

NORTHUMBERLAND

Northumberland County Council

PUBLIC SPEAKING PROTOCOL

Rights of Way Committee

November 2017

Introduction

1. The principle of whether or not public speaking should be allowed at Rights of Way Committee is a matter for each local authority to decide.
2. The Council has previously adopted a policy that public speaking is only allowed in exceptional circumstances and at the discretion of the Chair of the Rights of Way Committee.
3. Applications to record rights of way, village greens and common land are based on fact based documentary and user evidence. The process for the preparation of reports to Committee includes opportunities for all parties to submit their evidence in support of and against the relevant proposal. The parties also have a further opportunity to provide comments on the draft report which will be provided to the landowner, applicant and other interested parties. These comments will then be included in the final report to Committee.
4. The Chair's discretion to allow public speaking should only be exercised in exceptional circumstances.
5. By way of example, exceptional circumstance could include a situation where new evidence has come to light which can only be verbally presented rather than tabled at the meeting for members to read.

Who is allowed to speak on rights of way applications / proposals where the Chair has exercised his discretion?

6. The applicant for the right of way / village green / common land; any affected landowners and occupiers and any third party, including parish and town councils and other statutory and non-statutory consultees who have submitted written comments on an application / proposal may request the opportunity to speak at the Committee. Those granted the opportunity to speak may nominate another person to speak on their behalf.
7. A local County Councillor may also speak for or against an application / proposal being considered at Committee. If a local County Councillor is also a member of the Rights of Way Committee but chooses to speak as local County Councillor, then they can take no part in the determination of that application / proposal. A local County Councillor who has a Members' Code of Conduct interest in relation to the application / proposal which would otherwise mean that they would have to withdraw from the meeting during consideration of the application / proposal cannot speak as a local County Councillor and must withdraw from the meeting for the duration of the determination of that matter unless they have the benefit of a dispensation granted in relation to that interest. In the event that a local County Councillor has to withdraw from the meeting in such circumstances another member nominated by the local County Councillor so affected may

speak in place of that local County Councillor.

How much time will be allocated for speaking on rights of way / village green and common land applications / proposals?

8. A maximum of five minutes will be permitted for each of the following speaking slots:
- Applicant / supporters
 - Landowners and occupiers
 - Local County Councillor and / or parish / town council; and
 - Other statutory or non-statutory consultees

These time limits will be strictly adhered to.

How to register to speak at Committee on applications / proposals

9. This request must be made in person, by telephone or by (e)mail to Democratic Services, by 12.00 noon on the day before the Committee Meeting, stating the exceptional circumstance that requires public speaking. Democratic Services will then contact the Chair for a decision on the request.
10. If the request is refused Democratic Services will notify the requester as soon as possible and no later than the day before the Committee. If the request is approved the requester must confirm with Democratic Services whether they intend to take up the opportunity to speak at Committee.
11. Requests to speak can be withdrawn at any time.
12. There is no right of appeal where a request to speak has been refused.

Procedure at the Committee meeting in relation to applications / proposals

13. Those who wish to speak should arrive 15 minutes before the beginning of the meeting and will be met by the Democratic Services officer.
14. Any speaker not present when the application / proposal they are concerned with falls to be considered will lose their opportunity to speak.
15. Public speakers are not permitted to circulate additional material - written material, photographs etc. – to the Committee. They must restrict their contributions to oral address.

Order of speaking in relation to applications / proposals

16. The officer makes a verbal presentation and provides any updates on the application / proposal.
 - The landowner(s) / occupier(s) will be asked to speak.
 - The parish / town council representative(s) and / or local County Councillor(s) will then be asked to speak.
 - The applicant / supporter(s) will be asked to speak.
 - Other statutory or non-statutory consultees.
17. No questioning of a speaker is permitted. Having spoken, speakers may observe proceedings but may take no further part in the consideration of the application.

Determination of the application in relation to applications / proposals

18. The Committee Members may ask questions of the officers prior to a proposal being duly made and seconded. The application / proposal will then be debated by Members of the Committee with professional support from the officers present, and a decision made by the Committee. The Chair will have a casting vote.