

## PART G Public Attendance and Speaking At Committee Meetings

### G1 CONTEXT

The Authority's Committee and Sub-Committee meetings must be open to the public and press ([The Public Bodies \(Admission to Meetings\) Act 1960](#) and the [Local Government Act 1972](#)). The Authority also makes provision for members of the public to make representations and ask questions of the Membership subject to the provisions of Parts G3, G4 and G5 below. This provision is in addition to the provisions made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 to request information.

### G2 PUBLIC ATTENDANCE

G2.1 The Authority's Committee and Sub-Committee meetings must be open to the public and press ([The Public Bodies \(Admission to Meetings\) Act 1960](#) and the [Local Government Act 1972](#)). Members of the public may wish to listen to the meeting but not participate in it. To facilitate this, the Authority Livestreams meetings of the Authority's Committees and retains a recording of the meeting for a period of 12 months, which is available upon request. Details of how to access the Livestream are published with the Committee agenda.

G2.2 Members of the public or press **must** be excluded from a meeting if an item of business includes confidential information (section [100A\(2\)](#), LGA 1972). A resolution is not required. It is sufficient for a Committee Chairman to request that the public withdraw so that the item of business containing confidential information can be dealt with in private. If the Authority is planning to exclude the public or press from part of a meeting, any relevant documents will be marked as confidential before the meeting by the Proper Officer.

G2.3 Members of the public or press **can** be excluded from a meeting by resolution during an item of business in the following circumstances:

- If an item of business includes exempt information as set out in section [100A\(4\)](#) of the Local Government Act 1972.
- To suppress or prevent disorderly conduct or other misbehaviour at a meeting (section [100A\(8\)](#), LGA 1972).

G2.4 A resolution must:

- Identify the proceedings (or part) to which it applies.
- Describe the exempt information that gives rise to the decision to exclude the public from the meeting ([Section 100A \(5\)](#) and [Schedule 12A](#), LGA 1972).

If the Members of a Committee are satisfied that the above criteria have been met, they will pass the resolution allowing it to lawfully exclude the public during consideration of the relevant item of the agenda. As with confidential information, if we are planning to exclude the public or press from a part of the meeting, any relevant documents will be marked as exempt by the proper officer before the meeting.

G2.5 A chairman is also able to adjourn a meeting because of disorder among the public or press. An individual or group should be given an opportunity to leave quietly of their own accord before they are actively removed from the meeting. Once a meeting is resumed, if the individual or group continue to cause disorder,

they can be excluded from the meeting. However, the remaining public in attendance cannot be excluded on the ground that re-admission could lead to further disorder. This would amount to a contravention of the public's right of admission.

- G2.6 If force is required to remove a disorderly individual or group, it must be reasonable and necessary for the purpose of removing the offender. A chairman can be liable to pay damages where unreasonable violence has been used, but only if he personally authorised the removal of the offending individual, or later ratified the ejection. Police attendance may also be necessary for certain meetings where there is a high possibility of public disorder (for example, where a meeting is considered potentially controversial or involves emotive issues).

## PUBLIC SPEAKING AT MEETINGS

### G3 'PUBLIC QUESTIONS'

- G3.1 This part of this Policy applies to all public meetings of the Lake District National Park Authority.
- G3.2 Under our Standing Order 22, members of the public have an opportunity to ask questions, make statements, or make formal requests of the Authority at our meetings. Applicants, agents, supporters and/or objectors can speak on planning applications, planning enforcement matters and Tree Preservation Orders at Development Control meetings and modification or public path orders at the Rights of Way Committee. This is detailed in Parts G4 and G5 of this policy. Members of the public who wish to address a Committee must attend in person.
- G3.3 The following rules apply to 'Public Questions'.

- 1 Each meeting open to the public will include **'Public Questions'**.
- 2 You may ask any questions or make a statement about any matter that is within the remit of the committee or sub-committee that you wish to address. They do not just have to relate to items on the agenda of that particular meeting.
- 3 You must notify the Member Services Coordinator of any question, request and/or statement you wish to make by 12 noon two clear working days before the relevant meeting. Give details of the meeting, identify the subject and detail the question or provide details of the wording of the request or statement. You must give your contact details. Notice can be given in person at Murley Moss, by telephone, in writing, by fax or email.

Day of meeting	Deadline for notification
Monday	Noon on the Wednesday before
Tuesday	Noon on the Thursday before
Wednesday	Noon on the Friday before
Thursday	Noon on the Monday before
Friday	Noon on the Tuesday before

- 4 At the start of the meeting you will be invited to ask the question and/or make the statement or request. You may address the meeting for up to five minutes, or longer as the Chairman in his absolute discretion may permit.
- 5 There will be no debate on a question, statement or request. The Chairman may seek clarification from you on any issues raised and may deliver a prepared answer on our behalf or refer it for inclusion on the agenda for our next appropriate meeting and request an officer prepare a report addressing the issues raised.

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| 6   | Any question, statement or request which our solicitor considers to be defamatory or which relates to a specific member of staff or member will not be considered at the meeting and our solicitor will advise you in writing why the matter cannot be considered at the meeting. Our solicitor will advise you of the appropriate processes for raising complaints against staff and members. |
| 7   | No questions, requests or statements can be accepted where:  |
| 7.1 | they relate to matters which would normally be dealt with in 'private' session because they relate to exempt or confidential information, for example, legal actions; financial and business affairs of other organisations, individual members of staff or Trade Union negotiations.  |
| 7.2 | there is a statutory procedure in place for public consultations, for example, Development Control matters and Rights of Way matters   |

## **G4 SPEAKING AT DEVELOPMENT CONTROL COMMITTEE**

### **CONTEXT**

- G4.1 There is no statutory right to speak at our Development Control Committee and Rights of Way Committee meetings but we want to ensure that everyone has a chance to make their views known before a decision is taken. Everyone has the right to submit comments in writing before the meeting, but you can ask to present your views verbally to Members. It is important to stress that there will be no disadvantage to those who prefer not to, or who are unable to, present their views in person. All representations are reported in Officers' reports to our Committee members who will be advised of any representations received after the report is written.
- G4.2 We are committed to ensuring that public speaking is fair and unbiased. Public speaking needs to be conducted in a business-like manner and must focus on the planning merits of the case. If you would like advice on what constitutes the planning merits of a particular case please contact the Planning Officer dealing with the case.

### **PRINCIPLES OF THE SCHEME**

- G4.3 The opportunity for public speaking is in respect of any application for planning permission, planning enforcement matters, modification or public path orders or confirmation of Tree Preservation Orders to be determined by Committee on the agenda for the meeting.
- G4.4 Anyone wishing to speak at the meeting will have the opportunity to do so strictly in accordance with this protocol.

### **BEFORE THE MEETING**

- G4.5 The details of the agenda are made available on our website. Any person or organisation with an interest in an application may ask for advice at any stage during the process and should stay in touch with the Planning Officer dealing with the case or Rights of Way Adviser, who will be able to provide advice on whether the matter will be reported to Committee and the likely date.
- G4.6 Five minutes are available for people to speak against a matter (objectors): this includes individuals and representatives of organisations who have concerns or object either to the whole or part of the application. Five minutes are available for people to speak in favour of a matter (supporters): this includes the applicant, their agent, adviser or representative, and individuals and representatives of organisations who are in favour of the application. No more than two objectors and two supporters may speak. They must agree between themselves who will speak and how they will divide their five minutes between them. In the event that there are more than two objectors or two supporters registered to speak the Chairman of the Committee has the discretion to:
- Determine there will be no public speaking on the matter; or
  - On occasions where the application is of particular concern or interest, permit more supporters or objectors to speak and allow additional time for the representations to be heard.

- G4.7 Anyone wishing to speak at the meeting must comply with the relevant process which can be found on our website or obtained from the Officer dealing with the matter.
- G4.8 We will provide all speakers with written guidance on public speaking at the Committee before the meeting. A named staff contact will meet you immediately before the meeting. If you are unable to speak at the meeting due to unforeseen circumstances, you may arrange for another person to attend to present your views and answer questions on your behalf. Statements provided to the Authority will not be read out at the meeting.
- G4.9 Public speaking is limited to the right to speak at the meeting. You may not distribute any documents, maps, photographs or other written information at the meeting. If you wish to refer to photographs or other documents you should contact the case planner as it may be possible to include these in the presentation details prepared for the meeting. A copy of any approved material must be supplied to us at least five clear working days before the meeting.

#### **AT THE MEETING**

- G4.10 The Chairman of the Committee is responsible for ensuring the orderly conduct of the meeting and for overseeing the way in which this Public Speaking Protocol is implemented. Meetings will be conducted in accordance with our Standing Orders and this Protocol.
- G4.11 Cases where someone has registered to speak will be moved near to the start of the agenda and told whether the matter will be heard in the morning or the afternoon. However, we cannot tell you exactly what time any application will be heard. We will not delay the hearing of an application because you are not ready to speak when the matter is announced by the Chairman.
- G4.12 Each application reported to the Committee will be introduced by a Planning Officer who will refer to their report and update Members on any information (including late representations) which have come to light since the report was prepared. Committee Members will have an opportunity to ask the Planning Officer any questions.
- G4.13 You are entitled to speak once on any application. If Members decide to defer the application at this stage (usually for a Site Inspection or to obtain further information) you will be given the choice of either presenting on this occasion or returning at a later committee.
- G4.14 Objectors who have followed this procedure will be invited to speak to the Committee. After they have spoken, Committee Members will ask any questions of the objectors.
- G4.15 Objectors will be allowed a total of five minutes to speak. If more than one objector has notified us of their wish to speak the time may be shared between two speakers.

- G4.16 The Chairman will then invite those speaking in favour of the application to address the Committee and respond to the objections. After they have spoken Committee Members will ask any questions of the supporters.
- G4.17 The total time allowed for speaking by the applicant and supporters will be five minutes. Supporters other than the applicant will only be able to speak if the applicant declines to do so or with the applicant's consent.
- G4.18 Occasions may arise where the Chairman decides to increase the time allocated to both sides for public speaking. Where possible we will notify all those who have requested to speak of any extension before the meeting. In cases of dispute the Chairman's ruling is final.
- G4.19 Members will then discuss the issues raised and make a decision.

## **G5 SPEAKING AT RIGHTS OF WAY COMMITTEE**

- G5.1 Most Rights of Way decisions are taken under delegated powers and a small number of more significant and/or contentious applications are decided by our Rights of Way Committee. In such cases people can speak in accordance with this Protocol.
- G5.2 When someone indicates that they would like to speak if the matter is considered by Committee we will acknowledge setting out the process.
- G5.3 In the event that more than one person wishes to speak on an item it is our expectation that they will liaise to enable a representative to be nominated. Two people may share the time or if more than two they may nominate (a) representative(s) to speak. Although we have contact details on a public file we will seek agreement to share these to allow these arrangements to be made.
- G5.4 Rights of Way Committees are held each quarter and we will publish the dates and agenda papers on our website. We will publish meeting agendas and accompanying reports on our website at least one week before the meeting.
- G5.5 Anyone wishing to speak at the meeting must notify the Member Services Coordinator in writing of their wish to speak by 12 noon three clear working days before the date of the meeting. This deadline is final. If on that date you are the only person registered to speak you will have the full five minutes and you may represent the views of others if you wish. If more people have registered we will provide you with the contact details of those who have agreed to share this information and you must agree between yourselves who will speak and how you will divide the five minutes between you if two people are to speak. You must provide us with the names of speakers by noon on the day before the meeting. This deadline is final.

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Friday	Noon on the Monday before

- G5.6 Our contact details are:

Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal, LA9 7RL

9.00 am – 4.30 pm Monday to Friday

Member Services Co-ordinator (01539 792637)

**[hq@lakedistrict.gov.uk](mailto:hq@lakedistrict.gov.uk)**