

Procedure for Representation Hearings at the Greater London Authority

1. Background

- 1.1. Before determining a planning application (and any connected application) that he has taken over, the Mayor must give the applicant and the relevant London borough council the opportunity to make oral representations at a representation hearing ('the hearing').
- 1.2. The Mayor has published this document to meet the requirements of section 2F of the Town and Country Planning Act 1990 (as inserted by section 35 of the Greater London Authority Act 2007), which requires the Mayor to publish a document setting out:
 - who else may make oral representations
 - the procedures to be followed at the hearing
 - arrangements for identifying information which must be agreed by persons making representations.
- 1.3. From 1 October 2013 the Mayor's powers to call in and determine planning applications of Potential Strategic Importance may be delegated to staff (including GLA staff) appointed by him. Accordingly, in this document, references to 'the Mayor' shall include those appointed by the Mayor to exercise these powers. As set out in the current scheme of delegation (Mayoral Decision-Making in the Greater London Authority – May 2020), these staff members are:
 - the Deputy Mayor for Planning, Regeneration and Skills
 - the Deputy Mayor for Housing and Residential Development
 - the Statutory Deputy Mayor (currently also the Deputy Mayor for Education & Childcare).
- 1.4. The arrangements for hearings and site visits set out in this Procedure will, at all times, need to have regard to applicable legislation and guidance relating to the COVID-19 pandemic. It is possible that modifications to the published arrangements may be required from time to time. The GLA will give as much notice as is reasonably possible of any such modifications. In particular, social distancing measures may require the GLA to limit the number of physical attendees at a hearing; some GLA staff involved may participate remotely, as required.

2. Procedural arrangements

- 2.1. The GLA will give at least 21 days' notice of the hearing to those who may make oral representations (see paragraphs 5.1 and 5.2, below, for eligibility criteria) together with details of the procedure for those wishing to speak. The GLA will also provide information on:
 - the date and start time of the hearing
 - the hearing location and venue
 - how participants, the press and public may access the hearing remotely. (see paragraph 3.1, below).

(If any of the above details change then notice will be given to the parties as soon as possible.)

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- 2.2. The GLA will give at least seven clear days' notice of the hearing to the press and public, published on the GLA website along with confirmation of the details bulleted above. Notices will also be displayed on the site and at City Hall. The GLA may also publicise the hearing through social media. The GLA will also request that the London borough council publicises the hearing on its own website. At this time the GLA shall also state the name of the person intended to preside over the hearing, if not the Mayor.
- 2.3. The GLA will publish the hearing agenda, and the GLA case officer's report and recommendation on the planning application, on its website no less than seven clear days in advance of the hearing. Copies of the agenda and the report will also be available at City Hall and at the hearing venue itself.
- 2.4. The hearings take the form of a structured meeting, chaired by the Mayor and usually held at City Hall (or such other venue as the Mayor may decide), which members of the public can attend. Details of access to City Hall, including disabled access, can be found on the GLA website.
- 2.5. Subject to paragraph 1.4, above, all speakers and members of the public (including the press) are entitled to attend the hearing in person. However, if they prefer, they may participate by remote means, as detailed in section 3, below.
- 2.6. If anyone attending the hearing has any particular requirements (for example, a signer) they should let the GLA know as soon as possible in advance of the hearing. The GLA will make reasonable endeavours to meet the request.

3 Remote access technology

- 3.1. A public link to view the hearing shall be published on the GLA website's planning section no less than 24 hours prior to the event.
- 3.2. All parties who have opted to speak via remote means shall be sent an email, no less than 24 hours prior to the hearing, outlining how they can access and participate in the virtual hearing.
- 3.3. The hearing may continue notwithstanding a technical failure that may prevent the press and public's ability to follow all or part of the hearing by remote means.

4 Site visits

- 4.1. Site visits can help the Mayor to gain a better understanding of the proposal. Where the Mayor takes over an application for his own determination, a site visit will be organised by GLA officers in advance of the hearing.
- 4.2. Where COVID-19 restrictions render it inappropriate or unsafe to do otherwise, the site visit will be undertaken on an unaccompanied basis and, as far as practicable, in accordance with the GLA's usual process for site visits. The points shown in **bold** text in the remainder of this section are key to the site visit protocol, and will remain in force.
- 4.3. Site visits should:
 - **focus precisely on the observation of site factors that are relevant to the decision**
 - **not be an opportunity for lobbying, public address, submission of new information, and so on**

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- **always involve officer representation**
- **be carefully conducted so that the Mayor cannot be accused of bias in favouring any of the parties involved.**

4.4. No opportunity for speaking will be afforded to the applicant or other parties attending the site visit, unless specifically requested by the Mayor in order to answer questions of fact.

4.5. Ahead of the site visit, the GLA case officer may prepare a short briefing paper for the Mayor setting out details of the proposals and relevant matters for consideration.

4.6. The following individuals are able to attend the site visit:

- the Mayor
- the Deputy Mayor for Planning, Regeneration and Skills
- the Deputy Mayor for Housing and Residential Development
- GLA officers (including GLA legal advisers)
- TfL officer(s)
- two representatives from the London borough council
- two representatives from the applicant.

Objectors/supporters will not be invited to attend the site visit.

4.7. Site visits will be conducted in a formal manner and organised as follows:

- On assembling at the site, the GLA case officer will open the visit and advise those present of the visit's purpose, in line with procedure, to ensure that all those present are aware that it is a fact-finding exercise and that no decision will be taken until the hearing.
- The case officer will then describe the development and explain the issue(s) the Mayor has come to view.
- The Mayor should stay with the GLA officers, and should not engage in individual discussion with the applicant's representatives or any other persons present.
- Any request for the Mayor to express a view or accept an offer of hospitality should be politely declined.
- The Mayor should address any questions of clarification to the GLA officers present. Questions should not be directed to the applicant's representatives or other parties present.

4.8. A written note of any questions and issues raised at the site visit will be taken by the GLA case officer.

5. Oral representations at the hearing

5.1. The London borough council and the applicant have an automatic right to speak.

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- 5.2. Individuals and organisations that have previously made written representations about the application, either to the relevant London borough council or directly to the GLA, will be eligible to request to speak. (For the avoidance of doubt, this does not include an individual who has signed a petition; but it does include an individual who has signed a standard letter.)
- 5.3. Those eligible to request to speak will be sent an email or letter, as appropriate, at least 21 days prior to the hearing. This letter will give notice of the hearing, and details on how individual(s) can register to speak. However, this does not mean that anyone who has made a written representation on the application has an automatic right to speak, as this could make the hearings unmanageable.
- 5.4. Experience has shown that, although there may be various people wishing to speak, they tend to make similar points. Therefore, a maximum of 15 minutes will be allowed for oral representations from objectors (as a group); and a maximum of 15 minutes for supporters (as a group). If there are three or fewer speakers in either group, each speaker would be limited to five minutes. So, for example, if two people speak in objection, the maximum combined speaking time would be 10 minutes.
- 5.5. Where more than five objectors and/or supporters request to speak, to make best use of the allotted time the GLA will expect groups and individuals to join together and decide how their allotted time will be used. Spokespersons can be appointed to represent shared views. The GLA will expect the nomination of spokespersons to be carried out reasonably, fairly and sensibly, within the time constraints that have been set.
- 5.6. All those wishing to speak must email the GLA case officer with a detailed written statement of the issues to be raised in their proposed oral representation. This must be submitted at least 14 days in advance of the hearing. They should also clearly state: whether they wish to attend the hearing in person or via remote means; in what capacity they wish to speak (that is, as an objector or a supporter); and which organisation (if any) they represent.
- 5.7. Where a person has chosen to make their oral representation by remote means, in the event that a technical failure makes it impracticable for them to do so, the written statement will be considered by the Mayor in place of their oral statement.
- 5.8. It should be noted that oral representations provide the opportunity for parties to have their views heard. They should not be used to introduce new evidence.
- 5.9. Where there are a number of people wishing to speak individually, for a collective period that would total more than 15 minutes, and where no agreement is reached over the nomination of a spokesperson, as a last resort GLA officers will decide who can speak. Priority will be given to speakers representing local interests.
- 5.10. The Mayor has discretion to change the amount of time allowed for speaking, or to allow additional speakers if he considers it appropriate. The Mayor's decision on this will be final.

6. The procedures to be followed at the hearing

- 6.1. Those speaking (whether in person or by remote means) should identify themselves to GLA officers no less than 15 minutes before the hearing is due to start.
- 6.2. The Mayor will preside at the hearing and may ask questions of those speaking.
- 6.3. The Mayor's legal adviser will introduce the hearing by setting out the procedure to be followed.

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- 6.4. The GLA case officer will give a presentation on the application.
- 6.5. A representative from the London borough council will be invited to address the hearing for a maximum of five minutes. (Where the application straddles council boundaries, each affected council will be entitled to speak for five minutes.)
- 6.6. Objectors will be invited to address the hearing as set out in paragraphs 5.2 to 5.4.
- 6.7. Supporters will be invited to address the hearing as set out in paragraphs 5.2 to 5.4.
- 6.8. The applicant, or their agent, will be invited to address objections for (in the majority of cases) a maximum of five minutes. (Joint applicants will be expected to divide the time as agreed.)
- 6.9. GLA officers will time all speakers, and notify them when 30 seconds remain of their allotted speaking time.
- 6.10. Speakers should confine their comments to 'material planning considerations'. They should not refer to non-planning matters such as property values, restrictive covenants or other private rights, moral issues, and business competition.
- 6.11. Speakers must ensure that any comments they make do not conflict with the GLA's Equal Life Chances for All policy statement, found at www.london.gov.uk/what-we-do/communities/equal-life-chances-all-2014.
- 6.12. Speakers will be expected to conduct themselves in an orderly manner, and to speak only when called upon by the Mayor. The Mayor will ensure that speakers adhere to the above guidance, and may take action under paragraph 6.18 if they fail to do so.
- 6.13. Speakers may present information visually, although there is no obligation to do so. If speakers do wish to use visual material they must set out what material they wish to present, and in what format, when they make their detailed statement. The GLA will make reasonable endeavours to provide the necessary equipment or software, as the case may be.
- 6.14. GLA officers may respond to any points made by the speakers. However, there will be no opportunity for speakers to make further comments, unless specifically asked to do so by the Mayor.
- 6.15. The Mayor has the discretion to change the order of speakers; change the amount of time allowed to speak; or allow additional speakers if he considers it appropriate. This will be entirely at the Mayor's discretion and his decision will be final.
- 6.16. As it is a public hearing the press will be able to attend. Members of the public may film, photograph or make sound recordings of the hearing in accordance with GLA Standing Orders relating to public attendance at meetings. Details can be found at www.london.gov.uk/about-us/greater-london-authority-gla/good-governance/our-procedures.
- 6.17. Placards and banners will not be permitted at the hearing. If a member of the public interrupts the hearing, or behaves in a manner that is threatening or disruptive, the Mayor will give them a warning, and may order their removal from the hearing or mute/terminate their remote access, as applicable.
- 6.18. The hearing will be filmed and streamed live on London.gov.uk. The recording will subsequently be available on the website.

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7. Adjournments

- 7.1. At his discretion, the Mayor may decide to adjourn the hearing. He might do so, for example, if a new point is raised in the hearing that requires further investigation by GLA officers before the Mayor determines the application. Notice of any reconvened hearing will be posted on the GLA website and displayed onsite; those who spoke at the original hearing will also be notified. The relevant London borough council will also be asked to display a notice at its offices and on its website. Anyone else may request written notice of the reconvened hearing by giving their details to the GLA officer at the close of the original hearing.

8. The final decision by the Mayor

- 8.1. There is no statutory requirement for the Mayor to make his decision in public. Unlike a council committee, where the decision is made following a vote, the Mayor is the sole decision-maker.
- 8.2. The Mayor may wish to retire to consider matters before giving his decision. If he decides to do so, he may be joined by the Deputy Mayor for Planning Regeneration and Skills; the Deputy Mayor for Housing and Residential Development; the legal adviser; and representatives from the GLA Planning Team (but not the case officer). Access to the virtual hearing will be limited accordingly.
- 8.3. The Mayor is under no obligation to announce his decision in public at the end of the hearing, and may choose to take the decision later, in private, in order to give further consideration to the points that have been made. In these circumstances the Mayor will usually make his decision within five working days of the hearing.
- 8.4. Once the decision is made it will be posted on the GLA website.

9. Monitoring and review

- 9.1. The GLA will monitor the operation of the hearings and will carry out a review of the arrangements as required.

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