

EXTENDING WRITTEN REPRESENTATIONS IN LIEU OF PHYSICAL SPEAKING RIGHTS

Committee name	All Planning Committees
Officer reporting	Mark Braddock, Senior Democratic Services Manager
Papers with report	Appendix A - Protocol on written representations
Ward	All wards

SUMMARY

To continue with the ability to submit written representations in lieu of speaking rights upon the resumption of planning committee meetings back in the Civic Centre, when physical speaking rights automatically resume.

RECOMMENDATION (MOTION)

That the Committee agrees to permit those parties with valid speaking rights at planning committee meetings to continue to submit written representations in lieu of attending to speak in person, as set out in the updated Protocol (Appendix A) attached.

INFORMATION

From 7 May 2020, planning committees agreed to introduce written representations for virtual meetings in place of the usual physical speaking rights and those permitted where a valid petition is received. Since then, planning committees have been held virtually and this has been permitted under temporary primary national legislation. This legislation expired on 7 May 2021, meaning that local authority meetings must return to their pre-pandemic or physical format legally, albeit in a socially distanced way for the time-being.

The ability for written representations for virtual meetings was, therefore, also only a temporary measure until the resumption of physical planning committee meetings back in the Civic Centre. Now physical meetings have resumed, physical speaking rights also resume, and it is expected people will start their return to attend and speak directly to planning committees in person.

However, in discussion with the committee chairmen, it is proposed to extend the ability for those entitled to speak in person at planning committee meetings to instead submit written representations, in lieu of exercising their right to attend to speak. This will be reviewed at a suitable point later this year.

Extending this will assist those who are unable or still perhaps feel a little uncertain about attending a meeting in person. In essence, it will ensure that no-one is disenfranchised from putting across their views to councillors on the committees as the UK comes out of a national lockdown and social distancing restrictions change.

No changes to the way written representations are submitted are proposed, so they will be the same as those during virtual meetings. Instead, they will be read out (or displayed on the projector) by the Democratic Services Officer present in the council chamber or committee room.

As shown in the attached protocol, written representations were based upon the average speaking time 'in-person', so there should be an equal amount of time given to each party, whether they decide to attend in person to speak or submit a written representation instead.

Committee procedures

Committee Standing Order 13 relating to speaking rights and petitions was temporarily suspended in May 2020 to enable a new procedure of written representations for virtual meetings only. This suspension automatically expires with the resumption of physical meetings where all previous in-person speaking rights return for petitioners, applicants/agents, ward councillors and conservation panel representatives as per the Council's Constitution.

The committee can therefore agree, by way of a motion, to extend written representations in lieu of physical speaking rights should that be preferred by any party not wishing to speak in person. This recommendation (motion) will need to be proposed and seconded before any vote in the usual way.

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

Appendix A - temporary protocol extending written representations for planning committee meetings in lieu of physical speaking rights

Virtual planning committee meetings no longer take place and have now resumed back in their physical format, taking place at the Civic Centre, Uxbridge. The Council's petition scheme and procedures for valid parties speaking at planning committee meetings 'in person' also now resumes. This means residents, applicants, agents etc... can attend to speak and put their views directly to councillors on the committee, as they did before the pandemic.

However, planning committees have also agreed to enable any party who has a valid right to speak in person, to continue to be able to submit written representations in lieu should this be preferred in the current circumstances as the UK moves out of national lockdown and social distancing restrictions.

This protocol sets out the rules solely for submitting written representations. For the rules regarding speaking in person instead, please refer to the Council's petition scheme. Democratic Services will also advise.

Petitions received

The presence of a valid petition on an application will enable written representations in lieu of 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 indicate if they wish to attend to speak or instead submit written representations as set out below.

Any written representations received will be read out during the meeting as set out below.

Lead petitioners/or their representative

Written representations will be permitted in lieu of public speaking if received no less than 24 hours before the 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. These will be shown on the projector in the meeting.

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, 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 meeting only if received no less than 24 hours before start time. Please email these to Democratic Services at the email account petitions@hillingdon.gov.uk.

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

Watching your petition / representation being considered

The Council broadcasts its 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 meeting online will be available to petitioners and other parties so they can see their representations being considered live or after the meeting.