

Public Speaking and Giving Evidence



Introduction

There may be times when the public want, or need, to speak on planning issues. This may be at a Development Management Panel meeting, at an appeal hearing or a public inquiry, or at an examination in public. Examples of when this may happen are:

- o to support or object to a planning application being considered by the Council. It should be noted that in Huntingdonshire, this opportunity extends to district councillors, town/parish council representatives, third parties e.g. neighbours and applicants or their agent.
- o to support or object to a planning application which is the subject of an appeal. Where the appeal is to be decided by way of a hearing, the process is informal and takes the form of a discussion with questions and answers. A Public Inquiry is very formal and entails giving evidence {sometimes under oath} and being subject to cross-examination by a solicitor or counsel or the appellant's representative.
- o to support or object to policies or proposals in development plan or other

policy document which are subject to an examination in public.

Such an experience can be frightening for many people. This Advice Note is therefore designed to help you try and overcome your fears and provide tips on how to improve the information or evidence that you give.

It covers the areas of what to expect; how to prepare statements or evidence; what to say and how to say it; and how to ask and answer questions.

What to expect

The main point of any meeting, inquiry or examination is to allow those making the decision to have all the facts in front of them. In this way, a fully reasoned decision can be made.

This part of the decision-making process is necessarily procedural. There are both similarities and differences between the various types of meetings. These are essentially as follows:

- o The Council's Development Management Panel – This consists of elected district councillors, who will make the decision. They will be supported by professional officers, who will give the Panel information and advice. Councillors do not have to comment on every particular item. They will have read the report and often visited the site before the meeting. A discussion is perhaps most common when a Member/s has a strong view, wants to highlight or make other Members aware of a particular point or where there is a difference of opinion between Panel Members. A short discussion does not mean that they have not given the matter very careful consideration.
- o Appeal Hearings – Like inquiries, these are conducted by an inspector

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appointed by the Secretary of State. These are less formal than an inquiry, and usually take place around a table in a committee room. Hearings are encouraged as a way of giving unrepresented developers and objectors the chance to present their case in a more relaxed setting. They are therefore most suitable where the issues raised are relatively straightforward. Legal representation is uncommon.

- o Appeal Inquiries – These are also conducted by an inspector appointed by the Secretary of State and are most common for complex proposals and where formal cross-examination of expert witnesses is necessary. In the case of an inquiry, it may involve the formal presentation of a written statement (known as a proof of evidence) and being questioned about it. The main parties will usually be represented by counsel, such as a barrister or solicitor and parties may each employ expert witnesses to help with their case.
- o Examinations – The use of round table discussions is used to examine development plan documents. It allows a range of issues to be discussed with a number of participants representing different viewpoints in a relatively short time. The inspector will set an agenda and chair a discussion.

How to prepare a written statement or proof of evidence

In most cases, some form of written statement or evidence will be required. Where it is not, it is still very useful to prepare one and submit it as part of your case. The structure and content of any written presentation is therefore very important.

The main objective in providing a statement or evidence is to put forward a clear and succinct case. Ask yourself, "How can I best assist the Panel or inspector in a way that puts my case in the best possible light?"

The following points should be borne in mind:

- o Before you start, set out the issues or what you want to say. Only then should you start to write your argument based on these points.
- o Don't make assertions that you cannot support as you may be questioned on them. If you cannot provide a satisfactory answer, this may weaken your credibility.
- o Your statement or evidence should be as brief as possible avoiding repetition and long-windedness. Try to avoid things that are irrelevant or which are imprecise. Don't refer to matters that don't support your case. You may be limited to a maximum number of words.
- o If there are others on your side, try not to overlap. Even small differences can sometimes confuse the case you are presenting.
- o The style of written evidence is a matter for the individual. An overly aggressive presentation is unlikely to help your cause and may suggest arrogance or possibly attempts to hide weaknesses in the argument.
- o Appendices can be useful but should be kept to a minimum. They should be of, or folded to, A4 size. An appendix should not contain the whole document, but only those pages that are relevant to the case including the title page.

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- o Always give your name, any relevant qualifications and the basis on which you are putting forward your views. Pages and paragraphs should always be numbered. This makes your statement easier to read and refer to.

Speaking at the Development Management Panel

The Panel meeting business is usually very busy. It sits at 7:00pm and generally finishes between 9:30pm and 11:00pm depending upon business. The time given for each group of speakers is limited to three minutes. It is therefore essential that you use this time effectively.

In addition to the general points above, the main points to bear in mind are:

- o It is often easier to read from a prepared statement, even if there is no need to submit it formally.
- o It is often better to concentrate on one strong, main point rather than making several weaker ones. This gives those making the decision something positive to think about.
- o Keep it impersonal and polite. Don't tell Members what they should do or offer general criticism of planning officers. If the planning officer has made a factual mistake politely point it out if it is relevant to your case.
- o The Panel chair will invite speakers after Officers have introduced the item in the following order: a representative of the Town or Parish Council; Ward Members; Other Members; objectors; and the applicant or agent. A leaflet entitled 'Your Right to Speak at Development Management Meetings on Planning Applications' is available on the Council's website www.huntingdonshire.gov.uk.

- o Town and Parish Council representatives should not give their personal views. They should not speak if they have a personal interest in the matter. This aspect is covered in more detail in the section on pre-determination in Advice Note 6.

Speaking at Hearings

The Inspector will begin by summarising the main issues, which will then be used as the basis of an agenda for the subsequent discussion.

Speaking at Inquiries

Inquiries are usually very formal. The aim is to be seen as a credible witness and one whose information is given full weight by the planning inspector.

The purpose of the inquiry is to test the facts and opinions that you and others are presenting. It will highlight any defects or omissions in your argument and ensure the inspector is clear as to what you are seeking to achieve.

There may be weaknesses in your case, but bullyboy tactics from advocates are rare. It is usually a sign of weakness in their case. Your evidence is to help the inspector, so he/she is there to help you.

When speaking, the main points to bear in mind are:

- o Make sure you know exactly what is proposed. Be familiar with the development plan, government advice and other planning policies and what other people have said.
- o Listen to others speak or being questioned. This may enable or require you to make new points in support of your case.

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- o When giving evidence, expect to be questioned. The secret is to anticipate any questions you may be asked. Don't ignore any weaknesses in your case as you are likely to be questioned on them.
- o Stay calm when answering questions. Don't get angry with the questioner. Don't feel you need to rush your answers.
- o Think about the question. You must do all you can to answer it fairly. If you don't understand it, don't be afraid to get it repeated or rephrased.
- o If you don't know the answer to a question, say so. Guesswork may lead to a further awkward question and put you in a situation where you cannot properly defend what you have already said.
- o A common technique is to be asked questions which only require a yes or no answer. This approach can sometimes lead you into a corner where you are forced to agree certain aspects of a proposal. Try and answer questions with a "yes/no, but..." response. This allows you to qualify your position.
- o You may want to ask questions of other witnesses. This can be very difficult with a witness who has put forward technical information, as they will undoubtedly be experienced in their subject. It is important however, as it helps balance your own case.
- o When asking questions, the same principles apply as for answering. Try for yes/no or simple one word answers. Make sure it is a question and not simply a restatement of your own case.

- o Where your evidence is primarily for the benefit of the inspector, try and give your answers to questions to him/her, rather than the questioner. Turn towards or direct your voice to him/her. This also helps you if you feel uncomfortable by the presence or attitude of your questioner.

Speaking at an Examination

The Inspector will determine the issues he/she wants to discuss or explore and will invite appropriate representatives as participants to attend on a particular day programmed in advance.

The representatives will be asked to submit a statement setting out their case.

The sessions will take the form of a round table discussion chaired by the Inspector. He or she will invite one of the participants to open the debate during which everyone will be able to have their point of view aired.

Further Help and Advice

Officers in the planning department are always on hand to offer advice.

Consultants can be employed to provide you with expert information or to speak for you in public. If you cannot afford professional fees, the East of England Planning Aid service may be able to help www.planningaid.rtpi.org.uk

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Please Note: This advice note is intended as a general guide. It should not be relied upon, or taken to be a full interpretation of the law.