

Local Authority revises time limits for oral submissions on draft annual plan

Legislation	Ombudsmen Act 1975, Local Government Act 1994
Agency	Local authority
Ombudsman	Sir Brian Elwood
Case number(s)	C2621
Date	1998

Annual Plan—special consultative process—amount of time to be allowed for oral submissions—s 716A of the Local Government Act 1974

A ratepayers association complained that it had been allowed an unreasonably short time to present oral submissions to the local authority hearing committee on the authority's draft annual plan.

Section 223D(1) of the *Local Government Act* required a local authority to prepare and adopt its annual plan in accordance with the special consultative procedure. This procedure included provision for public submissions and section 716A of the Act imposed a duty on the Council 'to ensure that any person who makes written submissions on the proposal ... is given a reasonable opportunity to be heard by the body to which the submissions are made'.

In making its written submission on the draft annual plan, the association had requested half an hour to speak to its submission, which was quite brief, consisting of comment on some general issues and a list of specific issues on which an oral presentation was to be made.

As the local authority's guide to the annual plan procedure provided that people wishing to make oral submissions would be allowed five minutes' speaking time, a member of the association made inquiries and was advised by the local authority that the time allowance was flexible and that he could expect ten to twelve minutes. No formal response was given to the request in the association's written submission for half an hour's speaking time.

At the hearing, the association spoke for considerably more than five minutes, although most of that time appears to have been spent discussing the time allowance. Clearly, however, the association felt it had not had a reasonable opportunity to be heard.

In the course of the investigation, it was explained to the association that the special consultative procedure is essentially a written procedure. Only those who have made written submissions have the right to be heard and the hearing of oral submissions is to enable citizens to explain or expand on points in their written submissions, not to introduce new material. The association said it had decided to make extensive oral submissions because it had felt previous written submissions had either been dealt with in a perfunctory matter or ignored altogether.

The special consultative process ensures that the public have an opportunity to participate in the policy directions of their local authority. Local authorities may expect to receive a large number of wide-ranging submissions and they need to have procedures in place to enable each submission to be considered in both a fair and a timely manner. In most cases, five minutes should be adequate for oral submissions, but some flexibility is desirable. Local authorities also need to ensure that those making oral submissions are heard attentively and courteously.

Following the investigation, the local authority issued a revised guide to the time limits for oral submissions which took account of the issues raised by the association's complaint.

This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.