



GUIDELINES ON PUBLIC SPEAKING

November 2014

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1. Guideline on Public Speaking at Executive Council on planning applications

The Government supports greater public involvement in the planning process and believes that people may be able to make their views known more effectively if they are able to speak on planning applications as well as making comments in writing.

Occasionally it is the Governor in Executive Council rather than the Planning and Building Committee that is empowered to determine planning applications. These are either when the Committee is minded to approve an application which is considered to be contrary to the Development Plan or when the Committee is minded refuse an application by the Crown. In both cases the Committee will consider the application first.

This note explains how the scheme to allow public speaking on planning applications considered by Executive Council will work.

Separate notes have been prepared for speaking at Executive Council in relation to planning appeals and also for speaking at Planning and Building Committee on planning applications or draft planning policy documents.

Does the Right to Speak scheme change the way planning applications are publicised?

No. Neighbouring properties will still be notified by letter. A notice in the local press will also advertise proposals. You will need to get your written comments to the Environmental Planning Department by the date given in the letter or notice. All communications will be acknowledged by the Department. If the application goes to Executive Council a copy of your written comments will be included in the agenda and a summary of the comments received will be included in any report prepared by the planning officer.

Can anyone speak at Executive Council?

Speaking will only be allowed if the application goes to the Executive Council for a decision because the Planning and Building Committee is unable to determine it.

The following can speak at Executive Council:

- (i) An objector (or their representative), when:
 - (a) they have submitted a written comment to the Environmental Planning Department on the application setting out the reasons for the objection;
 - (b) the grounds of objection are based on relevant planning considerations; and
 - (c) the objector has given notice of a wish to speak.
- (ii) A supporter (or their representative), when:
 - (a) they have submitted a written comment on the application to the Environmental Planning Department setting out the reasons for supporting the proposal;
 - (b) the grounds of support are based on relevant planning considerations; and
 - (c) the supporter has given notice of a wish to speak.
- (iii) An applicant (or agent appointed on their behalf). They will be informed when their application is going to Executive Council and what the views of the Committee and planning officer are on the application.

Where a request to speak has been received in support of, or objecting to, an application, the applicant (or agent) will be informed and given an opportunity to speak. This will be the case whether or not they have already made a request to speak.

If I comment on a proposal do I have to speak at Executive Council?

No, as your interest in the proposal will be reported to Council anyway. It is up to you to decide whether to speak or not.

If I want to speak what should I do?

Agendas are finalised about two weeks before Executive Council meets. The Clerk of the Legislative Assembly will contact all those eligible to speak in advance of the meeting to check whether you wish to speak and, if so, to inform you of the arrangements and timings for the application. The Clerk will also advise when there are more than one objector and or more than one supporter wishing to speak as it is the responsibility of all those with common cause to decide who will speak on their behalf.

Who attends Executive Council?

Executive Council comprises three Members of the Legislative Assembly (MLA's), the Chief Executive, the Financial Secretary and is chaired by the Governor. Also in attendance are the Attorney General and Commander British Forces South Atlantic Islands (CBFSAI). Any MLA who was involved in the recommendation made by Planning and Building Committee is not allowed to consider the application. For planning applications a Planning Officer will normally be present and occasionally a member of the Planning and Building Committee may also attend and speak.

How often does the Executive Council meet?

The Council generally meets twice a month at Government House. The application is likely to be heard about three weeks after the matter was considered by the Planning and Building Committee.

What are the arrangements for speaking?

- (i) Speakers are allowed a maximum of three minutes in which to address the Council. Where there is more than one objector and or more than one supporter who have made a request to speak and no agreement can be reached on who shall address the Council, the time limit will be divided equally among the all objectors and all supporters. This provision also applies where both the applicant and agent wish to speak.
- (ii) No written submissions or other material will be accepted from speakers at the Council meeting.
- (iii) Speakers may only raise issues which are relevant to planning and to the item to be considered. Examples of relevant and non-relevant issues are given below.
- (iv) Only one opportunity to speak is allowed. If a decision on the application is deferred, no further opportunity to speak will be given unless the application is considered to have been the subject of subsequent, significant amendment.

What procedure will be followed?

- (i) The Chair (normally the Governor) will announce each application in turn. Those with speakers are normally heard first.
- (ii) The planning officer will introduce the application, summarise the views of consultees and written representations received from the public. He or she will then present their assessment of the proposal and also relay the view's of Planning and Building Committee.
- (iii) The Chair will then invite those wishing to speak to make their case. The order of speakers will be objectors, supporters and then the applicant (and or agent).
- (iv) Speakers will have up to three minutes to state their interest. This time should be shared where more than one supporter or objector wishes to speak in favour or against an application.
- (v) Speakers must speak on matters related to planning and should not introduce significant new information.
- (vi) Members of Executive Council may ask questions of speakers for clarification but speakers will not be able to ask questions of Council or other parties. Members may also ask the planning officer or the representative of the Committee to comment on what they have heard.
- (vii) After all speakers have had their say they will normally be asked to leave the room.
- (viii) The Chair will sum up and invite Executive Council to debate the merits of the application and determine it.
- (ix) Applications will not be deferred because of the absence of any person who has indicated a wish to speak.
- (x) The above procedures for public speaking can be amended during Council meetings at the discretion of the Chair.

Can I ask questions?

You may include questions in your submission but other speakers cannot be compelled to answer them. If you have a question that officers could answer it would be best to let the Environmental Planning Department know the question before the meeting so that relevant information can be gathered. You will not be allowed to interrupt someone else or take part in the Members' debate.

In preparing my statement which issues are relevant?

Relevant planning considerations include comments about Stanley Town Plan or Structure Plan policies, highway safety and traffic, noise disturbance and smells, design, wildlife and trees, impact on privacy and also previous planning decisions.

Which issues are not relevant?

Matters covered by other laws, private property disputes, the developer's background, and the loss of private views or loss of value to property are not relevant planning considerations. If you are unsure you can always check with the Environmental Planning Department.

Please do not present any new material or comments at the Council meeting. All comments regarding a development proposal should be submitted formally in writing to the Environmental Planning Department in advance of the earlier Planning and Building Committee meeting in order for them to be fully considered. It is not normally possible for representations to be considered at the Council meeting unless they have been submitted during the formal consultation process.

If the application is refused can the applicant still appeal?

No. Unlike applications decided by Planning and Building Committee, there is no right of appeal for an application determined by Executive Council.

If you have any queries about speaking at Executive Council, please contact:

Clerk of the Legislative Assembly
Gilbert House
Ross Road
Stanley

Telephone: 27451

E-mail: clerkofassembly@sec.gov.fk

2. Public Speaking at Executive Council on Planning Appeals

The Government supports greater public involvement in the planning process and believes that people may be able to make their views known more effectively if they are able to speak on planning applications as well as making comments in writing. For planning appeals considered by Executive Council, public speaking allows those involved in the planning process a chance to “have their say”. This note explains how the scheme will work.

Separate notes have been prepared for speaking at Planning and Building Committee or Executive Council in relation to planning applications and draft planning policy documents.

Who can speak when Executive Council considers a planning appeal?

Executive Council has agreed that appellants and or their agents and interested ‘third parties’, such as objectors and supporters of a planning application or their representatives should be allowed to attend Executive Council.

Attendance and speakers is restricted to the following:

1. The applicant and or agent appointed on his/her behalf.
2. Objectors (or their representative) who made a valid written comment on the application that was considered by Committee.
3. Supporters (or their representative) who made a valid written comment on the application that was considered by Committee.

If I made a valid written comment on the application, do I have to speak at Council?

No. Your interest in the proposal will be reported to Council and it is up to you to decide whether to speak or not.

Who attends Executive Council?

Executive Council comprises three Members of the Legislative Assembly (MLA’s), the Chief Executive, the Financial Secretary and is chaired by the Governor. Also in attendance are the Attorney General and Commander British Forces South Atlantic Islands (CBFSAI). Any MLA who was involved in the decision made by Planning and Building Committee is not allowed to consider the appeal. For planning appeals a Planning Officer will normally be present and occasionally a member of the Planning and Building Committee may also attend and speak.

How often does the Executive Council meet?

The Council generally meets twice a month at Government House. The appeal is likely to be heard about 16 to 20 weeks after the matter was considered by the Planning and Building Committee. The Clerk of the Legislative Assembly will contact all those eligible to speak in advance of the meeting to check whether you wish to speak and, if so, to inform you of the arrangements and timings for the appeal. When there is more than one objector or one supporter wishing to speak it is the responsibility of all those with common cause to decide who will speak on their behalf.

What are the arrangements for speaking?

- (i) Speakers are allowed a maximum of three minutes in which to address the Council. Where there is more than one objector and or more than one supporter who have made a request to speak and no agreement can be reached on who shall address the Council, the time allotted will be divided equally among the all objectors and all supporters. This provision also applies where both applicant and agent wish to speak.
- (ii) No written submission or other material will be accepted from speakers at the Council meeting.
- (iii) You may only raise issues which are relevant to planning and to the item to be considered. Examples of relevant and non-relevant issues are given below.
- (iv) Only one opportunity to speak is allowed. If a decision on the application is deferred, no further opportunity to speak will be given unless the application is considered to have been the subject of subsequent, significant amendment.

What procedure will be followed?

- (i) The Chair (normally the Governor) will announce each appeal in turn. Items with speakers are normally heard first.
- (ii) A planning officer will summarise the reasons why the application was refused by the Planning and Building Committee, the basis of the subsequent appeal and the Committee's response.
- (iii) The Chair will then invite those wishing to speak to make their case. The order of speakers will be objectors, supporters and then the applicant (and or agent).
- (iv) Members of Executive Council may ask questions of speakers for clarification but speakers will not be able to ask questions of Council or other parties.
- (v) The planning officer and the member of the Planning and Building Committee (if present) will have an opportunity to respond to the comments made by speakers.
- (vi) After all speakers have had their say they will normally be asked to leave the room.
- (vii) Executive Council will then consider the application and then vote on the appeal.
- (viii) Appeals will not be deferred because of the absence of any person who has indicated a wish to speak.
- (ix) The above procedure for public speaking can be amended during Council meetings at the discretion of the Chair.

Can I ask questions?

You may include questions in your submission but other speakers cannot be compelled to answer them. If you have a question that officers could answer it would be best to let the Environmental Planning Department know the question before the meeting so that relevant information can be gathered. You will not be allowed to interrupt someone else or take part in the Members' debate.

In preparing my statement which issues are relevant?

Relevant planning considerations include comments about Stanley Town Plan or Structure Plan policies, highway safety and traffic, noise disturbance and smells, design appearance, wildlife and trees, impact on privacy and also previous planning decisions

Which issues are not relevant?

Matters covered by other laws, private property disputes, the developer's background, and the loss of private views or loss of value to property are not relevant planning considerations. If you are unsure you can always check with the Environmental Planning Department.

Please do not present any new material or comments at the Council meeting. All comments regarding the appeal should have been submitted formally in writing to the Clerk of the Legislative Assembly in accordance with the procedure for planning appeals in order for them to be fully considered. A copy of this procedure is available on request from the Clerk of the Legislative Assembly. It is not normally possible for representations to be considered at the Council meeting unless they have been submitted during the formal consultation process.

If you have any queries about speaking at Executive Council, please contact:

Clerk of the Legislative Assembly
Gilbert House
Ross Road
Stanley

Telephone: 27451

E-mail: clerkofassembly@sec.gov.fk

3. Guideline on Public Speaking at Planning and Building Committee on planning applications

The Government supports greater public involvement in the planning process and believes that people may be able to make their views known more effectively if they are able to speak on planning applications as well as making comments in writing. For those applications considered by the Planning and Building Committee, public speaking allows those involved in the planning process a chance to “have their say”. This note explains how the scheme will work.

Separate notes have been prepared for speaking at Executive Council in relation to planning appeals and also with regard to representations on draft planning policy documents.

Executive Council is also required to determine certain types of planning application. Speaking in connection with these applications is also allowed and will follow a similar format to that used to address Planning and Building Committee. There is no right of appeal for applications determined in this manner.

Does the Right to Speak scheme change the way planning applications are publicised?

No. Neighbouring properties will still be notified by letter. A notice in the local press will also advertise proposals. You will need to get your written comments to the Environmental Planning Department by the date given in the letter or notice. All communications will be acknowledged by the Department. If the application goes to Committee a copy of your written comments will be included in the agenda and a summary of the comments received will be included in any report prepared by the planning officer.

Can anyone speak at the Committee?

Speaking will only be allowed if the application goes to the Planning and Building Committee for a decision. Under the Governments Scheme of Delegation, the Environmental Planning Officer can approve non-contentious applications. If anyone objects to an application it is automatically referred to Committee.

The following can speak at Committee:

- (i) An objector (or their representative), when:
 - (a) they have submitted a written comment to the Environmental Planning Department on the application setting out the reasons for the objection;
 - (b) the grounds of objection are based on relevant planning considerations; and
 - (c) the objector has given notice of a wish to speak

- (ii) A supporter (or their representative), when:
 - (a) they have made a written comment on the application to the Environmental Planning Department setting out the reasons for supporting the proposal;
 - (b) the grounds of support are based on relevant planning considerations; and
 - (c) the supporter has given notice of a wish to speak

- (iii) An applicant (or agent appointed on their behalf). They will be informed when their application is going to Committee and what the planning officers’ recommendation is.

Where a request to speak has been received in support of, or objecting to, an application, the applicant (or agent) will be informed and given an opportunity to speak. This will be the case whether or not they have already made a request to speak.

If I comment on a proposal do I have to speak at Committee?

No, as your interest in the proposal will be reported to Committee anyway. It is up to you to decide whether to speak or not.

If I want to speak what should I do?

Committee agendas are finalised about a week before the Committee meets. Those who have commented on a proposal will be contacted to let them know that it is on the agenda and what the recommendation is. If you want to speak you will need to let the Environmental Planning Department know at least 48 hours before the start of the meeting. The Department will advise when there are more than one objector and or more than one supporter wishing to speak and it is the responsibility of all those with common cause to decide who will speak on their behalf.

Who attends Planning and Building Committee?

The Planning and Building Committee comprises two Members of the Legislative Assembly (MLA's) and up to five lay members appointed by the Governor. Officers will be in attendance to advise the Committee. These are normally a planning officer, the building adviser, Crown Counsel, Chief Fire Officer, Director of Public Works and the Committee secretary.

How often does the Planning and Building Committee meet?

The Committee normally meets on the first Wednesday of each month in the Liberation Room, Secretariat commencing at 8.30 am. Members of the public are welcome to attend but can only address Committee under the Right to Speak scheme.

What are the arrangements for speaking?

- (i) Speakers are allowed a maximum of three minutes in which to address the Committee. Where there is more than one objector and or more than one supporter who have made a request to speak and no agreement can be reached on who shall address the Committee, the time limit will be divided equally among the all objectors and all supporters. This provision also applies where both the applicant and agent wish to speak.
- (ii) No written submission or other material will be accepted from speakers at the Committee meeting.
- (iii) Speakers may only raise issues which are relevant to planning and to the item to be considered. Examples of relevant and non-relevant issues are given below.
- (iv) Only one opportunity to speak is allowed. If a decision on the application is deferred, no further opportunity to speak will be given unless the application is considered to have been the subject of subsequent, significant amendment.

What procedure will be followed?

- (i) The Chair of the Committee will announce each application in turn. Those with speakers are normally heard first.
- (ii) A planning officer will introduce the application, summarise the views of consultees and written representations received from the public and then present their assessment of the proposal.
- (iii) The Chair will then invite those wishing to speak to make their case. The order of speakers will be objectors, supporters and then the applicant (and or agent).
- (iv) Speakers will have up to three minutes to state their interest. This time should be shared where more than one supporter or objector wishes to speak in favour or against an application.
- (v) Speakers must speak on matters related to planning and should not introduce significant new information.
- (vi) Members of Committee may ask questions of speakers for clarification but speakers will not be able to ask questions of Committee or other parties. Members may also ask the planning officer or any other officer to comment on what they have heard.
- (vii) After all speakers have had their say and the planning officer and other officers had an opportunity to respond, the Chair will ask the planning officer to sum up and present their recommendation on the application.
- (viii) The Committee shall then debate the merits of the application and determine it. The decision will clearly be communicated by the Chair.
- (ix) Applications will not be deferred because of the absence of any person who has indicated a wish to speak.
- (x) The above procedures for public speaking can be amended during Committee meetings at the discretion of the Chairman.

Can I ask questions?

You may include questions in your submission but other speakers cannot be compelled to answer them. If you have a question that officers could answer it would be best to let the Environmental Planning Department know the question before the meeting so that relevant information can be gathered. You will not be allowed to interrupt someone else or take part in the Members' debate.

In preparing my statement which issues are relevant?

Relevant planning considerations include comments about Stanley Town Plan or Structure Plan policies, highway safety and traffic, noise disturbance and smells, design, wildlife and trees, impact on privacy and also previous planning decisions.

Which issues are not relevant?

Matters covered by other laws, private property disputes, the developer's background, and the loss of private views or loss of value to property are all not relevant planning considerations. If you are unsure you can always check with the Environmental Planning Department.

Please do not present any new material or comments at the Committee meeting. All comments regarding a development proposal should be submitted formally in writing to the Environmental Planning Department in advance of the Committee meeting in order for them to be fully considered. It is not normally possible for representations to be considered at the Committee meeting unless they have been submitted during the formal consultation process.

If you have any queries about speaking at Committee, please contact:

Planning Officer
Environmental Planning Department
Malvina House Gardens
St Mary's Walk
Stanley

Telephone: 28485
E-mail: fwallace-nannig.planning@taxation.gov.fk

4. Public Speaking at Planning and Building Committee on draft planning policy documents

The Government supports greater public involvement in the planning process and believes that people may be able to make their views known more effectively if they are able to speak on planning matters as well as making comments in writing. When the Planning and Building Committee is considering draft planning policy documents, such as the Development Plan (Falkland Islands Structure Plan and Stanley Town Plan), public speaking allows those with an interest in the planning process a chance to “have their say”. This note explains how the scheme will work.

Does the Right to Speak scheme change the way draft planning policy documents are publicised?

No. A notice in the local press will, as now, inform the public that a document has been prepared and is available for inspection and comment. Key stakeholders likely to have an interest in the subject matter will be notified separately. You will need to get your written comments to the Environmental Planning Department by the date given in the notice or letter. All communications will be acknowledged by the Department. As now, all comments received will be summarised and, together with the views of the planning officer, be included in a report to be considered by the Committee.

Can anyone speak at the Committee when it considers the representations made?

All those who have made written representations on a draft planning policy document will be asked if they wish to attend the Committee when the issues or subjects that they have commented upon are to be considered.

Comments will be grouped by topic and a programme produced by the planning officer setting out when a particular topic is due to be considered by Committee. The amount of time devoted to each topic will vary and will partly depend on the number and nature of representations received.

If I comment in writing on a draft planning policy document do I have to speak at Committee?

No. As your interest in the document will be reported to Committee anyway it is up to you to decide whether to speak or not.

If I want to speak what should I do?

The planning officer will prepare a programme setting out when the Committee will sit to consider particular topics concerning the draft planning policy document. If you have submitted representations on different issues and topics and wish to speak on them you may find that you are invited to attend more than one meeting. The planning officer will notify those who have made representations and who wish to speak when their item(s) are to be considered at least three weeks before the start of the meeting and what the officer’s recommendation will be. The officer will advise when similar representations have been received on the same topic and encourage those with common cause to decide who will speak on their behalf. You may if you wish have a representative to speak on your behalf.

Committee agendas containing the detailed programme for each meeting will be finalised about a week before the Committee meets.

Who attends Planning and Building Committee?

The Planning and Building Committee comprises two Members of the Legislative Assembly (MLA's) and up to five lay members appointed by the Governor. Officers will be in attendance to advise the Committee. These are normally a planning officer, the building adviser, Crown Counsel, Chief Fire Officer, Director of Public Works and the Committee secretary.

How often does the Planning and Building Committee meet?

The Committee normally meets on the first Wednesday of each month in the Liberation Room, Secretariat commencing at 8.30 am. It is possible that additional meetings may be held to consider representations made on draft planning policy documents. Members of the public are welcome to attend but can only address Committee under the Right to Speak scheme.

What are the arrangements for speaking?

- (i) Speakers are allowed a maximum of three minutes in which to address the Committee. Speaker making the same or similar points will be encouraged to make a single speech within the allotted time. This will avoid repetition and make the proceedings more efficient.
- (ii) No written submission or other material will be accepted from speakers at the meeting.
- (iii) You may raise issues which are relevant to planning and to the item to be considered. Examples of relevant and non-relevant issues are given below.
- (iv) Only one opportunity to speak is allowed. If a decision on the issue is deferred, no further opportunity to speak will be given unless subsequent, significant amendments to it are proposed. If this is the case it is likely that the matter will be subject to a further round of public consultation, which would include a right to speak when it comes back to Committee.

What procedure will be followed?

- (i) The Chair of the Committee will announce each planning issue in turn.
- (ii) A planning officer will set out the background to the matter and the general nature of relevant comments received through the consultation exercise.
- (iii) The Chair will then invite the first speaker to set out their view on the issue.
- (iv) Speakers will have up to three minutes to state their interest. Those with common cause will be encouraged to present their case through a single voice within the allotted time to avoid the repetition of material and help reduce the time Committee needs to sit.
- (v) Members of Committee may ask questions of speakers for clarification but speakers will not be able to question Committee or other parties. They may also ask the planning officer or any other officer to comment on what they have heard.
- (vi) The Chair will then invite the second and subsequent speakers (if any) to set out their views on the issue, repeating stages (iv) and (v).
- (vii) After all speakers have been heard the Chair will ask the planning officer to sum up and present their recommendation(s) on the issue.

- (viii) The Committee will then debate and agree any changes that should be made to the draft planning policy document. The decision will clearly be communicated by the Chair.
- (ix) Issues will not be deferred because of the absence of any person who has indicated a wish to speak.
- (x) The above procedure for public speaking can be amended during Committee meetings at the discretion of the Chairman.

Can I ask questions?

You may include questions in your submission but other speakers cannot be compelled to answer them. If you have a question that officers could answer it would be best to let the Environmental Planning Department know the question before the meeting so that relevant information can be gathered. You will not be allowed to interrupt someone else or take part in the Members' debate.

In preparing my statement which issues are relevant?

Relevant planning considerations include comments about the Structure Plan or Stanley Town Plan policies or draft policies, previous planning decisions, highway safety and traffic, noise disturbance and smells, design, wildlife and trees and impact on privacy.

Which issues are not relevant?

Matters covered by other laws, private property disputes, the developer's background, and the loss of private views or loss of value to property are all not relevant planning considerations. If you are unsure you can always check with the Environmental Planning Department.

Please do not present any new material or comments at the Committee meeting. All comments on draft planning policy documents should be submitted in writing to the Environmental Planning Department during the formal consultation stage. It is not normally possible for representations to be considered at the Committee meeting unless they have been submitted during the formal consultation process.

If you have any queries about speaking at Committee, please contact:

Planning Officer
Environmental Planning Department
Malvina House Gardens
St Mary's Walk
Stanley

Telephone: 28485
E-mail: fwallace-nannig.planning@taxation.gov.fk