

THE VALE OF GLAMORGAN COUNCIL

COUNCIL: 26TH JULY 2021

REFERENCE FROM PLANNING COMMITTEE: 24TH MARCH, 2021

“530 GUIDE TO PUBLIC SPEAKING AT PLANNING COMMITTEE REVIEW (MD) -

The purpose of the report was to advise Members of the review that had been undertaken and proposed updates to the Public Speaking Guide which was available to promote the Public Speaking function at Planning Committee meetings.

The current Guide to Public Speaking at Planning Committee had been in effect since the 1st February 2015.

A review of the guide had taken place and a suggested amended guide was now presented to the Planning Committee for its consideration for recommendation to Full Council for ratification on Monday, 26th April, 2021.

Following the Democratic & Scrutiny Services Officer’s presentation and during subsequent Committee discussion, the Officer confirmed that the proposed guide would be amended and highlighted accordingly to reflect the following points prior to consideration by Full Council.

During discussion, the Planning Committee Members recommended that Town and Community Councillors be nominated by their respective council in order to address the Committee in that capacity via the relevant Proper Officer or acting equivalent. This to be a nomination process for each Town & Community Council to manage individually.

A further suggestion was also agreed that the Guide include that a Vale of Glamorgan Councillor that had declared a prejudicial interest was still entitled to speak on a Planning Application in accordance with the Council’s Code of Conduct. A time limit of 3 minutes would apply. It being noted that any Member of the Planning Committee with a prejudicial interest would not be able to vote on the Planning Application itself in line with the Council’s Code of Conduct.

The following advice was also provided to Committee but was not related directly to the proposed guide document:

- Registered Speakers were offered a trial in using Microsoft Teams (the current remote meeting platform used for the Committee Meeting) prior to joining the meeting. This had been standard practice since the introduction of virtual meetings in September 2020 and was set out in the Covid-19 Remote Meeting Procedure.

- Site visits would be reinstated post COVID-19; in the meantime, Members could visit sites individually in line with social restrictions as set by Welsh Government. The proposed guide continued to state that the procedure did not apply to Planning Committee site visits.
- Town and Community Councils (TCCs) were made aware of each Planning Committee Agenda via a notification email sent to all TCC Clerks on the publication of each agenda. A reminder to TCC Clerks about the nomination process for TCC speakers to the Committee would be sent to all Clerks by way of referring the proposed guide to the Community Liaison Committee following Full Council approval.

RESOLVED -

(1) T H A T the revised Guide to Public Speaking at Planning Committee ('the Guide'), attached at Appendix A to the report, be endorsed and referred to Full Council on 26th April, 2021 subject to the following document amendments recommended by the Planning Committee:

- That Town and Community Councillors be nominated by their respective council in order to address the Committee in that capacity via the Proper Officer of the TCC or acting equivalent.
- Any Vale of Glamorgan Councillor that had declared a prejudicial interest was still entitled to speak on a Planning Application in accordance with the Council's Code of Conduct. A time limit of 3 minutes would apply. Any Member of the Planning Committee with a prejudicial interest would not be able to vote on the Planning Application itself in line with the Council's Code of Conduct.

(2) T H A T the Guide to Public Speaking at Planning Committee ('the Guide'), as approved by Full Council, take effect from Tuesday, 11th May 2021.

(3) That a copy of the Guide to Public Speaking at Planning Committee ('the Guide'), as approved by Full Council, be referred to the Community Liaison Committee.

(4) T H A T the arrangements for public speaking at Planning Committee be reviewed during the 2022 Local Government Election term.

Reasons for decisions

(1) To ensure that the views of the Planning Committee are taken into account prior to final approval of 'the Guide' by Full Council.

(2) To ensure that the revised version of 'the Guide' is available to individuals who wish to speak at Planning Committee at the start of the 2021-22 Municipal Year.

(3) To ensure that the revised version of 'the Guide' is made available to all Town and Community Councils for their information and future use.

(4) To monitor the effectiveness of the arrangements.”

N.B. For Members' information, the Guide was not able to be referred in time for the Full Council meeting on 26th April, 2021 and is therefore being referred to 26th July, 2021 meeting.

The changes proposed by the Planning Committee have been included in the draft Guide for Members' consideration.

The Vale of Glamorgan Council
Cyngor Bro Morgannwg
www.valeofglamorgan.gov.uk



Guide to Public Speaking at Planning Committee

The provisions within this document will also apply to all Planning Committee meetings that are determined by the Council / Chairman to take place on a virtual only or hybrid (i.e. remote attendance) basis.

Written Representations on Planning Applications which are contained within the Agenda of the latest published meeting and which are to be determined by the Planning Committee

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 (the Tuesday of Committee week where meetings are held on Wednesday) will be accepted and made available for public inspection. Written representations are welcome in both English and Welsh.

Representations received too late to be included in the committee report within the published agenda papers but received before 12 noon the day prior to the meeting day will be circulated to Planning Committee Members the evening before the Committee day and labelled as 'Matters Arising.' Hard copies of the Matters Arising will also be distributed at the meeting itself.

The Agenda Papers for the relevant meeting are published electronically one week before the day of the Committee Meeting before close of office hours i.e. 5pm the Wednesday before the Wednesday meeting and a hard copy is available the next morning (on the Thursday).

Verbal Representations on Planning Applications which are contained within the Agenda of the latest published meeting and which are to be determined by the Planning Committee

There will be occasions when applicants or objectors, or both, may wish to make representations in person to the Planning Committee. Verbal representations are welcome in both English and Welsh. Any Representations will be heard by the Committee but, not debated upon. In such circumstances, the following procedure will apply:

It is necessary to have sufficient advance warning of speakers to gauge the likely overall public attendance and to offer support and advice to those unsure of how to proceed and/or wishing to address the Committee in Welsh. It may also be

necessary to resolve any issues regarding nominating a spokesperson and allowing that person a reasonable timeframe to co-ordinate their response.

Unless you specifically notify **Democratic Services** 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.

Please inform the Democratic Services Team, as soon as possible on 01446 709 855 or Democratic@valeofglamorgan.gov.uk, if you require any additional support to make your representations. For example, the use of a hearing loop.

The neighbour notification letter and the planning application acknowledgement letter will also 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.

Registrations to speak must be received by no later than 5.00pm, two clear working days prior to the Committee Meeting, for example, the **Monday** of Committee week where meetings are held on the **Wednesday**.

To register to speak 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 709 855 (they will be asked to provide the same information required on the online form) and confirmation of their registration will be provided verbally during the telephone call.

Once you have submitted your Registration Form, you will receive an automatic confirmation email informing you that your registration has been successful. Once the Registration Deadline has passed, the Democratic Services Officer supporting the Committee will contact you to provide you with a copy of this guide.

A maximum period of six minutes will be allowed for those registered to speak for **and** against an application to address the Committee. This equates to a maximum of 12 minutes public speaking time per Planning Application.

Each individual speaker will ordinarily be allowed a maximum of three minutes to address the Committee, provided that 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 six minutes to speak. This is to ensure that there is equality of time afforded to those speaking for and against any application.

If more than two people are registered to speak for or against, they are encouraged to nominate one spokesperson as the maximum 6 minutes will be allocated across all persons registered. An individual must be registered before they are able to transfer their allocated speaking time to a nominated spokesperson. The nominated spokesperson does not need to be registered.

If two or more speakers are registered to speak and no spokesperson is nominated or no agreement is made in respect of the amount of time to be allocated between the speakers then the 6 minutes will be split equally amongst all registered speakers.

If the full 6 minutes are allocated to 2 speakers but 1 of the individuals does not attend, withdraws during the course of the meeting and/or nominates their speaking time to the other registered speaker then the maximum time will revert to 3 minutes, unless there are 2 speakers in opposition. If there is only 1 speaker in opposition then the opposition speaking time will also revert to 3 minutes. The time limits will be strictly observed.

Example Table:

For	Individual's Allocation	Against	Individual's Allocation	Total Speaking Time
1 Speaker	3 minutes	1 Speaker	3 Minutes	6 Minutes
2 Speakers	3 Minutes each	1 Speaker 2 Speakers	6 Minutes 3 Minutes each	12 Minutes
3+ Speakers	6 Min/No of Speakers	1 Speaker 2 Speakers 3+ Speakers	6 Minutes 3 Minutes each 6 Min/No of Speakers	12 Minutes
Where there are 3 or more speakers registered to speak on one side it is recommended that a single spokesperson be nominated as the maximum speaking time of 12 minutes will have been reached and each individual's allocation of time will incrementally decrease.				

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

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; and

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

Please note that Vale of Glamorgan Elected Members are not required to register to speak and are afforded a maximum of 3 minutes speaking time irrelevant of the number of Members wishing to speak.

Town & Community Councillor Representatives must register to speak and are afforded a maximum of 3 minutes speaking time to represent their individual council irrelevant of other persons registered to speak. **The individual registered to speak on behalf of the Town or Community Council must be nominated by the Proper Officer of the Council i.e. the Town or Community Council Clerk or acting equivalent by way of an email sent to Democratic@valeofglamorgan.gov.uk.** Only one representative from each Town and Community Council may speak on any given application. Where there are cross boundary applications being considered, Town and Community Councillors from each area will have 3 minutes speaking time at the Committee.

School Governors that have registered to speak either for or against a planning application relating to their school, should disclose their role as a School Governor to the Democratic Services Officer by midday the day before the Planning Committee meeting. Failure to inform the Democratic Services Officer before the Planning Committee meeting may affect a person's ability to speak.

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 find further relevant information at www.valeofglamorgan.gov.uk/planningcommittee

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 **and address any Matters Arising**.
- Those objecting to the application 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 **any points of clarification** may do so at the end of the allocated speaking period, however, they should not interrupt or otherwise question the speaker(s) in any way.

- Any Vale of Glamorgan Councillor that has declared a prejudicial interest is still entitled to speak on a Planning Application in accordance with the Council's Code of Conduct. A time limit of 3 minutes will apply. N.B. Any Member of the Planning Committee with a prejudicial interest will not be able to vote on the Planning Application itself in line with the Council's Code of Conduct.
- 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 three minutes per Councillor.
- Any Town and Community Council Representatives will then be entitled to address the committee, subject to a time limit of three 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 any **points of clarification** may do so at the end of the allocated speaking 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.

N.B. Agents/Applicants are requested to consider the merits of speaking at the Committee meeting when the application is recommended for approval and where no one objecting has registered to speak.

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). **Therefore, individuals who were registered to speak on an application that has been deferred by the Committee will need to re-register ahead of the next meeting when the application will be re-considered.**

Other information

All parties who have registered to speak must arrive at the Committee meeting by 3.45 pm **at the latest** 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.

Privacy Notice for Democratic Services

(This Privacy Notice is supplemental to the Council's Corporate Privacy Notice linked below)

https://www.valeofglamorgan.gov.uk/en/our_council/Website-Privacy-Notice.aspx

This Privacy Notice is specifically for Democratic Services.

Democratic Services provides support and administration for the Council's Committee system in order for it to operate effectively.

In particular it:

- Organises and schedules meetings,
- Decides whether the meeting will be public,
- Issues public notices in relation to the meeting,
- Invites individuals to attend,
- Deals with correspondence received in relation to the business of the meeting,
- Deals with queries in relation to business of the meeting,
- Takes minutes of the relevant meeting,
- Issues agenda and minutes,
- Deals with any other issue relevant to the business of the meeting,
- Arranges for the retention of documents and reports relating to the Committee.

In the context of this notice the word meeting includes:

- Council meeting
- Council Sub Committee meeting
- Scrutiny Committee
- Scrutiny Sub Committee meeting
- Education Appeals Committee
- Audit Committee
- Any other meeting supported by Democratic Services

In order to promote open Government and Democracy most of the Council's meetings are held in public and accordingly anything discussed at those meetings will be public and any minutes, recordings or webcasts will also be public. There are some circumstances however where it is not appropriate for matters to be discussed in public, for instance the personal business of individuals or information that is financially/ commercially sensitive. The agenda of the meeting will make it clear how information is to be treated.

Accordingly, if:

- you are submitting information to be discussed at a Committee, or
- you are attending a Committee to speak, or
- you are submitting documents to a Committee, or
- you are submitting petitions to a Committee
- you are submitting representations to a Committee
- you are submitting or providing documents / petitions on behalf of others.

This information will be dealt with openly and in public unless the meeting, or part of the meeting, discussing it is not held in public in accordance with the exempt information provisions in the Council's Constitution

If you are obtaining information from third parties, you need to ensure that they understand the above and **consent** to their information to be put into the public domain. The Council may ask you to confirm this and information may not be further published unless we are satisfied that third parties have been made aware of this.

How do we collect information from you?

We collect information from you when you visit www.valeofglamorgan.gov.uk. Also, when you contact us in writing, speak to us on the phone, email or talk to us face to face.

What types of information do we collect from you?

In order to provide the service, the Council may need to process some or all of the following categories of personal information about members of the public or elected Members:

- Name and title
- Address
- Contact number
- Email address
- Comments in relation to Council business
- Special requirements to access meetings, including speaking in Welsh

How is your information used?

In accordance with our public tasks the following applies:

- To be used at the meeting as set out above,
- When registering to speak at Committees, members of the public's details will be entered into a Council computer database.
- Any registrations to speak at Committee meetings and any information submitted to Councillors and Democratic Services may be shared with Council Officers and affiliated partners (e.g. organisations the Council works

with collaboratively to deliver services) for their professional observation and consideration.

- Any written correspondence received may be kept on file for future reference by the Council.
- Enable Members or Officers of the Council to investigate or assist with any issues which you may have raised. Also, so we can notify you of any updates.
- Refer your public representations across Committees in order to inform decision making.
- If your express permission is given, share with other members of the public who have registered to speak in order to nominate a spokesperson.

Who has access to your information?

We will generally only share personal data with Vale of Glamorgan Council staff or elected Members who need it to perform their functions. However, as outlined above, if discussed in a public meeting the information will be publically available.

In addition, we may rely on a number of exemptions, which allow us to share information without needing to identify a lawful basis for the sharing and without needing to provide you with information about the sharing.

Lawful bases

Our **lawful bases** for processing your personal information are:

- Consent.
- The processing is necessary for the performance of a task carried out by us in the public interest or in the exercise of authority vested in us.
- The processing is necessary in order to protect your vital interests or those of another individual.
- The processing is necessary for compliance with a legal obligation to which we are subject.

What are your rights in relation to the personal data we process?

- **Access** – you can request copies of any of your personal information held by the Council.
- **Rectification** – you can ask us to correct any incorrect information.
- **Deletion** – you can ask us to delete your personal information. The Council can refuse to delete information if we have a lawful reason to keep this.
- **Portability** - you can ask us to transfer your personal data to different services or to you.

- **Right to object or restrict data processing** – you have the right to object to how your data is being used and how it is going to be used in the future.
- **Right to prevent automatic decisions** – you have the right to challenge a decision that affects you that has been made automatically without human intervention.

How long will we keep your information for?

We keep and dispose of all records in line with our record retention schedule. Please contact the Democratic Services Department on 01446 709 855 or Democratic@valeofglamorgan.gov.uk for further information.

What security precautions are in place to protect the loss, misuse, or alteration of your information?

We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration, or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us. However, we cannot guarantee the security of any information you transmit to us. We recommend you take every precaution to protect your personal information.

Webcasting

Please note that certain meetings of the Vale of Glamorgan Council will be webcast, you will be informed verbally if the meeting you are at will be. If it is then this means that you are being recorded both visually and in sound and that is made available on the internet. This is done for the purposes of supporting and promoting democratic engagement and public interest. We will retain the data for 6 years and then offer it to the archivist at the Glamorgan Records Office for permanent retention. You have the right to apply to access, rectify, restrict, object, or erase this data.

Complaints

If you would like to make a complaint regarding the use of your personal data, you can contact our Data Protection Officer:

By post: Freedom of Information Unit
Civic Offices, Holton Road, Barry, CF63 4RU.

By phone: 01446 700111.

By email: DPO@valeofglamorgan.gov.uk

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Officer (ICO) at www.ico.org.uk