

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 (“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:
 - i) who else may make oral representations;
 - ii) the procedures to be followed at the hearing;
 - iii) 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 GLA staff appointed by him. Accordingly, in this document, references to ‘the Mayor’ shall include the members of GLA Staff appointed by the Mayor to exercise those powers and who, as set out in the current scheme of delegation (Mayoral Decision-Making in the Greater London Authority – May 2020), consist of:
 - Deputy Mayor for Planning, Regeneration and Skills;
 - Deputy Mayor for Housing and Residential Development; and
 - 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 and it is possible that modifications to the published arrangements may need to be made 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 and 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 for an explanation of who may speak) together with details of the procedure for those who want to speak and:
 - date and start time of the hearing;
 - hearing location and venue;
 - name of person intended to preside, if not the Mayor;

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- how participants, the press and public may access the hearing remotely, to be confirmed (see paragraph 3.1 below).

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

- 2.2 The GLA will give at least 7 clear days' notice of the hearing to the press and public, published on the GLA website confirming the details bulleted above as well as notices being displayed on 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 publicise the hearing on its own website.
- 2.3 Not less than 7 clear days in advance of the hearing the GLA will publish the hearing agenda and the GLA case officer's report and recommendation on the planning application on its website. 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, which will usually be held at City Hall (or such other venue as the Mayor may decide) which members of the public can attend. Details of access, including disabled access information, to City Hall 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 below.
- 2.6 If anyone attending the hearing has any particular requirements (e.g. 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 Not less than 24 hours prior to the event a public link to view the hearing shall be published on the planning section of the GLA website.
- 3.2 Not less than 24 hours prior to the hearing all parties who have opted to speak via remote means shall be sent details by email outlining how they can access and participate in the virtual hearing.
- 3.3 The hearing may continue notwithstanding that a technical failure may prevent the press and public being able to follow all or part of the hearing by remote means.

4 Site Visits

- 4.1 Site visits can be helpful in assisting 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 which are relevant to the decision;**
- **not be an opportunity for lobbying, public address, submission of new information etc.;**
- always involve officer representation; and
- **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 who attend 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;
- Deputy Mayor for Planning, Regeneration and Skills;
- Deputy Mayor for Housing and Residential Development;
- GLA officers (including GLA legal advisors);
- 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 purpose of the visit in line with this 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 point out/explain the issue(s) which the Mayor has come to view
- The Mayor should stay with the GLA officers and should not engage in discussion individually with the applicant's representatives or any other persons present
- Any request for the Mayor to express a view or to 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

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- 5.1 The London borough council and the applicant have an automatic right to speak.
- 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 would 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 giving 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 different people wishing to speak, in fact 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 3 or fewer speakers in either group, each speaker would be limited to 5 minutes – so for example if 2 people speak in objection the maximum speaking time would be 10 minutes.
- 5.5 Where more than 5 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 submit, by email, to the GLA case officer a detailed written statement of the issues to be raised in their proposed oral representation, at least 14 days in advance of the hearing. They should also clearly state (i) whether they wish to attend the hearing in person or via remote means (ii) in what capacity they wish to speak (i.e. objector or supporter) and (iii) which organisation (if any) they represent.
- 5.7 Where a person has chosen to make their oral representation by remote means then, in the event that a technical failure makes it impracticable for them so to do, the written statement will be considered by the Mayor in place of the oral their statement.
- 5.8 It should be noted that oral representations provide the opportunity for parties to have their views heard and should not be used to introduce new evidence.
- 5.9 Where there are more people wishing to speak, each for a period of time that in total would exceed 15 minutes and where no agreement is reached over the nomination of a spokesperson then, 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 to speak 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

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- 6.1 Those speaking (whether in person or by remote means) should identify themselves to GLA officers no less than fifteen 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.
- 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 5 minutes (where the application straddles council boundaries each affected council will be entitled to speak for 5 minutes).
- 6.6 Objectors will be invited to address the hearing as set out in paragraphs 5.2-5.4.
- 6.7 Supporters will be invited to address the hearing as set out in paragraphs 5.2-5.4.
- 6.8 The applicant or their agent will be invited to address objections for, in the majority of cases, a maximum of 5 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.
- 6.10 Speakers should confine their comments to 'material planning considerations' and 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:

<https://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 only speak 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, at the time 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 to allow additional speakers if he considers it appropriate. This will be entirely at the Mayor's discretion and his decision will be final.

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- 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:

<https://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 warn them and may order their removal from the hearing or mute/terminate their remote access, as applicable.

- 6.18 The hearing will be filmed and webcast live on London.gov.uk and the recording will be available on the GLA website.

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 which 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 on site and those who spoke at the original hearing will be notified. The 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 then he may be joined by his Deputy Mayor for Planning Regeneration and Skills, Deputy Mayor for Housing and Residential Development, the legal advisor and representatives from the GLA Planning Team (but not the case officer) and 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.