valid petition, in place of the usual physical speaking rights at the Civic Centre. Such representations will be presented instead during 'virtual' planning committee meetings, streamed live on the Council's YouTube channel.

This is a temporary measure and will, upon both UK Government advice and when the Council determines, revert back to the usual public speaking rights upon the resumption of traditional planning committee meetings. The temporary rules are set out below:

Petitions received

The presence of a valid petition on an application will enable written representations in place of direct speaking rights to the relevant planning committee.

Petitions on planning applications will be accepted in the usual way, as part of the Council's Petition Scheme and circulated to councillors on the relevant committee for their information.

Lead petitioners (and if applicable applicants and agents) will be notified when a petition item is to be considered by a planning committee, usually a week before the meeting. This will invite parties identified by the Council to submit written representations as set out below.

All representations will be included on the agenda, read out or shown visually during the virtual

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meeting as set out below.

Lead petitioners/or their representative

Written representations will be permitted in place of public speaking if received no less than 24 hours before the virtual planning committee meeting to Democratic Services.

A strict maximum of **750 words** should be submitted, which equates approximately to 5 minutes 'verbal' average speaking time. This will be read out at the meeting to councillors before any decision.

Democratic Services reserves the right to edit or shorten any submission exceeding 750 words, in an independent way and in the best interest of conveying the views of the petitioners.

Applicant / agents

Only when a petition has been received in OBJECTION to an application, then to ensure a fair hearing, the applicant or agent will also be invited to submit a written representation. Similarly, a strict maximum of **750 words** should be submitted, which equates approximately to 5 minutes 'verbal' average speaking time. This will be read out at the meeting to councillors before any decision.

Democratic Services reserves the right to edit or shorten any submission exceeding 750 words, in an independent way and in the best interest of conveying the views of the applicant / agent.

Visual, audio or video presentations

Strictly inclusive of the above 750 word limit, petitioners, applicants/agents may submit photos or a digital presentation to Democratic Services. A maximum of:

- 5 photos or presentation slides
- 1 single video - up to 2 minutes approx. in length

may be received and this must strictly be linked to the maximum 750 written representation to be read out. This is to ensure that the Council can convey both your written and visual representation effectively.

No audio files are permitted.

Ward Councillors

Ward councillors are permitted to submit a written representation up to a strict maximum of **450 words** 24 hours before the meeting, which equates approximately to 3 minutes 'verbal' average speaking time. This will be read out at the meeting to councillors before any decision.

Conservation Area Panel representatives.

Area Panel representatives, as identified to Democratic Services, are permitted to submit a written representation up to a strict maximum of **750 words** no less than 24 hours before the meeting,

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which equates approximately to 5 minutes 'verbal' average speaking time. This will be read out at the meeting to councillors before any decision.

Chairman's Discretion

There are no other general public written representations permitted by public parties not mentioned above, unless in exceptional circumstances, as agreed by the Chairman of the Committee for the effective conduct of the meeting. The Chairman also is able to vary the times permitted for written representations where multiple petitions are received on an application.

Checking and submitting your written representation:

Written representations, presentations and video files will be permitted at the virtual meeting only if received no less than 24 hours before start time. Please email these to Democratic Services at the email account petitions@hillingsdon.gov.uk.

There are various word count checking tools available online to assist.

Watching your petition / representation being considered

The Council intends to live broadcast virtual planning committee meetings on its YouTube channel: [Hillingdon London](#). This is the world's most accessible video platform to view proceedings at any time, on any device and anywhere. A link to the virtual meeting will also be available on the Council's website and in communications with petitioners and other parties so they can see their representations being considered live or after the meeting.