

Meeting of:	Planning Committee
Date of Meeting:	Thursday, 25 January 2024
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Guide to Public Speaking at Planning Committee Review
Purpose of Report:	To advise Members of the review that has been undertaken and proposed updates to the Public Speaking Guide which is available to promote the Public Speaking function at Planning 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 Councillor Neil Thomas, Planning Committee Chairman
Policy Framework:	This report is a matter for decision by the Council.
<p>Executive Summary:</p> <p>On 17th December, 2014, Full Council resolved that the Guide to Public Speaking at Planning Committee be approved and take affect from 1st February, 2015.</p> <p>A review of the guide has taken place, and a suggested amended guide (Appendix A) is now presented to the Planning Committee for its consideration for recommendation to Full Council for ratification.</p> <p>In undertaking the review, consultation has been undertaken as outlined above together with consideration given to comments received as a result of feedback from public speakers at Planning Committee meetings and following implementation of the Council's updated Multi-Location Meetings Policy, that was agreed by Cabinet on 7th September, 2023.</p>	

Recommendations

1. T H A T the revised Guide to Public Speaking at Planning ('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 Planning 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 In December 2013, the Welsh Government (WG) published a draft Planning Bill entitled 'Positive Planning for a Better Wales'. An important part of the evidence gathering for the Bill was an Independent Advisory Group (IAG) report published in September 2012. Amongst its many findings, the report recognised the critical role of Planning Committees in the land use planning system and recommended that the workings of Planning Committees be made as efficient and effective as possible. In response to the IAG report, WG invited the Royal Town Planning Institute in Wales (RTPI Cymru) to draw together expertise to oversee a study into the operation of Planning Committees. The recommendations were considered by WG and incorporated into the consultation paper on the draft Planning Bill with the Planning Bill introduced in October 2014.
- 1.2 On 17th December, 2014, Full Council resolved that the Guide to Public Speaking at Planning Committee be approved and take effect from 1st February, 2015.
- 1.3 Public speaking at Planning Committee has therefore been in operation since 2015, and the Guide periodical reviewed and updated to reflect current work practices and feedback received from public speakers.
- 1.4 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).
- 1.5 As at 1st May, 2021 Section 47 of the Local Government & Elections (Wales) Act required that all Local Authorities MUST make and publish arrangements for the purpose of ensuring that meetings are able to be held by means of any equipment or other facility which enables persons who are not in the same place

to attend the meetings, also referred to as Multi-Location Meetings (MLMs). For meetings capable of being held virtually in May 2021 participants needed to be able to speak and hear each other.

- 1.6 On 7th September, 2023, Cabinet approved the Revised Multi-Location Meetings Policy.

2. Key Issues for Consideration

- 2.1 Members will note that the proposed arrangements for public speaking do not apply to Planning Committee site visits.
- 2.2 Cabinet, on 7th September, 2023, approved the Revised Multi-Location Meetings Policy.
- 2.3 Therefore, the Guide has been reviewed by Democratic Services to reflect changes for Agenda publication dates and public speaking registration deadlines, and a revised updated version attached at Appendix A.
- 2.4 The Guide has been updated to provide more clarity regarding the items that members of the public can register to speak on, 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 hybrid/remote meeting arrangements and contains a link to the Council's Multi-Location Meetings Policy.
- 2.6 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.
- 2.7 It is also proposed for the Guide to be reviewed every two years by Democratic Services in consultation with Planning and Legal Services.

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 Planning Committee

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

Persons considering speaking at a Planning 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)

N.B. It is important to recognise that meetings determined by the Council / Chair to take place on a virtual only or hybrid (i.e., remote attendance) basis will be subject to live web transmission (“livestream”).

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 Wednesday of Committee week where meetings are held on Thursday) 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 available for the public at the meeting itself.

Hard copies of agendas and reports must be available for the public if meetings are held physically and the Council is also required to make public access provision for members of the public who cannot access documents, for example by providing access to computers, limited copies of documents at meetings or via a fee or making documents available for inspection at the Civic Offices, by contacting Democratic and Scrutiny Services via the main reception desk.

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

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 verbal representations to the Planning Committee. Verbal representations (public speaking) 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 709855 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.

Registering to Speak

The Agenda Papers for the relevant 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 Planning Committee, should do so by completing the appropriate public speaking registration form by no later than 5.00pm, 3 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 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 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 Committee will contact you to provide you with a copy of this Guide.

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 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, that person 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.

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	6 Minutes	12 Minutes
		2 Speakers	3 Minutes each	

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.

N.B. Please note that registrations to speak cannot be made on items which relate to Enforcement Action(s). Registrations to speak are only permissible for Planning Applications. However, you still have the ability to provide a written submission to the Committee on an Enforcement Action should you wish to do so subject to the timelines as set out on Page 1 of this Guide.

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 a proposal.
- 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 and Community Councillor Representatives must register to speak and are afforded a maximum of 3 minutes speaking time to represent their individual Council irrespective 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 right 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.

A Point of Clarification relates directly to the representations provided by the Speaker and seeking clarity on what has been said. It is not an opportunity to ask the speaker questions on the merits of the application. The objective is to ensure that Committee members have fully understood the intent and context of the Speaker's representations.

- 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 but must withdraw from the meeting prior to Committee debate. 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.

A Point of Clarification relates directly to the representations provided by the Speaker and seeking clarity on what has been said. It is not an opportunity to ask the speaker questions on the merits of the application. The objective is to ensure that Committee members have fully understood the intent and context of the Speaker's representations.

- 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 or Legal Officer may be asked by the Chair 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.

Agents/Applicants are encouraged to register to speak during the registration window and then withdraw their registration prior to the meeting, should they only wish to speak if there is a speaker in opposition. Once the registration window has closed, the Democratic Services Officer will be able to confirm the number of registered speakers for the application as a whole but will not provide any specific information on the speakers themselves.

Joining Remotely or Physical Attendance

Planning Committee meetings will be livestreamed over the internet (webcast) allowing members of the public to watch the meeting remotely either live (at the

time the meeting takes place) or on-demand (at a later date). Members of the public who have registered to speak will be notified of this fact prior to the meeting.

Hybrid meetings will be held in the Council Chamber of the Civic Office in Barry.

Members of the public that have successfully registered to speak, will be able to join remotely or have the option to attend in person. Members of the public should advise Democratic Services of their joining preference within 24 hours of the meeting start time.

For remote attendees and those that have registered to speak, they should join the Committee meeting 15 minutes before the published start time. Remote attendees will be sent a joining link from the Easy Conference Connect meeting platform for the meeting at least 1 hour before the meeting start time. The joining link will be unique for each individual speaker and participant, so the link should not be shared or forwarded onto to another person.

For physical attendance, registered speakers should arrive at the Council Chamber at least 15 minutes before the published start time. A Democratic and Scrutiny Services Officer will seat the registered speaker accordingly in the Council Chamber and, at the appropriate time, the Chair will ask them to activate their desk microphone so that they may be clearly seen and heard.

On occasions where physical space for attendance at a meeting may be limited (e.g. as a result of the COVID pandemic) or where there may be technological issues, the Chair of a meeting, essential officers supporting the meeting and simultaneous translators will be afforded priority for attendance in the Council Chamber.

Deferred Applications

If an application is deferred at a Committee meeting on the basis that further information, a site visit 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

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.

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

When confidential (“Part II”) items are under consideration by the Planning Committee, the Chair will ask all members of the public and the press to vacate the meeting room (whether by Remote, Hybrid or Physical means) before continuing with the agenda. Any recording of the meeting will also cease.

Planning Meetings will be conducted in line with the Council’s Code of Conduct for Members at Section 19 of the Council’s Constitution and the Conduct of Members – The Principles at Appendix 1 to Section 19.

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
- Council Sub Committee meeting
- Planning Committee
- Public Rights of Way Sub Committee (of the Planning Committee)
- 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 livestream 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 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 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