



Planning and Regulatory Committee
26 October 2022

**PROPOSED AMENDMENTS TO STANDING ORDERS RELATING TO
PUBLIC SPEAKING AT THIS COMMITTEE**

Purpose of the report:

This report seeks the support of the Planning and Regulatory Committee to proposed changes to the Standing Orders relating to public speaking at that committee (on applications to the council as Commons Registration Authority) for recommendation to Council for approval.

Recommendations:

It is recommended that:

1. The proposed changes to the Standing Orders relating to public speaking at this committee (as set out in paragraph 12) are supported; and
2. A report is taken to Council seeking approval of the proposed changes and amendment of the Council's Constitution.

Introduction:

3. The Planning and Regulatory Committee's remit includes matters relating to the registration of common land or town and village greens and variation of rights of common.
4. The Standing Orders relating to public speaking at meetings of the Planning and Regulatory Committee (currently Standing Orders 86.1-86.10) do not make any specific reference to applications made to the council in its function as Commons Registration Authority (CRA).
5. The Standing Orders need to be amended to allow for different arrangements where necessary for applications relating to common land or town and village greens applications.

6. Amendments to the Standing Orders require the approval of Council (Articles 13.01 and 4.04 of the Council's Constitution). This report seeks the endorsement of this committee to the proposed changes and a recommendation that a report is taken to Council seeking approval for the changes.

Background

7. Regulations made under the Commons Act 2006 set out procedures for how applications made to the CRA must be dealt with.
8. The Commons Registration (England) Regulations 2014/3038 ("the 2014 Regulations"), apply to this authority in relation to the following types of application¹:
 - a) under s19 (2)(a) Commons Act 2006 – correction of mistakes made by an authority when it made an entry in the register; and
 - b) under paragraphs 6, 7, 8 & 9 of Schedule 2 Commons Act 2006 which allow for the removal from the Register of Common Land of certain types of land that was wrongly registered as common land or town or village green.
9. Regulation 27(7) of the 2014 Regulations provides that:

The determining authority-

 - (a) *may not refuse an application without first offering the applicant an opportunity to make oral representations; and*
 - (b) *may not grant or refuse an application without first offering any person (other than the applicant) for whom the grant or refusal (as the case may be) would represent a determination of that person's civil rights an opportunity to make oral representations.*
10. This requirement will usually have been satisfied where a hearing or inquiry had been held prior to the determination of the application. However, it is not always appropriate or necessary to hold a hearing or inquiry before determining an application. In these cases, the applicant or other party must be offered an opportunity to speak prior to the determination of the application in accordance with the above regulation.
11. Standing Order 86.7 currently only allows an applicant to speak if a member of the public or their representative speaks objecting to the application. This needs to be amended for applications made to the council as CRA to ensure that the requirements set out under the above regulation can be accommodated. The reference to regulations in the proposed amendments to the Standing Orders has been kept as a

¹ NB - the 2014 Regulations apply in full to the areas of Cumbria and North Yorkshire and the pioneer areas (which do not include Surrey).

generic reference to accommodate any updating of the regulations in future or extension to other types of applications made to the CRA.

Proposed changes to the Standing Orders

12. The committee is asked to support the following changes to the Standing Orders (proposed amendments in bold and underlined):

Standing Order 86.1

Members of the public and their representatives may address the Planning and Regulatory Committee on any planning applications, **applications made to the council as Commons Registration Authority (CRA)** and all applications relating to public rights of way (PROW) being considered by that Committee. This Standing Order (86) also applies to applications relating to public rights of way being considered by Local Committees.

Standing Order 86.3

Only those people who have previously made written representations in response to a planning application / **application to the CRA** will be entitled to speak **or in the case of an application to the CRA if 86.11 applies.**

Standing Order 86.7

Subject to 86.11, only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.

New Standing Order 86.11

In relation to applications made to the council as CRA:

- (a) **the applicant and any other person may speak where this is a requirement under the regulations relating to the particular type of application being considered by the committee;**
- (b) **the provisions of Standing Order 86 otherwise apply to these applications.**

Conclusions:

13. The recommendation of this committee is sought to take a report to Council for approval of the above amendments to the Standing Orders to facilitate the processing of applications to the CRA.

Financial and value for money implications

14. None.

Equalities and Diversity Implications

15. This report concerns an amendment to the Council's Constitution to enable public speaking where this is required by regulations on particular types of application. As such it is not considered that equalities and diversity implications arise.

Risk Management Implications

16. None.

Next steps:

If the recommendations are approved, a report will need to be taken to Council for approval of amendments to the Council's Constitution.

Report contact:

Catherine Valiant
Countryside Access Officer (Commons)

Contact details:

catherine.valiant@surreycc.gov.uk
07976 394660

Sources/background papers:

- Commons Registration (England) Regulations 2014/3038
- The Council's Constitution