

Meeting of:	Planning Committee
Date of Meeting:	Thursday, 25 January 2024
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Public Speaking at Public Rights of Way Sub-Committee Meetings - Review
Purpose of Report:	To advise Members of the review that has been undertaken and to submit an updated Public Rights of Way Sub-Committee Guide to Public Speaking which is available to promote the public speaking function at Public Rights of Way Sub Committee meetings.
Report Owner:	Marcus Goldsworthy, Director of Place
Responsible Officer:	Gareth Davies, Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	Director of Place Head of Sustainable Development Legal Department
Policy Framework:	This report is a matter for decision by the Council.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Guide to Public Speaking at Public Rights of Way Sub-Committee (the Guide) took effect 17th August 2015. • Following implementation of the Council's updated Multi-Location Meeting Policy, that was agreed by Cabinet on 7th September 2023, a review has taken place of the Guide to Speaking • In undertaking the review, consultation has been undertaken as outlined above, and the Guide has been amended to better align to public speaking arrangements in place for the Planning Committee. 	

Recommendations

1. T H A T the revised Guide to Public Speaking at Public Rights of Way Sub-Committee ('the Guide'), attached at Appendix A to the report, be endorsed and referred to Full Council for final determination subject to any amendments recommended by the Planning Committee.
2. T H A T the arrangements for public speaking at Public Rights of Way Sub-Committee meetings be reviewed regularly on a biennial basis.

Reasons for Recommendations

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 monitor the effectiveness of the arrangements.

1. Background

- 1.1 The Public Rights of Sub-Committee Terms of Reference is as follows:
 - (1) To consider and determine under delegated powers applications for Footpath, Bridleway and Restricted Byway Agreements made under Section 25 of the Highways Act 1980.
 - (2) To consider and determine under delegated powers applications for Footpath, Bridleway and Restricted Byway Orders made under Sections 26, 118 and 119 of the Highways Act 1980.
 - (3) To consider and determine under delegated powers applications for Footpath, Bridleway and Restricted Byway Orders affected by development under Section 257 of the Town and Country Planning Act 1990 where opposition which has been raised as a result of pre-order consultation remains unresolved.
 - (4) To consider and determine under delegated powers applications for Orders made under Sections 53(3)(b), 53(3)(c) and 54 of the Wildlife and Countryside Act 1981 in respect of modifications of the Definitive Map.
- 1.2 The initial Guide to Public Speaking at Public Rights of Way Sub-Committee took effect 17th August 2015, and requires updating to reflect current practices and policies relating to Multi-Location Meetings and Data Protection.

2. Key Issues for Consideration

- 2.1 The Guide to Public Speaking at Public Rights of Way Sub-Committee ("the Guide") came into effect on 17th August 2015, but it has not been updated to reflect the Council's Multi Location Meeting Policy, current work practices, Data

Protection requirements or changes incorporated to the speaking process for the full Planning Committee.

- 2.2 Therefore, the Guide, attached at Appendix A, has been reviewed by Democratic Services and a revised version produced.
- 2.3 To be more closely aligned to the public speaking guide for the Planning Committee, the deadline for the submission of written representations has been amended, with written representations accepted if they have been submitted up to 10am the working day prior to the day of the Sub-Committee meeting.
- 2.4 The Guide has also been updated to provide more clarity regarding the public speaking registration process, who can speak, length of speaking time and the associated timescales and deadlines for requesting to speak.
- 2.5 In addition, the Guide has been amended to reflect and refer to remote meeting arrangements and contains a link to the Council's Multi-Location Meeting Policy.
- 2.6 Members will note that the proposed arrangements for public speaking does not apply to Public Rights of Way Sub Committee site visits.
- 2.7 Committee is therefore requested to consider the revised guide at Appendix A and refer the same (subject to any recommended amendments) to Full Council for approval.
- 2.8 It is also proposed for the Guide to be reviewed every two years by Democratic Services in consultation with Planning, Public Rights of Way and Legal Officers.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.
- 3.2 The Act requires public bodies to communicate and explain the processes of selecting its well-being objectives and how these objectives have been chosen, how decisions are taken in line with these objectives and what difference these objectives have made.
- 3.3 The importance of presenting the report is to ensure that transparency has taken place and to inform the Council and the public of the above arrangements which are required to be undertaken annually to comply with the Council's Constitution.

4. Climate Change and Nature Implications

- 4.1 None as a direct result of this report.

5. Resources and Legal Considerations

Financial

- 5.1 None as a direct result of this report.

Employment

5.2 None as a direct result of this report.

Legal (Including Equalities)

5.3 None as a direct result of this report.

6. Background Papers

Not Applicable.

Guide to Public Speaking at Public Rights of Way Sub-Committee

The provisions within this document will also apply to all Public Rights of Way Sub-Committee meetings that are determined by the Council / Chair to take place on a virtual only or hybrid (i.e., remote attendance) basis.

Vale of Glamorgan's Multi-Location Meetings Policy

Persons considering speaking at a Public Rights of Way Sub-Committee meeting, should have prior regard to the Council's Multi-Location Meeting Policy, which can be found via the following link:

[23-12-04 Updated Multi-Location Meetings Policy \(valeofglamorgan.gov.uk\)](http://www.valeofglamorgan.gov.uk)

In line with the Multi-Location Meetings Policy, meetings of the Public Rights of Sub-Committee will be held on a remote basis via the Council's Hybrid/Remote meeting system.

N.B. Section 46 of the Local Government & Elections (Wales) Act requires that the Authority shall ensure that meetings of a Principal Council determined by the Council / Chair to take place on a virtual only or hybrid (i.e., remote attendance) basis, are broadcast live and are available to view electronically save for when the meeting is not open to the public (Part II – confidential or exempt information). The livestreaming of the meeting shall be published on the Council's website and archived thereafter for future viewing.

Written Representations on Public Rights of Way Applications

Substantive objections to or representations in support of public rights of way applications should be made in writing.

Where an application is being considered by the Public Rights of Way Sub-Committee, written representations will be accepted if received no later than by 10am, the working day prior to the Sub-Committee meeting. For example, if the Sub-Committee meeting is on a Wednesday, then written representations will be accepted if received by 10am, Tuesday.

Representations received too late to be referred to in the committee report (Late Representations) but received by 10am the working day prior to the Sub-Committee, will be circulated to Public Rights of Way Sub-Committee Members the evening before the Sub-Committee.

Late representations containing substantial quantities of new material may lead to the deferral of consideration of the application in question to ensure that the material can be properly taken into account.

Publication of Agenda Papers

The Agenda Papers for the relevant meeting of the Public Rights of Way Sub-Committee meeting will be published at approximately 5:00pm **at least** 9 days before the date of the meeting. **Agenda publication may be brought forward to avoid weekends.**

Public Speaking

The Public Rights of Way Committee is a permanent Sub-Committee of the Planning Committee and holds delegated authority to make decisions in respect of matters contained within its Terms of Reference. These may be found in Section 14 of the Council's Constitution. There will be occasions when applicants or objectors, or both, may wish to make verbal representations to the Public Rights of Way Sub-Committee.

Notification to Speak

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 Sub-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.

Registering to Speak

The Agenda Papers for the relevant Sub-Committee meeting are published electronically at least 9 days (including weekends) prior to the date of the Committee Meeting.

The request to speak notification period will open at 8:30am, the day after the Agenda Papers have been published and will remain open for 6 days (the first day being the day that the registration form opens). The registration period will close 5:00pm on the sixth day. Members of the public who wish to register to speak at a meeting of the Council's Public Rights of Way Sub-Committee, should do so by completing the appropriate public speaking registration form by no later than 5.00pm three clear working days prior to and not including the meeting day.

To register to speak you should complete the online form, which can be found on the following webpage:

[Public Participation at Council Meetings \(valeofglamorgan.gov.uk\)](http://valeofglamorgan.gov.uk)

Where several parties are of the same point of view, they will be encouraged to nominate a lead speaker. To facilitate this, unless you specifically notify us

otherwise, by registering to speak, you consent to the Council forwarding your contact details to other people (of the same opinion) who register to speak. This will assist you in nominating a single spokesperson.

Please inform the Democratic Services Team, as soon as possible on 01446 709855 or Democratic@valeofglamorgan.gov.uk, if you require any additional support to make your representations.

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 709855 (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 Sub-Committee will contact you to provide you with a copy of this guide and to confirm your allocated speaking time.

Speaking Time

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

Those persons addressing the Sub-Committee will not be allowed to hand out or distribute any documentation to Members at Sub-Committee, and presentations will not be permitted.

N.B. This procedure applies equally to Town or Community Councillors who must also register to speak in accordance with the guidance.

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 or those expressing concerns regarding the application or their representative.
- The Applicant and/or their representative and/or at the discretion of the Applicant or their representative such other individuals who wish to support an application.
- A Representative of a Town or Community Council; and
- Any Councillor elected to the Vale of Glamorgan Council not a member of the Public Rights of Way Sub-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 Sub-Committee.

Officers of the Vale of Glamorgan Council and/or any representatives they have nominated to present reports to the Sub-Committee on their behalf are not required to register to speak and are not subject to allocated speaking times.

Running Order of Speakers

- At the meeting, the Public Rights of Way Officer (or any nominated representative) will present the report and address any Matters Arising or written representations.
- 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 Sub-Committee. Members of the Sub-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 Councillors of the Vale of Glamorgan Council not a member of the Public Rights of Way Sub-Committee will then be entitled to address the Sub-Committee, subject to a time limit of three minutes per Councillor. Members of the Sub-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 Town and Community Council Representatives will then be entitled to address the Sub-Committee, subject to a time limit of three minutes per Councillor. Members of the Sub-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.
- 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 Sub-Committee. Members of the Sub-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 or nominated representatives may then comment on the representations made and the merits of the application.

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

Joining Remotely

Meetings will be held remotely via the Council's Hybrid/Remote meeting system.

Registered speakers will be able to join the remote meeting room by clicking the URL joining link sent to them in advance by the Democratic and Scrutiny Services Officer, they will automatically be placed in a virtual waiting room for guests until such time that the Democratic and Scrutiny Services Officer admits them to the remote meeting room.

Deferred Applications

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

Other information

If a member of the public interrupts proceedings, the Chair will warn the person concerned (section 4.28 Council Constitution). If they continue to interrupt, the Chair will order their removal from the meeting.

Please also note that this procedure does not apply to Public Rights of Way Sub-Committee site visits, where no public speaking is allowed.

Privacy Notice for Democratic and Scrutiny 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 and Scrutiny Services.

Democratic and Scrutiny 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 papers 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
- Planning Committee
- Public Rights of Way Sub Committee (of the Planning Committee)
- Council Sub Committee meeting
- Scrutiny Committee
- Scrutiny Sub Committee meeting
- Education Appeals Committee
- Governance and Audit Committee

- Any other meeting supported by Democratic and Scrutiny 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 livestreams 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 and Scrutiny 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 publicly 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 and Scrutiny 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.

Livestreaming

Please note that certain meetings of the Vale of Glamorgan Council will be livestreamed, 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

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