



DEVELOPMENT CONTROL COMMITTEE: PUBLIC SPEAKING AND VOTING PROCEDURES

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Effective and Efficient Council

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Development Control Committee Speaking Procedures

Your right to speak at the Development Control Committee

This procedure explains how the Council's Development Control Committee works and how you can have your say upon an application of concern to you.

The committee has to make decisions in the public interest and upon the merits of each application individually, upon the basis of what is relevant in the Development Plan and "any other material considerations". All representations made in writing will be taken into account in the written report, but this is another opportunity for you to make your views known.

Details of meetings

Meetings of the Development Control Committee are usually held in the Council Chamber and usually start at 6.30pm. Details of meeting dates, times and venues are publicised on the Council's website at www.rossendale.gov.uk/meetings and at the Customer Service Hub, Futures Park, Bacup, or they can be obtained from Executive and Democratic Services (see 'Contact Details').

Agenda papers

Agendas are usually published on the Council's website 5 clear working days before the meeting. For example, if a meeting is on a Tuesday the agenda is published on the preceding Monday evening.

Before the meeting

The speakers register for each committee opens when the agenda for the meeting has been published. Please inform Executive and Democratic Services (see contact details) by no later than 12 noon on the day of the committee if you wish to speak on an application (one person against and one person in favour). Registrations to speak will be taken on a "first come" basis. If several people/groups are objecting to an application, they should agree amongst themselves who will speak. If no agreement can be reached then the first party to have registered will speak. The registration to speak in favour will be reserved for the applicant, agent or their representative to enable them to respond to any questions regarding the application (unless otherwise agreed). Speakers in favour will still need to have registered by the deadline detailed above.

To register you will need to notify Executive and Democratic Services of the following details:

- Application number of address of the application
- Your full name
- Your telephone number
- Whether you wish to speak FOR or AGAINST the application?

It is recommended that you arrive about 10-15 minutes before the meeting so that you can notify the committee officer that you are a registered speaker and allow time for an explanation of the procedures.

Conduct at committee meetings

Once the meeting has started you are not permitted to approach or engage with members or officers, or distribute or display any additional information. No campaign materials or banners are permitted in the meeting or within the Council premises. Members of the public cannot take part in the debate or decision making and may not question officers, members or applicants whilst the committee is considering the application.

The laws of slander are very strict and are taken very seriously. If you say something defamatory in public about a person that is untrue, even if you believe it to be true, you may be at risk of legal action. You should therefore think very carefully about any criticisms you wish to make about people when speaking at committee. The chairperson can ask a speaker to stop speaking and leave the committee if the speaker's statement falls within this category.

The procedure for speaking on an application

The officers will briefly identify, introduce and describe the application and refer to any new issues raised since the report was published, including information in any update report, if applicable.

The objector or a representative of all objectors will then address the committee for up to a maximum of four minutes. The objector will be given a reminder when they have one minute left to speak.

Members of the committee may then, if necessary, through the chairperson, ask for clarification on any points (Points of Clarification) raised by the objector in their representation to the committee. No other questions or clarifications should be sought by committee members.

The applicants/supporters or their representative (if present) will then address the committee for up to a maximum of four minutes. The applicant/supporter will be given a reminder when they have one minute left to speak.

Members of the committee may then, if necessary, through the chairperson, ask for clarification on any points (Points of Clarification) raised by the applicant/supporter in their representation to the committee. No other questions or clarifications should be sought by committee members.

The officers will then bring any necessary information, in addition to that contained in the report to the committee's attention.

Any Rossendale elected member (Rossendale Borough Councillor or Lancashire County Councillor for a Rossendale ward) who is not making a decision on that application may, by prior agreement with the chairperson, address the committee for a maximum of four minutes on each application **that is within their ward**. A member of another ward may be permitted to speak at the discretion of the chairperson but only where there is sufficient reason.

The members of the committee then debate and decide upon the application. The public cannot take part in this debate and decision making.

What are the relevant issues that councillors can consider?

Councillors are only able to take into account "material planning considerations" which are considerations that relate to the use and development of land, including those relating to the Development Plan and any Government Policy and Guidance. Examples include:

- The Local Plan/Local Development Framework

- Other planning policies i.e. Planning Policy Guidance (PPGs)
- Central Government advice
- Highway safety
- Design, appearance, layout
- Impact on trees, listed buildings and conservation areas
- Public open space
- Landscape impact
- Local amenity/noise/privacy
- Case law and previous decisions

Voting procedures

For planning applications, each report on the agenda will contain an officer recommendation for committee members to consider when making their decision.

Elected members must move and second a proposal (motion) before a vote can be taken. If the motion is not consistent with the officer's recommendation, the reason for approval with any conditions, or reasons for any refusal need to be declared.

The motion can be to:

- Approve an application (including any conditions).
- Refuse an application (including reasons for refusal).
- Delegate an application for officer approval/refusal (or for officer approval/ refusal in consultation with the chairperson of the committee).
- Delegate certain criteria within an application for officer approval/refusal (or for officer approval/refusal in consultation with the chairperson of the committee).
- Defer an application (reasons to be given for deferrals).

If the vote fails to attract a majority (including if the chairperson's casting vote/second vote is used), the motion is lost. (This does not mean that the opposite of the motion is approved by default).

If the motion is lost, members will revisit the application, continue the debate (if required) and move and second another proposal to be voted on.

A decision will only be carried where there has been a majority vote.

In line with normal committee procedures, motions will be taken in the order they are proposed at the meeting, and normal committee procedures will apply for amendments to motions.

Do I have to stay for the full meeting?

After hearing the committee's decision you are welcome to stay and listen to the discussion about other applications, but if you wish to leave please do so as discreetly as possible so as not to unduly disturb and delay the committee and other parties who may well be attempting to consider later applications.

After the decision

The committee's decision is final. However, applicants have the right of appeal to the Planning Inspectorate if their application is refused, or if conditions are attached which they do not like. In this event, anyone who has written about the original application will be informed.

Objectors have no right of appeal to the Planning Inspectorate against a decision to approve an application, but they can seek to have the decision quashed by application to the High Court by way of a Judicial Review. More information is available at the Planning Inspectorate's website www.planning-inspectorate.gov.uk

Procedure for speaking on other items on the published agenda

The chairperson will call for a report to be introduced (a Council officer will normally have submitted a written report with the agenda and they will be called upon to speak on the report).

Any members of the public who have registered will be invited to speak. A time limit of four minutes applies to each speaker, though this may be extended if the chairperson agrees. Please note that a speaker can only usually address members once, unless it is in response to a question from a member, or the chairperson allows you to address members again.

Next, members will debate the item and following the debate, a decision will be made.

How should I ask a question or give a statement?

Begin by giving your name and whether you are speaking as an individual member of the public or as a representative of a group. It is useful to prepare notes in advance to ensure that all the important points are covered. Try and be brief and to the point.

Do not make derogatory or defamatory statements.

You may also submit an extra copy of any prepared statement for the chairperson's information but this must be provided in advance of the meeting.

Questions that are not allowed

You may not ask a question in furtherance of your own particular circumstances. These should be taken up with officers or councillors outside of the meeting. Nor may people ask about a matter where there is a right of appeal to the courts, tribunal or to a government minister. You may not ask a question about the service of any person employed by the Council.

The chairperson may disallow any question that, in their opinion, is improper, vexatious irrelevant or otherwise objectionable. The chairperson can also limit the number of questions that a person may ask. The answer may be given verbally or in writing.

Any question not dealt with at the meeting will normally be answered within 10 working days.

Chairperson's discretion

The chairperson shall decide all questions on the procedures of this committee where not already provided for in the Constitution and committee procedure rules. This includes the interpretation of these speaking procedures. The ruling of the chairperson shall be final and not open to discussion.

Contact details

Executive and Democratic Services democracy@rossendalebc.gov.uk 01706 252424.