

1. **CODE OF CONDUCT FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS**

This Code of Practice sets out principles to guide Members and Officers in determining planning applications and making other decisions within the terms of reference of The Planning Committee. Although of particular relevance to Members of Planning Committee it applies to all Members of the Council who may become involved in planning and development matters.

This Code of Practice supplements the Council's Members' Code of Conduct and where appropriate Members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code. This Code of Practice applies together with the Council's Procedure Rules (as set out in the Council's Constitution) insofar as they relate to Committees.

1.1 **Introduction**

- 1.1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between Members and Officers and between the public and the Council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.1.3 The general principles that underlie the Council's Code of Conduct for Members and apply to this Code of Practice are:
 - (a) Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - (b) Members should not place themselves in situations where their honesty or integrity may be questioned.
 - (c) Members should make decisions on merit.

- (d) Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
 - (e) Members may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
 - (f) Members should respect the impartiality and integrity of Officers.
- 1.1.4 The Council is committed to open, fair and transparent decision making. Planning decisions should be made impartially, with sound judgement and for justifiable reasons.
- 1.1.5 This Code of Practice sets out practices and procedures that Members and Officers of the Council shall follow when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.
- 1.1.6 Failure to follow this Code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected Members and Officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a Member or Officer should seek the advice of the Council's Monitoring Officer.

1.2 **The Role and Conduct of Members and Officers**

- 1.2.1 Members and Officers have different, but complementary roles. Both serve the public but Members are responsible to the electorate, while Officers are responsible to the Council as a whole.
- 1.2.2 The role of a Member of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.2.3 Whilst Members have a special duty to their residents in their electoral division, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to Members involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.
- 1.2.4 Members' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the

opinions of others, they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan policies, Government advice and their own individual judgement and make a decision in the interests of the area as a whole.

- 1.2.5 Whilst Members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 1.2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 1.2.7 Officers in their role of advising Members shall provide:
 - (a) impartial and professional advice;
 - (b) consistency of interpretation of planning policy; and
 - (c) complete balanced written reports covering all necessary information for a decision to be made.
- 1.2.8 The Council endorses the statement in the RTPI code that, "RTPI Members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions", and extends it to apply to all Officers in the authority advising on planning matters.
- 1.2.9 That the Council may not always follow the advice of their professional planning Officers is perfectly proper. The professional Officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, its Members or other Officers, have prevailed upon the Officer to put forward his or her professional view as something other than it really is.
- 1.2.10 Prior to a substantive motion being voted upon which is contrary to Officer recommendation the following procedural motion will be voted upon – that Committee defer the consideration of the planning application to the next available Committee. If the result of the procedural motion is that consideration of the application is not deferred, the Chair should consider temporarily adjourning the meeting to afford Members time to consider and draft reasons for refusal or necessary conditions for consent with advice from Officers in order that they can be considered by the Committee prior to a decision being made.

- 1.2.11 A deferral of the matter in the circumstances outlined in paragraph 1.2.10 above will allow Members to obtain further legal and Planning advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations.
- 1.2.12 The Council shall have a designated head of the planning service, who is qualified for election to Membership of the Royal Town Planning Institute and who has direct access to elected Members as their professional adviser on planning matters. A superior Officer shall not have the power to overrule the professional advice of the head of the planning service.
- 1.2.13 Officers shall follow the guidance on their standards of conduct as set out in the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under section 82 Local Government Act 2000.
- 1.2.14 Members shall follow the advice in the Member's Code of Conduct about accepting gifts and hospitality. Members should treat with extreme caution any offer which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, Officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, Officers shall ensure it is of a minimal level and declare it in the gifts and hospitality register as soon as possible.

1.3 **Interests of Members**

- 1.3.1 Where a Member has an interest which may be thought likely to influence their decision, the fact should be declared at the meeting.
- 1.3.2 Where the interest is such that members of the public may feel that the Member will not be able to approach matters with an open mind and consider the application on its planning merits, the Member should consider withdrawing from the Committee for that item.
- 1.3.3 These principles apply equally to Members who are not Members of the Planning Committee. Members who have such interests should consider whether it is appropriate for them to participate in the planning process, and in any event, should declare such interest at any meeting which they may attend or in any letter which they may write.
- 1.3.4 Members should seek guidance from Officers.

1.3.5 The Members Code of Conduct provides guidance as to personal and prejudicial interests which may affect a Member's ability to take part in the decision making process. However, Members may have other interests which may influence their decision which will not amount to personal or prejudicial interests for the purposes of the Code. In order to maintain the integrity of the planning system, Members should be careful to ensure that such interests do not unduly influence their decisions. Examples of such interests are:

- (a) from electoral division concerns;
- (b) from Membership of other Committees of the Council;
- (c) from Membership of other public or community bodies;
- (d) from Membership of voluntary associations and trusts (including where appointed by the Council);
- (e) from a connection with a particular policy initiative of the Council;
- (f) from Membership of clubs, societies and groups; and
- (g) from hobbies and other leisure interests.

Such interests may mean that a Member is involved with a planning application before the matter comes before the Planning Committee. Such involvement need not on its own debar a Member from participating in making the planning decision when the matter is considered by Planning Committee providing that the Member has not already decided how they will vote on the matter before the Committee. Members should, however, always consider carefully whether in any particular case they could reasonably be seen to approach the planning merits of the application with an open mind. If the Member considers that this is not possible, the Member should withdraw from consideration of that item.

1.3.6 As a minimum, the integrity of the planning system requires openness on the part of Members; it must operate fairly and be seen to operate fairly.

1.3.7 Members of the Planning Committee who are also members of a Town or Community Council (known as twin-hatted members) are not prevented from discussing the same planning application at both. Members may take part in a discussion about a planning application which their community council has been consulted and still go on to participate in a decision about the application if they sit on the planning committee. In such circumstances, a Member

is advised to state at the community council meeting that they would be looking at the matter afresh when they consider it at the Council's planning committee that they would take into account all of the information and advice provided to them. At the planning committee, they should make it clear that they are not bound by the views of the community council. If the planning application is one submitted by the Member's community council then they would have both a personal and a prejudicial interest, and they would be required to declare it and withdraw in line with the Council's Member's Code of Conduct. A Member must have regard to paragraph 1.4.3 when deciding whether to participate in the decision-making process.

1.4 **The role of the local member**

- 1.4.1 There are obvious and understandable tensions associated with being the local member for an application being discussed at Planning Committee. Members are elected or appointed to represent their entire district, to create and implement policy, and to act in the wider public interest. However, where there are controversial development plans or other situations resulting in their lobbying by the local electorate there is an expectation that it is their job to support and represent those local views, even though those views can sometimes conflict with the prevailing policy or wider public interest. In some cases the local member expectation to represent local views is fulfilled through the member (who is not on the planning committee) appearing at the committee to speak on an application. Where the member is on the planning committee there is no consistent approach to dealing with this sort of challenge.
- 1.4.2 Accordingly local members who are not on the planning committee should be able to speak at committee on applications within their local area. However, they should form part of the public speaking element of the decision-making process and should not appear to be part of the committee.
- 1.4.3 Local members that are on Planning Committee must have regard to the provisions of Section 25 of the Localism Act 2011 and decide whether they have pre-determined a matter which is due to come before the Planning Committee. If the local member concludes that they have pre-determined the matter they must not take part in the decision-making process of the matter. It will be appreciated that the issue of pre-determination has wider applicability rather than solely to local members. However if a member requires further guidance on this issue it should be sought from the Monitoring Officer .

1.5 **Voting**

- 1.5.1 The Council's Procedure Rules apply to voting at Planning Committee.

1.6 **Development Proposed by the Council or a Council Owned Company**

- 1.6.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.
- 1.6.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.
- 1.6.3 Members of the Planning Committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare a personal and prejudicial interest and take no part in the discussion and determination of that proposal, except where they are the local Member when they may speak on matters of local concern but shall not vote.
- 1.6.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

1.7 **Statutory Duties**

The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

1.7.1 **Equality Act 2010**

Section 149 provides that:

- (a) A council must, in the exercise of its functions, have due regard to the need to:
- (i) eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
 - (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (iii) foster good relations between persons who share a protected characteristic and persons who do not share it.
- (b) The above powers relate to the following protected characteristics:
- (i) ages;
 - (ii) disability;
 - (iii) gender reassignment;
 - (iv) marriage and civil partnership;
 - (v) pregnancy and maternity;
 - (vi) race (including colour, nationality and ethnic or national origins);
 - (vii) religion or belief;
 - (viii) sex; or
 - (ix) sexual orientation.

1.7.2 Human Rights

Section 6(1) of the Human Rights Act 1998 provides that:

“It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right.”

1.7.3 Crime and Order

Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

1.8 Lobbying of and by Members

- 1.8.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local Member or Members of a Planning Committee. However, reacting to lobbying can lead to the impartiality of a Member being

called into question and require that Member to declare an interest.

- 1.8.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the planning Officer all need to be considered before a Member is in a position to make a balanced judgement on the merits of the case. Members should provide Officers with copies of any lobbying material they may have received, whether in favour or against a proposal.
- 1.8.3 The time for individual Members of the Planning Committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.
- 1.8.4 A Planning Committee Member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to Officers). Even though they may agree with a particular view, Committee Members should take care about expressing an opinion indicating they have made up their mind before the decision making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if Members do not retain open minds and are not genuinely susceptible to persuasion at the decision making meeting. Members who are lobbied should:
 - (a) make clear that they reserve their final decision on a proposal until the committee meeting;
 - (b) only give procedural advice;
 - (c) consider referring those lobbying to the relevant Officer who can provide further advice; and
 - (d) not seek to meet an applicant or potential applicant alone.
- 1.8.5 Members of the Planning Committee shall not organise support or opposition for a proposal, or lobby other Members (other than when addressing the Planning Committee) Members shall not put improper pressure on Officers for a particular recommendation.
- 1.8.6 A Member who is not a Member of the Planning Committee will be allowed to attend and speak at the decision making meeting (either presenting their own views if they are an affected party or representing the views of their residents of their electoral division as part of the public speaking procedures) but not vote. A Member who has a personal or prejudicial interest in an application, within the meaning of the Code of Conduct should

seek prior advice from the Monitoring Officer about his or her position.

- 1.8.7 If a Member of the Planning Committee identifies himself or herself with group or individual campaigning for or against an application, he or she shall declare a personal and prejudicial interest and not vote or decide on the matter. However, that Member shall be given the opportunity to address the Committee as part of the public speaking procedures.
- 1.8.8 Members of a Planning Committee must be free to vote as they consider appropriate on planning matters. A Member cannot be instructed how to exercise their vote on a planning matter, and accordingly a political whip is not permitted.
- 1.8.9 Members should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers.
- 1.8.10 Members of the Planning Committee who are not present at the commencement of consideration of an application by Planning Committee must consider whether or not they have sufficient information to participate in the debate and vote. The final decision on whether a Member may participate in the debate and vote shall be taken by the Chair.

1.9 **Pre and Post Application Discussions and Negotiations**

- 1.9.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.
- 1.9.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only, and are provisional.
- 1.9.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning Officers.
- 1.9.4 A written note should be made of all potentially contentious meetings. Two or more Officers should attend potentially

contentious meetings. A note should also be taken of potentially contentious telephone discussions.

- 1.9.5 The Localism Act 2011 has sought to clarify member involvement at the pre-application stage. With the increasing emphasis and encouragement on frontloading the process and the seeking of advice at a pre-application stage there are distinct advantages in involving members. Provided that members avoid expressing an overall view and indication of how they intend to vote and limit their questions to an understanding of the proposal or asking questions they could not be viewed as having a closed mind. However, without an agreed protocol member involvement may unnecessarily open any member on the planning committee to avoidable risks of challenge on apparent pre-determination.
- 1.9.6 Any pre application discussions which include members should be part of a structured arrangement with Officers, including a senior planning Officer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.
- 1.9.7 Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by Members should be provided to the Officers dealing with the application. Members who are approached for planning, procedural or technical advice should refer the applicant to the relevant Officer.

1.10 **Officer Reports to Committee**

- 1.10.1 The planning Officer will submit written reports to the appropriate Planning Committee on planning applications to be determined by the Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Officer shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application. The Officer in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 1.10.2 The Planning Department will have available for inspection by Members the full planning application, environmental statement

(where required) and representations from bodies consulted and members of the public.

1.11 **Planning Considerations**

- 1.11.1 Planning decisions should be made on planning considerations and should not be based on immaterial considerations.
- 1.11.2 Members of Planning Committee should attend training sessions which may be organised from time to time. All other Members are encouraged to attend.
- 1.11.3 Planning legislation, as expanded by Government Guidance and decided cases, defines which matters are material considerations for the determination of planning decisions. There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.
- 1.11.4 Briefly, at the date of the preparation of this Protocol, material planning considerations include:
 - (a) the Development Plan;
 - (b) Government Guidance (contained in such documents as Circulars, Planning Policy Guidance Notes, Mineral Policy Guidance Notes, Planning Policy Statements and Ministerial announcements);
 - (c) Supplementary Planning Documents adopted by any related committee;
 - (d) non-statutory planning policies adopted by the Council;
 - (e) the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas;
 - (f) the statutory duty to pay special attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
 - (g) representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters;
 - (h) planning obligations (given unilaterally or by way of agreement) under section 106 of the Town and Country Planning Act 1990.

- 1.11.5 It must, however, be noted that the risk of costs being awarded against the Council on appeal is not itself a material planning consideration.
- 1.11.6 It is the responsibility of Officers in preparing reports and recommendations to Members to identify the material planning considerations and warn Members about those matters which are immaterial planning decisions.
- 1.11.7 Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land – such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.
- 1.11.8 The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.
- 1.11.9 Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.
- 1.11.10 It will be inevitable that all the considerations will not point whether to grant or refuse. Having identified all the material planning considerations and put to one side all the immaterial considerations, Members must come to a carefully balanced decision which can be substantiated, if challenged on appeal.

1.12 **The Decision Making Process**

- 1.12.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 1.12.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.
- 1.12.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.

- 1.12.4 Where the Planning Committee decide to adopt the recommendation of the Planning Officer, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.
- 1.12.5 Prior to a substantive motion being voted upon which is contrary to the recommendation of the Planning Officer, paragraph 1.2.10 above applies.
- 1.12.6 The reasons for Committee's decision to defer any proposal should be recorded.

1.13 **Site Visits by the Committee**

A site visit may be held if the Planning Committee in consultation with Chair considers it will assist Members in reaching their decision. However site visits should only generally be held on an exceptional basis for major applications. Where required they should be identified by officers in consultation with the Chair. This would be, for example, where the impact of the proposed development is difficult to visualise from plans and supporting material.

Members can ask for a committee site visit but this should be done early, in advance of the committee meeting at which the application is being discussed.

Request will be considered by the Chair and will only be allowed where the benefit is expected to be substantial;

- 1.13.1 Site visits will be organised in accordance with the following procedures:
- (a) The Managing Director will invite the Committee to site visits.
 - (b) The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions.
 - (c) Objectors or Community Councils will not be invited to attend a site visit or participate in any discussions on site.
 - (d) On assembling at the site, at the time specified, the Chair will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Planning Officer or his/her representative will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Planning Officer, or clarification sought on matters which are relevant to the site inspection, the Chair will bring the site visit to a close.

- (e) Members should immediately progress to the next site visit and there should be no further discussion with applicants, agents or residents as this could create the impression of impropriety

1.14 **Representations on Planning Applications**

1.14.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations on planning applications received up until 12.00 noon on the day before Planning Committee will be accepted and made available for public inspection. Those representations received too late to be referred to in the committee report will be circulated to Planning Committee Members the evening before the Committee and hard copies will be distributed at the meeting

1.14.2 **Public Speaking**

There will be occasions when applicants or objectors, or both, may wish to make representations in person to the Planning Committee. In such circumstances, the following procedure will apply:

1.14.3 **Notification to Speak**

It is necessary to have sufficient advance warning of speakers to gauge the likely overall public attendance, to prepare enough copies of agendas and to offer support and advice to those unsure of how to proceed. It may also be necessary to resolve any issues regarding nominating a lead speaker and those persons will need a reasonable timeframe to co-ordinate their response.

Unless you specifically notify us otherwise, in registering to speak, you consent to the Council forwarding your contact details to others (of the same opinion) who wish to speak in order to assist you to nominate a single spokesperson.

The neighbour notification letters and the planning application acknowledgement letter will both advise respondents and applicants of the right to speak at committee and it will be the responsibility of those wishing to speak to register to speak.

Therefore, requests to speak must be received no later than 5.00 pm, **two clear working days** (the Tuesday of Committee week where meetings are held on Thursday) prior to the committee.

To register your interest you should complete the online form, which can be found at www.valeofglamorgan.gov.uk/planningcommittee

It is recognised that there will be individuals who will not have access to an electronic facility. Those individuals will be able to register to speak by telephone on **01446 709144** (they will be asked to provide the same information required in the online form)

1.14.4 **Procedure**

Each individual speaker will be allowed no more than 3 minutes to address the Committee, provided that (regardless of the number of speakers) those speaking for **and** against will be allocated the same amount of time in total. For example, in the event that two or more persons are registered to speak against an application, where there is only one person registered to speak in favour, he/she will be allocated 6 minutes to speak. This is to ensure that there is equality of time afforded to those speaking for and against any application.

A maximum period of 6 minutes will be allowed for those registered to speak for **or** against an application to address the Committee. If more than one person is registered to speak for or against, they are encouraged to nominate one spokesperson. Otherwise, the 6 minutes allocated will be split evenly between those persons registered to speak. The time limits will be strictly observed.

Those persons addressing the Committee will not be allowed to hand out any documentation to Members at Committee, and no facilities will be provided or available for presentations.

NB This procedure applies equally to Town and Community Councillors, who must also register to speak in accordance with the guidance.

1.14.5 **Who can speak?**

Subject to compliance with the registration and procedural requirements set out in this guidance, the following persons are eligible to speak:-

Objectors to the application or their representative;

The applicant or their representative;

A representative of a Town or Community Council;

Any Councillor elected to the Vale of Glamorgan Council not on Planning Committee

(N.B. Vale of Glamorgan Council Members are not required to register to speak).

1.14.6 **Matters Considered Relevant**

Planning decisions should be made based on material planning considerations and should not be based on immaterial considerations. Speakers should have regard to this and can further relevant information at www.valeofglamorgan.gov.uk/planningcommittee

1.14.7 **Running Order of Committee**

The running order will be as follows (subject to the provisions set out above applying in the event of there being more than one person registered to speak for or against the application) :

- At the meeting, the Planning Officer will present the report.
- Those objecting to the applications will be asked to make their representations. Those speaking will not be allowed to ask any questions of officers or the Committee. Members of the Committee who wish to ask questions of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way.
- Any Councillors of the Vale of Glamorgan Council not on Planning Committee will then be entitled to address the Committee, subject to a time limit of 3 minutes per Councillor
- Those supporting the application will then be asked to make their representations. Those speaking will not be allowed to ask any questions of officers or the Committee. Members of the Committee who wish to ask questions of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way.
- The Council's Officers may then comment on the representations made and the merits of the application.
- The Committee will proceed to debate the application and make a decision. The Planning Officer may be asked by the Chairman to address any issues raised during the debate. The minutes of the meeting will include the reasons for the decision.
- There will be no right of reply and no requirement for speaking to be "balanced" if there is no registered speaker in a certain slot.

Deferred Applications

If an application is deferred at a committee meeting on the basis that further information and / or analysis is required, the same procedure for public speaking will apply when the application is considered at the subsequent Committee meeting(s).

Other information

All parties who have registered to speak must arrive at the committee meeting by 5.45 p.m. and inform the Democratic Services Officer of their arrival.

Please note that all Planning Committee Meetings are the subject of live web transmission (“webcasting”)

This procedure does not apply to Planning Committee site visits, where no public speaking is allowed.

1.15 Review of Decisions

- 1.15.1 The Audit Commission’s Report, “Building in Quality”, recommended that elected Members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision making and help with reviews of planning policy.
- 1.15.2 Visits to application sites previously considered by the Council shall be organised once a year or as appropriate. Briefing notes shall be prepared in each case.
- 1.15.3 Attendance at the review site visits shall be restricted to Members of the committee.

1.16 Training

- 1.16.1 Members should not participate in decision making at meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the head of the planning service and Monitoring Officer.
- 1.16.2 Members should endeavour to attend any other specialised training sessions provided since these will be designed to extend Members’ knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.