

Date: 4th September 2019

Subject: Public Speaking Protocol

Portfolio Holder: Councillor Richard Dew

Lead Officer: Dewi Francis Jones

Contact Officer: Nia Jones

Purpose of Report: To seek the Committee's approval to adopt an updated Public Speaking Procedure in relation to the functions of the Planning and Orders Committee.

Introduction

Public speaking at the Planning and Orders Committee is not a statutory right or requirement. In order to provide an open and inclusive environment for decision-making, public speaking was introduced in 2010. A protocol for public speaking was produced at that time in order to govern the process.

The protocol has not been reviewed since it was introduced in 2010. However, in the interim, various changes have taken place, not least the requirement for the Council to adhere to data protection legislation, for example, the current protocol relies on the sharing of registered parties' contact details with others which is no longer an acceptable practice.

Implication and Impacts

The revised protocol is updated mainly to reflect the General Data Protection Regulations. It also incorporates and encourages electronic ways of working including use of the Planning Function's new back-office systems. General governance remains unchanged as does the allowance of 3 minutes for speaking. The revision makes clear that anyone can register to speak, including for example, representatives of Town and Community Councils.

Recommendation

That the Committee approves the revised document and that it replaces the current protocol for the administration of public speaking at the Planning and Orders Committee.

Appendix

Revised Public Speaking Procedure August 2019



Procedure on Public Speaking at the Planning and Orders Committee

I. INTRODUCTION

- I.1 As part of our commitment to openness and transparency, this Authority has adopted a policy of allowing members of the public to address the Planning and Orders Committee when planning applications are being determined.
- I.2 This document explains the procedure by which the public can address the Planning and Orders Committee. The public cannot address the Committee as of right, but may ask for permission to do so at the discretion of the Chair of the Committee and in accordance with the Council's Planning Matters Procedure Rules and the procedures set out below.
- I.3 Planning and Orders Committee meetings are held in public and any member of the public or the press may attend and listen to the debate. There is no need to make an appointment or other arrangements for this. The Meeting is usually held in the Council Chamber which is fully accessible but should you have any specific queries or concerns about accessibility, please contact Democratic Services before your visit – <https://ynysmon.public-i.tv/core/portal/home> or Huw Jones, Head of Democratic Services Tel: 01248 752108.
- I.4 Public speaking will not be permitted on agenda items such as apologies for absence, declarations of interest and minutes.
- I.5 The right to speak does not include the right to ask any questions of any County Council member, officer of the Council, invited attendees or any other speaker.

2.WEBCASTING

- 2.1 Please note that meetings of the Committee are recorded and filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy - <https://www.anglesey.gov.uk/en/Council/Data-protection-and-FOI/Data-Protection-Policy-and-privacy-notice.aspx>
- 2.2 Any speaker who **does not wish to be filmed** must advise the Democratic Services Section (<https://ynysmon.public-i.tv/core/portal/home> or Huw Jones, Head of Democratic Services Tel: 01248 752108) or the attending Democratic Services officer prior to the start of the Committee. Audio recordings **will be taken** and made available for live and subsequent broadcasting.

3. THE PROCEDURE

Notification of the Public

- 3.1 The Council undertakes publicity in relation to relevant applications in accordance with statutory requirements and which may include the placing of a notice on or near the application site, individual notification, press advert or any combination of these methods of notification. The Council's website details how written representations can be made in relation to applications - <https://www.anglesey.gov.uk/en/Residents/Planning-building-control-and-conservation/Planning/Comment-and-object-on-a-current-planning-application.aspx>

Registering to Speak

- 3.2 Anyone who wishes to address their representations directly to the Planning Committee about a particular application can register to speak. To do so, they must e-mail the Planning Service via **planning@anglesey.gov.uk** to register a request to speak. The e-mail should be marked for the attention of Public Speaking and contain the reference number of the application; full contact details for the person named as requesting to speak and confirmation of whether they are speaking in support of or in objection to the application. An acknowledgement of receipt will be sent which will contain a link to the application on the Council's web-based system.
- 3.3 Requests to speak must be made in accordance with paragraph 3.2 above by no later than **12.00p.m. on the Friday before the Committee meeting**. The meeting calendar is published on the Council's website - <http://democracy.anglesey.gov.uk/mgCalendarMonthView.aspx?GL=I&bcr=I&LLL=0>
Committee agendas are usually published three working days before the Committee meeting and will include details of all applications to be discussed at that particular meeting. Late items may exceptionally be accepted as an addendum to the published agenda, at the discretion of the Chair.
- 3.4 Whilst e-mail requests are preferred, a request made by letter and containing relevant details should be addressed to the Planning Service (Public Speaking), Council Offices, Llangefni, Ynys Mon, LL77 7TW. Letters will not be acknowledged and a link to the application cannot therefore be provided. Application details can however be viewed during office hours at the Council Offices in Llangefni.

- 3.5 Requests to speak at Committee will only be registered in accordance with the guidance in paragraph 3.2, 3.3 and 3.4 above. Any request submitted in any other way, for example, within an e-mail or letter sent making representations on, or in support of or objecting to an application, will not be regarded as a formal request to speak under this procedure. Similarly, correspondence addressed to individual officers or Elected Members or other requests made to these individuals will not be regarded as a request to speak under this procedure. Verbal requests to speak will not be registered.

Application of the Procedure

- 3.6 Not all matters determined by the Planning Authority are 'applications' for the purposes of this procedure – reference should be made to the Council's Constitution and Delegated Functions Scheme for a definition of what matters require to be, or can be, determined by the Planning and Orders Committee <https://www.anglesey.gov.uk/en/Council/The-Constitution/Isle-of-Anglesey-County-Council-Constitution.aspx>
- 3.7 Not all applications will be determined by the Planning and Orders Committee and registering to speak in support of or in objection to a particular application does not ensure that the application will be determined by the Committee.
- 3.8 If the application is determined by the Head of Service under delegated powers, the decision details will be published on the Council's website but no acknowledgement of that decision will be sent to those registered to speak. It is important, therefore, that interested parties follow the progress of applications on the Council's web-based system through the application link provided (paragraph 3.2 above) or in person at the Council offices.
- 3.9 Requests to speak are not limited to individuals, for example, a representative of a group or organisation can register to speak on their behalf, as can a representative of a Town or Community Council.
- 3.10 Speakers will only be allowed to address the Planning Committee once when the application of interest first appears on the Agenda (unless the application is deferred prior to any discussion of its merits and public speaking, or is to be the subject of a site visit before any discussion of the merits of the application and public speaking takes place). If this is the case, the speaker(s) will be invited by the Chair to attend the subsequent meeting in order to speak.
- 3.11 The consideration of an application will not be deferred if a party registered to speak in relation to it is unable to attend on the specified date. The speaker may however nominate a representative to speak on their behalf in accordance with paragraph 3.16 below.

Late Requests to Speak

- 3.12 If a late request to speak at Committee is received (i.e. the request is received in accordance with this procedure but after the deadline set out in paragraph 3.3 above), or if a speaker requests to be allowed to speak when the application has already been discussed at a previous Committee meeting (whether or not any speakers took part) then:
- The request must be submitted in writing (by e-mail or letter) and be accompanied by reasons why the party making that request has not previously registered to speak in accordance with this procedure;
 - That request will be presented to the Chair of the Committee (or Vice-Chair in the absence of the Chair) for consideration and decision at the Pre-Committee Agenda meeting which normally takes place on the morning of the scheduled Committee meeting;
 - The Chair's decision will be communicated to the party making the request as soon as practicable after a decision is taken.
- 3.13 A late request received on the day of the Committee meeting will not be considered under any circumstances.
- 3.14 Where the opportunity to speak has not been taken up in a timely manner or before the application was first discussed, then in the absence of a compelling reason, the Chair is unlikely to allow a late request, especially due to the difficulty of making a similar offer to the other party who could speak (supporter or objector as the case may be). They will usually exercise their discretion to allow a late request only where there is already a confirmed speaker for 'the other side' but is unlikely to allow an opportunity to speak once an application has been discussed.
- 3.15 Those wishing to speak at Committee should therefore **register that interest as soon as possible** (they should avoid waiting for publication of the agenda for example as they may risk missing the deadline to register or others may have already registered to speak beforehand).

Multiple Requests to Speak

- 3.16 Where multiple requests to speak are received in relation to a particular application, all requests will be recorded.
- 3.17 When the agenda is published, the Planning Service will as soon as reasonably practicable contact the first person registered to speak (in support of an application, in objection to an application, or both, as the case may be) to confirm whether they still wish to speak. If the first person on the list is unable to attend on the specified date, they can nominate a person to speak on their behalf but must provide full contact details for the nominee on confirmation in order that timely arrangements are made.
- 3.18 If the first registered person no longer wishes to speak, the offer will be made to the second person registered (where applicable) and the first registered person's place will be forfeited. Similarly, the second person can nominate a person to speak on their behalf if they are unable to attend or, if they confirm they no longer wish to speak, the offer will be made to the third person (and so on).
- 3.19 In the case of a registered speaker who wishes to object to an application, an offer will be made to the agent (where appointed) or otherwise to the applicant whether they wish to speak in favour of the application, whether they have previously registered to speak or not.
- 3.20 Once an offer to speak is made to the next registered person on the list and that person confirms they will attend to speak (in person, or through a nominee), the previously registered person cannot reassert their request to speak (e.g. because they have since made arrangements to attend in person, or have secured a nominee after confirming that they had no-one available or after previously confirming that they no longer wish to speak). The offer will only revert to the first registered speaker if everyone else subsequently registered to speak no longer wishes to do so.

Procedure at Committee

- 3.21 The Committee agenda will be re-ordered so that items subject to public speaking are considered first.
- 3.22 Speakers are expected to arrive at Cyswllt Mon (Council's main reception in Llangefni) no later than 12.30pm on the day of the Committee where an Officer from the Planning Service will greet the speakers and guide them to the Committee Chamber.
- 3.23 Individuals may communicate with the Committee in either Welsh or English (translation facilities are available at each meeting).
- 3.24 It is important that any speaker at a Committee meeting should talk in a responsible and respectful way in order to maximise the benefit of their contribution.
- 3.25 The Chair will introduce the individual to the Committee when it is their turn to speak.
- 3.26 The individual will be asked to move to a particular place within the meeting room where they can be best seen and heard by all members of the Committee. The individual will be allowed **three minutes** to make their contribution.
- 3.27 Speakers are encouraged to consider the following:
- * Ensure comments are clear and concise, and directly related to the application on which they have asked to speak;
 - * Avoid repeating points;
 - * Limit their views to the material planning issues only.
- 3.28 Individuals are not allowed to hand out supporting documents at the Committee meeting or use visual / oral aids (such as photographs or diagrams or sound recordings). Any material received from the speaker as part of general representations on the planning application will already have been considered in the written report and representations received after the publication of the agenda are circulated to the Committee on the day of the meeting.
- 3.29 If an individual is still talking after three minutes the Chair will usually wait for them to finish their sentence and then will let them know that they have reached their time limit. Individuals are not allowed to go over time so as to ensure fairness to any other speakers. In exceptional circumstances, the Chair may allow speakers a little more time: if so, other speakers in relation to the same item will be allowed to have the same amount of extra time.

- 3.30 Once the individual has concluded their contribution, the Chair may allow Committee members to ask the speaker questions to clarify any points arising from the individual's comments. The speaker must not enter into a debate with the members of the Committee.
- 3.31 The individual will then be asked to return to their seat in the public gallery.
- 3.32 The Committee will discuss the issue before making a decision, and will take into account any information provided by the public speakers.
- 3.33 The Chair will ensure that all speakers are treated with courtesy and respect. The Chair will have the discretion to stop a public speaker at any time in proceedings if, in the Chair's view, the speaker behaves improperly, offensively or tries to prevent the Committee from doing its work or makes comments which are defamatory, vexatious, discriminatory or offensive. This will be at the Chair's discretion.
- 3.34 The speaker may leave the meeting at any time after they have spoken.

Data Protection

- 3.35 Contact details including email address and telephone numbers are essential in order to allow the proper functioning of this protocol and to allow public participation at Planning Committee. Personal details are only collected for the purpose of administering public speaking. Once an application has been determined at Committee, contact details will be deleted in accordance with the Council's published retention policy - <https://www.anglesey.gov.uk/en/Council/Data-protection-and-FOI/Data-Protection-Policy-and-privacy-notice.aspx>

CONTACT DETAILS:

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