

TEMPORARY COVID-19 PROTOCOL FOR WRITTEN REPRESENTATIONS: STANDARDISATION OF TIME LIMITS

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

SUMMARY

To make amendments relating to time limits for the receipt of information with regard to the temporary Covid-19 petition protocol agreed by the Committee relating to written representations.

RECOMMENDATION (MOTION)

That under the provisions provided by Committee Standing Orders, that the Committee agrees to the updated Temporary Covid-19 Protocol attached (Appendix A).

INFORMATION

Time limits

There is currently an inconsistency with the time limits to receive additional information from petitioners or applicants prior to a committee meeting. Additional information would, for example, be sending in supporting images or slides and information. This is over and above the speech given or equivalent written representation received and read out.

The formal constitutional petition scheme rules permit such additional information within 48 hours before the meeting (after that Chairman's discretion) but this just applies to those attending in person to speak. It's what was practiced for many years, and worked generally well, before the Covid-19 pandemic. The time limit still continues today for those speaking in person.

However, temporary Covid-19 changes were approved by planning committees in 2020 and extended last year, enabling people to submit written representations instead of attending in person to speak for understandable reasons. For this, the time limit for written representations and also any additional information was set at within 24 hours before the meeting. This same time limit also applied to Ward Councillors and Conservation Panel Members submitting their written representations. This shorter time limit served the committee well when all planning meetings were held virtually during the height of the pandemic, but since meetings were required to return to a physical nature from May 2021, there is now generally a mixture of people attending in person and having their written representations read out – resulting the time limit anomaly.

The proposal, therefore, is to standardise this time limit to 48 hours irrespective. This would help Democratic Services better clarify to petitioners, applicants etc... the final deadline for the receipt of information, where there has been some minor confusion in recent months. It would also assist in simplifying matters administratively, including the timely distribution of such additional information to committee members prior to the meeting. There would remain the ability for

Chairman to use their discretion to vary this time limit, in exceptional circumstances, should that be required.

Guidance update

Legal services have advised that protocol is updated to remind parties that slides/photos that contain images of people will not be accepted. This will enable the Council to fully comply with its data protection obligations, in particular in respect of the privacy of neighbours.

Democratic Services has also performed a general tidy-up of the protocol in terms of its wording, but not affecting the material aspects previously approved by the Committee.

The Committee itself is permitted, under the Council Constitution Committee Procedure Rules (Standing Order 16) to suspend elements of its procedures, and in this case, those relating to public speaking rights (Standing Order 13) as it sees fit. The updated temporary protocol is attached as Appendix A for the committee to approve under these provisions.

Subject to the Committee's views, officers could also consider recommending permanent changes to formalise this into the Council's Constitution, as part of the Petition Scheme. This would negate the need for committees to continue to reply on using their Standing Order provisions, which are essentially temporary in nature.

Legal comments

Included within the report.

Financial implications

None.

BACKGROUND PAPERS:

NIL

Appendix A

Temporary Covid-19 petition protocol on written representations in lieu of physical speaking rights

The Council's established petition scheme enables resident petitioners, applicants, agents etc... to attend to speak and put their views directly to councillors on the committee.

All petitions on planning applications will continue to be accepted in the usual way and circulated to councillors on the relevant planning committee, along with ward councillors, for their information prior to the meeting.

However, planning committees have also agreed temporarily to enable any party who has a valid right to speak in person, to be able to submit written representations in lieu of attending to speak in person. This may be preferred in the current circumstances given the pandemic and if Government guidance changes on social distancing restrictions.

This protocol therefore sets out the rules for those parties opting to submit written representations instead. For the ordinary rules regarding speaking in person, please refer to the Council's Petition Scheme. Democratic Services will also advise further on these options with parties.

Submitting written representations

The presence of a valid petition on an application will enable written representations in lieu of speaking rights to the relevant planning committee. 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 which will be read out at the meeting instead as set out below.

If any party opts to choose to submit written representations instead of attending to speak in person, then the following rules apply:

Lead petitioners

Written representations will be permitted in lieu of public speaking if received no less than **48 hours** before the planning committee meeting to Democratic Services.

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

The lead petitioner may choose another representative to submit a written submission if they wish but should notify Democratic Services accordingly.

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 either attend to speak or submit a written representation. In the case of a written representation, similarly, a strict maximum

of **750 words** should be submitted, which equates approximately to 5 minutes average 'verbal' speaking time. This will be read out at the meeting to councillors before any decision on the application. This should be received by Democratic Services no less than **48 hours** before the planning committee meeting.

Other parties that may speak on applications within their area (irrespective of whether a petition is received):

Ward Councillors

Ward councillors are permitted to submit a written representation up to a strict maximum of **450 words** within **48 hours** before the meeting, which equates approximately to 3 minutes average 'verbal' speaking time. This will be read out at the meeting to councillors before any decision on the application.

Conservation Area Panel representatives.

Area Panel representatives, as notified to Democratic Services, are permitted to submit a written representation up to a strict maximum of **750 words** within **48 hours** before the meeting, which equates approximately to 5 minutes average 'verbal' speaking time. This will be read out at the meeting to councillors before any decision on the application.

Photos, visual or video media as additional information

Strictly inclusive of the above word limits, parties may send in photos, video or other related digital media as additional supporting information up to a maximum of:

- 5 photos or presentation slides;
- 1 single video - up to 2 minutes approx. in length (mp4. format).

These must be directly linked to your written representation to be read out. This is to ensure that the Council can convey both your written and visual representations effectively. These will be shown on the projector at the meeting so councillors can consider such matters appropriately. Such media must be received within **48 hours** of the meeting alongside your written representation.

No audio only files are permitted. Please note that photos or visuals that contain images of people are not permitted. This will enable the Council to comply with its data protection obligations.

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 may agree to accept written representations or additional information after the 48-hour deadline, but only in exceptional circumstances. The Chairman may also vary the times (or in this case number of words) permitted for written representations where multiple petitions are received on an application.

Checking and sending us your written representation:

There are various word count checking tools available on software or online to assist keeping within the word limits set out above. Democratic Services can advise on some tools to use.

Democratic Services reserves the right to edit to shorten any submission exceeding the word length advised, in an independent way and in the best interest of conveying the views of the party concerned.

All written representations, visual and video files should be sent by email to Democratic Services at the email account petitions@hillingsdon.gov.uk or democratic@hillingsdon.gov.uk.

If they arrive within the 48 hours deadline set out above, we will accept written representations handed in person or posted to Democratic Services, Civic Centre, High Street, Uxbridge, UB8 1UW. Please telephone Democratic Services on 01895 250636 if necessary to confirm receipt of your written representation.

Should the any party who has already submitted a written representation change their mind and decide they instead wish to speak in person (and not have their written representation read out at the meeting), then as long as Democratic Services are notified in advance, this will be permitted and procedures would follow the ordinary rules set out in the Council's Petition Scheme for speaking at planning committees.

Watching your representation being considered by the committee

The Council live broadcasts its planning committee meetings on its YouTube channel: [Hillingdon London](#). This is the world's most accessible video platform so you can proceedings at any time, on any device and anywhere – and also without any need to sign-in to any Google account. A link to the meeting on YouTube will be made available to petitioners and other parties prior to the meeting so they can see their representations being read out and considered by the committee.

Applications that are deferred

Where a planning application is deferred by the committee after considering all representations and views, should the organiser of a petition like to submit further representations (or speak) at a second meeting of the planning committee to consider the same application, then they will need to organise another valid petition and submit this to Democratic Services.

Protocol approved by the Major Applications Planning Committee
19 January 2022