

Background

The Council allows public speaking at the Planning and Orders Committee in accordance with its published protocol. This protocol was suspended at the beginning of the Covid-19 pandemic as working practices, including the holding of meetings virtually instead of in the Council Chamber, were adapted in response to changing circumstances. The Committee resolved to allow public speaking to continue in virtual meetings but by means of written submissions only.

The Council has decided to allow participants to speak at the Scrutiny Committee by joining the virtual meeting and a protocol has been published to govern this process.

Public Speaking at the Planning and Orders Committee

In order to provide a consistent and fair process to all interested parties, this report is submitted to ask the Members of the Committee to consider the options and decide on their preferred approach in allowing public speaking at the Planning and Orders Committee.

Current Arrangements

Those who wish to speak at the Planning and Orders Committee, either for or against a particular proposal, must register to speak in accordance with the published protocol. Speakers are invited to submit their written representations in accordance with the protocol and these are read out on their behalf at the relevant Committee. The process allows views about the proposal to be made known but does not allow an opportunity for Members to ask questions of the 'speakers' for example, to obtain clarification or additional information. The continuation of this arrangement remains an option.

Other Possible Alternative Arrangements

1. Video Presentation

Registered speakers could prepare a video presentation of their views on a particular proposal to be screened during the relevant Committee meeting.

Limitations to this option include

- that the members would not be given an opportunity to ask questions of the speaker;
- the video submitted by the speaker must adhere to an agreed protocol e.g. neutral background, no use of additional illustrative material so would need to be reviewed by officers before transmission (time and resource implications);
- process failure and implications on the timescale for decisions and equity in the determination of an application e.g. if one video in support of / objecting to an application is able to be viewed by the Committee but the corresponding conflicting opinion video is unable to be transmitted e.g. due to IT failure, the Committee would have to consider whether it could deal with the application as presented in an equitable and informed manner or whether the application should be deferred, thus risking the appeal process. Likely that a written declaration would also be required for it to be read by an officer, on behalf of the speaker, in the event of technical failures.

2. Maintain Existing Arrangements pending review of Scrutiny Committee arrangements

The participation of speakers in the virtual meetings of the Scrutiny Committee could be reviewed to assess its efficacy and limitations before the process is extended to the Planning and Orders

Committee. In the interim, the current written arrangements would be retained for the Planning and Orders Committee. Under this option the Committee is asked to delegate powers to the Chief Planning Officer in consultation with the Chair of the Committee to implement the protocol once IT and other arrangements have proved satisfactory.

Limitations to this option, in addition to the matters identified in option 3 below, include

- the public speaking protocol for the Scrutiny Committee has only been operational for a limited period and has not been used to date risking delay in broadening the availability to the Planning and Orders Committee while a sufficient use of the process is undertaken to allow a review.

3. Trial Public Speaking allowing attendance by the speakers at the Planning and Orders Committee

The participation of speakers at the Planning and Orders Committee could be trialled for a limited period to assess its efficacy and limitations. Under this option the Committee is asked to delegate powers to the Chief Planning Officer in consultation with the Chair of the Committee to implement the protocol once arrangements have proved satisfactory.

Limitations to this option include

- process failure and implications on the timescale for decisions and equity in the determination of an application e.g. if one speaker in support of / objecting to an application is able to attend and speak at the relevant Committee but the corresponding conflicting opinion cannot be heard e.g. due to IT failure, the Committee would have to consider whether it could deal with the application as presented in an equitable and informed manner potentially risking challenge or whether the application should be deferred, thus extending the timescale to deal with applications (performance) and risking the statutory appeal process;
- equity of the process by allowing those who are unable to join a virtual meeting to submit a written statement to be read out on their behalf similar to the current arrangements but resolving the inequity of dealing with supplementary questions if one speaker is attending the meeting and can participate but another is represented only by a written statement;
- the 'back-up' position of all speakers producing a written statement to be read on their behalf in the event of an IT failure and no opportunity for supplementary questions;
- establishing a clear protocol for participants e.g. no visual or audio aids; neutral background; when to switch camera and microphone on and off; when are they required to join and leave the meeting

Appended to this report is a revised public speaking protocol addressing these issues which could provide a framework for the process at the Planning and Orders Committee.

Recommendation

To maintain existing arrangements (written submissions) pending a review of the process in the Scrutiny Committee, with a view to introducing the participation of speakers at the Planning Committee under Option 2 from February 2021 but delegate powers to the Chief Planning Officer in consultation with the Chair of the Committee to implement the protocol once IT and other arrangements have proved satisfactory.

PROCEDURE ON PUBLIC SPEAKING AT THE PLANNING AND ORDERS COMMITTEE : Virtual Meetings

1. INTRODUCTION

1.1 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.

1.2 This document explains the procedure by which the public can address the Planning and Orders Committee during virtual meetings. 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.

1.3 Planning and Orders Committee meetings are held via digital platforms (Microsoft Teams and Zoom) during the current Covid pandemic.

1.4 Public speaking will not be permitted on agenda items such as apologies for absence, declarations of interest and minutes.

1.5 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 live webcasting of meetings is currently suspended but meetings of the Committee are recorded and filmed for subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this filming 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 ensure that they have switched off their camera prior to the start of the Committee. Audio recordings **will be taken** and made available for 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=1&bcr=1&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 including a valid email address for the speaker 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.

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)

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 enter the virtual meeting via the link provided to them.

* no later than 12.45pm on the day of the Committee to ensure they can see and hear the proceedings and are able to take part. Once audio and visual capability are confirmed, speakers must switch off their camera and mute their microphone until invited by the Chair of the Committee to speak on the relevant application.

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 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 share their screen 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. Once they have expressed their views (or reached the three minute time limit for speaking) they must mute their microphone and switch off their camera.

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. Speakers may switch on their camera and microphone only if any Member of the Committee wishes to seek clarification of any matter raised by them or asks them to respond to a question.

3.31 The individual will then be required to turn off their camera and set their microphone to mute.

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 will be required to leave the virtual meeting after the decision on the application has been made.

3.35 All speakers must provide a written copy of their intended statement to the Committee (no longer than 2 sides of an A4 page in plain text with no images or links) to be received not later than 5pm on the Monday immediately before the Committee. In the event of an IT failure (loss of connection, unable to join meeting etc. and at the discretion of the Chair), their comments will be read out on their behalf at the relevant meeting.

3.36 In the event that one participant chooses to attend the virtual meeting to speak, but the speaker holding the opposing view is unable or chooses not to attend the virtual meeting, the speaker who is not in attendance may submit a written statement to express their views (no longer than 2 sides of an A4 page in plain text with no images or links to be received not later than 5pm on the Monday immediately before the Committee) which will be read out on their behalf. The Chair will not permit the Members to ask questions or seek clarification from the speaker in attendance.

Contact Details

Planning@anglesey.gov.uk 01248 752428

Data Protection

3.37 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>