



CYNGOR  
monmouthshire  
COUNTY COUNCIL  
*sir fynywy*

## **PLANNING CODE OF PRACTICE**

**Monmouthshire County Council**  
**Cyngor Sir Fynwy**

**Planning Code of Practice**

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**Monmouthshire County Council**  
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**Planning Code of Practice**

**1.0 Introduction**

- 1.1 This Code of Practice is intended to guide the procedures by which Councillors ('Members') and Officers of the Council deal with planning matters and to set standards of probity and conduct expected of them. Monmouthshire County Council will seek to adopt best practice in its administration of the planning process. It recognises that the general public expects the Council to subscribe to the principles of fairness, consistency and objectivity. Members of the Planning Committee have a key role in ensuring that these principles are followed and the Council has stated that the Planning system must be fair and open. Elected Members are critically important in arbitrating between competing arguments.
- 1.2 The town and country planning system involves the Council taking decisions about private proposals for the development and use of land, but in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted development plan unless material planning considerations indicate otherwise. The Council must also take account of representations made by members of the public, in as far as they relate to material planning considerations.
- 1.3 As planning affects people's lives and private interests it can be very contentious. It is therefore important that members of the public understand the system and has confidence in its integrity and transparency, and that Members and Officers avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), District Audit and the Local Government Association. A number of Inquiries have been held, nationally, regarding the administration of the planning system. In particular, the inquiry into the operation of the planning system in North Cornwall by the Department of the Environment; also, the report by the Welsh Affairs Committee into Rural Housing. Various reports by the Ombudsman are also relevant. The Minister has issued guidance in Circular Letter CI-06-06.
- 1.4 Members and Officers must not only ensure that their conduct accords with the Code of Conduct for Members and professional standards for officers (which cover such matters as declarations of interests, gifts and hospitality), but, when dealing with planning matters, also act in accordance with this Planning Code of Practice.
- 1.5 A breach of this code, while not usually amounting to a breach of criminal law, may adversely affect the standing and reputation of the Council. It could result in a decision being judicially reviewed and the planning permission being quashed by the Court or in a complaint of maladministration or an allegation of a breach of the Code of Conduct for Members being made to the Public Services Ombudsman for Wales. A complaint that a member has acted in breach of this code may also be considered under the Council's Procedure for Dealing with Breach of a Local Code or Protocol.
- 1.6 If Members or Officers are in doubt about the application of this Code they should seek advice from the Council's Monitoring Officer.

**2.0 Elected Members**

## **2.1 Planning Committee Members**

Planning Committee members should:

- act fairly and openly and avoid any actions which would give rise to an impression of bias
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.

It is a matter for each individual member to decide what constitutes inappropriate contact, however, it is important that any contact is not out of the ordinary and does not give the impression to others that the nature of the contact is inappropriate.

- approach each planning application/issue with an open mind
- not organise support or opposition to a planning application
- carefully weigh up all relevant planning issues before making a decision
- make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. In this respect, while Committee Members have a special duty to their Ward constituents, including those who did not vote for them, their over-riding duty is to the whole community.
- not decide how to vote on applications on the basis of a political 'whip', but on the planning merits of each case. (The view of the Ombudsman is that subjecting a planning decision to the discipline of the political whip could amount to maladministration)
- ensure that the reasons for their decisions are clearly stated
- With the coming into force of section 25 of the Localism Act 2011 if a member does or says anything prior to the planning committee considering the planning application, the member will not be judged to have a closed mind just because of what the member says or does. However it is essential that the member when attending the planning committee takes into account all relevant planning considerations before making a decision on the planning application.

## **2.2 Members of the Planning Committee who are also Members of Community/Town Councils**

Membership of a Community/Town Council provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning Committee Member provided he/she complies with the requirements of this code of practice particularly when considering all the evidence and arguments presented to the Planning Committee.

If the Member is present at a meeting of the Community/Town Council (or one of its Committees) when a planning application/matter is under consideration, he/she can play a full part including entering into discussion, asking questions and even voting.

However, regardless of the planning committee member's previous statements and actions, the member must make the decision at planning committee taking into account only relevant material planning considerations.

## **2.3 Local Ward Members who are not Members of Planning Committee**

Where an application is considered by Planning Committee Local Ward Members have the right to attend the Planning Committee and Delegation Panel and site inspections by committee or panel to speak on any planning matter (subject to declarations of interest),

but may not vote. Such Members do not act in the decision making role performed by planning committee members.

In appropriate circumstances the local ward member of an adjacent ward may also have the same rights as if they were the local ward member. Where an application has wider implications the Chairman may exercise discretion and allow other members to address committee.

When attending meetings of the Planning Committee, Councillors who are not members of the Committee shall sit separately from Committee Members - whether or not they intend to address the Committee - and unless invited to do so by the Chair shall not communicate with the Committee Members during the meeting.

Non-Committee Members can address the Committee after the officer has introduced the application and before any other speakers.

## **2.4 All Members**

Local Ward Members represent their electoral division and the County as a whole. Any member can make representations on planning applications. Where the local ward member in whose division the application is located wishes an application to be considered by Planning Committee or the Delegation Panel they shall inform officers in writing either by letter or e mail to that effect and give relevant material planning reasons for the request. The views of the Local Ward Member will be included in the application report. "Planning reasons" in relation to the Local Ward Member request means a brief statement outlining the material considerations that justify the application being considered by Planning Committee or the Delegation Panel.

Members shall not pressure Officers to make particular recommendations in reports. This will be a clear a breach of the Code of Conduct for Members.

## **3.0 Officers**

3.1 The function of Officers is to carry out the administrative and executive functions in support of the planning process and to give professional advice to the public and Councillors.

3.2 The Chief Officer – Regeneration and Culture makes decisions on the majority of planning applications under officer delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee and the Council. The local ward member in whose division the application site is located can ask that any planning application to be referred to the Planning Committee for a decision rather than by officer delegated powers. Some of the decisions under officer-delegated powers are exercised in consultation with the Delegation Panel.

3.3 In considering applications and in advising Members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, Planning Officers shall: -

- act fairly and openly and avoid any actions which would give rise to an impression of bias
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- approach each planning application/issue with an open mind, avoiding pre-conceived ideas
- carefully weigh up all relevant planning issues

- make decisions purely on planning grounds having regard to the development plan and other material considerations
  - give professional, objective and consistent planning advice
  - provide a comprehensive and accurate analysis of the planning issues
  - give a clear recommendation
  - carry out the decisions of the Committee
  - record any interest they may have in, or the manner in which they may be affected by an application both on the application file and in the Record of Interests book held in the Planning Office
  - abide by the Royal Town Planning Institute's Code of Professional Conduct
- 3.4 The Council's Legal Officers advise Members on legal and procedural matters. In doing so, they must: -
- act fairly and openly and avoid any actions which would give rise to an impression of bias
  - avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
  - give professional, objective and consistent advice
  - carry out the decisions of the Committee so far as they relate to the completion of any legal agreement, institution/defence of proceedings etc.

#### **4.0 Operation of the Delegation System and the Role of the Delegation Panel**

- 4.1 The Council will operate a scheme of delegation of decisions to officers. The scheme defines matters to be determined by officers in consultation with the Delegation Panel (Chairman, Vice Chairman and Opposition Spokesperson of Planning Committee) and those wholly delegated to officers.
- 4.2 The published lists of applications and application details will not indicate whether an application is to be dealt with under delegated powers as the status of an application may change during the processing stages. In addition, the Chief Officer or Head of Service may specify that an application be put to Committee if it involves controversial issues.
- 4.3 Panel meetings will be arranged regularly to consider applications that fall to be considered by the Delegation Panel. A list of applications or other matters that are proposed to be determined under delegated powers will be presented to the Delegation Panel. This will be known as the Delegation List. There should be a minimum of 2 members present at the Delegation Panel.
- 4.4 The Delegation List shall specify the detail of the application with the officer recommendation.
- 4.5 There will be a report prepared on each application or other matter to be determined under officer delegated powers. The report shall include a description of the proposal, planning history, an adequate summary of objections/representations, relevant policies, a professional appraisal and recommendation. Any comments by Community or Town Councils, which are counter to the recommendation, should be specifically addressed in the professional appraisal, under the title: *'Response to Town/Community Council Representations'*.
- 4.6 The Relevant Officers: Officer recommendations and decisions on delegated decisions can only be authorised by:  
 Chief Officer – Regeneration and Culture  
 Head of Planning Place and Enterprise  
 Planning Applications Manager  
 Assistant Planning Applications Manager

Enforcement Manager  
Conservation Manager

- 4.7 The Delegation Panel cannot determine planning matters. Officers consult with the Panel on those matters identified in the Delegation Scheme. The Panel can require that an application or other matter is presented to Planning Committee and will identify any application or other matter that is not to be delegated. They shall sign the list but the words ***Not Delegated*** or ***Refer to Committee*** shall be written across the relevant listing. The signed Delegation List is to be retained in the Planning Office.
- 4.8 Where the Council receives objections and officers recommend approval before the application is determined officers will:
- Provide a copy of the officer evaluation to the those who have objected or supported, the applicant/agent and the local member
  - Offer to meet the applicant/agent and objectors/supporters on site or at the Council Offices with the Delegation Panel.

## **5.0 Discussions Before and During Applications and on Enforcement Matters**

- 5.1 Discussion and negotiation are essential in the planning process as they can bring about improvements that can make an application acceptable or otherwise remedy problems. The Council encourages this discussion and negotiation.
- 5.2 Such discussions will normally take place at officer level and Members shall, wherever possible, refer requests for such advice to the Officers.
- 5.3 Where members feel that a formal meeting would be useful in clarifying the issues, they should never seek to arrange that meeting themselves but should request the Head of Planning, Place and Enterprise or the Development and Building Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action. The meeting can be attended by the Delegation Panel of the full Planning Committee depending on the scale and/or implications of the proposal and the Local Ward Member for the ward in which the application site is located. Other Ward Members in the locality may attend where the application has wider implications.
- 5.4 Members may also attend presentations by applicants or developers but should either have an officer present or have made officers aware of it and officers have discussed it with members or briefed them on it. Members shall act as observers and not as participants at such presentations.
- 5.5 At all times Members should have regard to the Council's Code of Conduct for Members and the Planning Code of Practice.
- 5.6 All Officers taking part in discussions shall:
- make clear whether or not they are the decision maker for the purposes of the application/issue under discussion
  - make clear that only personal and provisional views can be expressed which will not bind the Council to reach a particular decision when determining an application
  - express views in the context of the development plan and other material planning considerations
  - be consistent in interpreting planning policies
  - advise applicants and neighbours/objectors on procedural matters
- 5.7 Occasionally local people or Community/Town Councils will arrange public meetings to discuss a current application and may invite the applicants, Members and Officers to attend. Given the need to avoid giving commitments and ensuring that an open mind on

proposals is retained, Members of the Committee and Officers who attend such meetings shall use them for fact-finding; shall not express a final opinion for or against the proposal and shall otherwise act in accordance with the guidance in this Code.

- 5.8 A Design Panel of all members of Planning Committee will be established to allow members to contribute to the design process of a development at an early stage. The Panel will convene as and when required and will consider applications for 3 or more dwellings or non-residential development of 1,000 sq. m. or more and other applications that may raise important design issues. The applicant/agent will be invited to attend as will any other relevant parties. The local ward member will be invited to attend. The role of the Design Panel will be to advise on design aspects of the application. The Design Panel will not give any indication on the outcome of the application.

## **6.0 Lobbying of Members of the Planning Committee**

- 6.1 Lobbying is the process by which applicants and their agents, neighbours, non-Committee Members and other interested parties seek to persuade Councillors on the Planning Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Members of the Planning Committee as these discussions can help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report: "it is essential for the proper operation of the Planning system that local concerns are adequately ventilated"

- 6.2 In responding to approaches of this kind, Committee Members shall follow the 9 principles outlined in Paragraph 2.1 above and may wish to make a record of the discussion, but may also: -

1. Explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee/by the Corporate Director
2. Explain the procedures by which representations can be made; that the public can speak at the Committee (subject to a number of conditions being met), should the application come to the Committee for decision, and that a decision will be taken only when all relevant planning considerations have been taken into account
3. Explain the kinds of planning issues that the Council can take into account
4. Report issues raised to the Officers or direct the public to the Officers so that their views can be considered
5. Advise the public to contact non-Committee Members who may be able to represent local views with less restraint

- 6.3 Where a Committee member feels that he/she has been unreasonably or excessively lobbied on a particular proposal he/she shall make a declaration at Planning Committee on that application that he/she has been lobbied. However, that member shall still be able to speak and vote on the application if the guidance in Section 2 is adhered to.

## **7.0 Planning Applications Submitted By Members, Community/Town Councils and Officers**

- 7.1 Planning Applications submitted by or on behalf of Members or Officers of the Council or their close relatives\* where known, shall be decided by the Planning Committee and not by the Chief Officer under officer delegated powers.

\*'Close relative' is defined as spouse, partner, parent, child or sibling.

- 7.2 The affected Member shall declare an interest and take no part in the decision.

- 7.3 The affected officer shall record his/her interest and take no part in the decision.



7.4 Where a Community/Town Council submits a planning application, the County Council Members who are also Members of that Community/Town Council should disclose their interest and withdraw from further consideration of the matter.

## **8.0 Planning Applications Submitted by the Council**

8.1 It is critical that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

8.2 All such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning consideration.

8.3 In order to ensure transparency and openness in dealing with Council proposals (save for discharge of conditions and minor amendments) will not be dealt with under officer delegated powers where the development will not be carried out by the Council, for example it intends to sell the land, or there are objections to any Council proposal. However, minor non-contentious applications by the Council for example works ancillary to an existing council facility can be determined under officer delegated powers in consultation with the Delegation Panel.

8.4 Where a member of Planning Committee has a Cabinet portfolio responsibility relating to an application he/she shall declare that interest and not take part in the discussion or vote.

## **9.0 Officers' Reports to the Planning Committee**

9.1 All Planning matters considered by the Planning Committee will be the subject of full evaluation by officers and will include a recommendation. Such reports shall be comprehensive, but succinct in setting out the key planning (and legal) issues to be considered (in terms of the provisions of the development plan and other material planning considerations), the substance of any representations received and any relevant planning history.

9.2 Any comments by Community or Town Councils, which are counter to the recommendation, should be specifically addressed in the professional appraisal, under the title: *'Response to Town/Community Council Representations'*. Local Ward Member representations will also be addressed.

9.3 A summary of late correspondence received since the report was prepared will be made available to the Committee and despatched electronically to members the evening before Planning Committee meets. Any further correspondence received before 12 noon on the day of committee will be presented to members in a further document. At the discretion of the Chair time may be given for members to review the further late correspondence having regard to the amount and issues raised. "Received" means received by Planning Office staff at County Hall by post, fax or electronically.

9.4 When applications are presented to Planning Committee we will:

- Make the officer evaluation available on the Council's web site
- Inform the applicant/agent and objectors/supporters that the application is going to Planning Committee unless the volume of representations makes this impractical
- Provide a copy of the officer evaluation to the Community or Town Council where the council has objected

## 10.0 Procedure at Planning Committee

10.1 The following procedure will be followed at Planning Committee:

- The Chair will identify the application to be considered
- An officer will present a summary of the application and issues with the recommendation
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair
- The Chair will then invite, in turn, the objector and/or supporter to speak for a maximum of 4 minutes each
- The Chairman will invite the Applicant or Appointed Agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application the Applicant or Appointed Agent shall at the discretion of the Chair be entitled to speak for a maximum of 5 minutes
- Time limits will normally be strictly adhered to however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking
- Speakers may speak only once
- Planning Committee members will then debate the application, commencing with the local member if a member of Planning Committee
- A Member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- The community or town council representative or objector/supporter or applicant/agent may not take part in the Members' consideration of the application and may not ask questions unless invited to by the Chair
- Where an objector or supporter or applicant/agent community or town council has spoken on application no further speaking by or on behalf of that group will be permitted in the event that the application considered again at a future meeting of the committee unless there has been a material change in the application
- The Chair or a Member of the Committee may at the Chair's discretion occasionally seek clarification on a point made
- The Chair's decision is final
- When proposing a motion either to accept the officer recommendation or to make an amendment the member proposing the motion shall state the motion clearly
- When the motion has been seconded the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.

- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention
- An officer shall count the votes and announce the decision

10.2 Public speaking at Planning Committee will be allowed strictly in accordance with the protocol attached in Appendix 1. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee.

## **11.0 Planning Committee Site Inspections**

11.1 Committee site inspections are fact-finding exercises which allow the Planning Committee to make a more informed decision than would otherwise be possible from reading the officer's report and considering the views expressed at the Committee meeting by interested parties.

11.2 The purpose of a site inspection is to clarify issues of fact and such visits should only be held where the Committee cannot make an informed decision without seeing the site for themselves and the inspection would have substantial benefit. Examples of this include:

- Where there are accusations that a plan is misleading;
- Overlooking into other people's property;
- Visual prominence.
- Understanding topography of the area.

Examples where a site visit would not normally be appropriate include where:

- purely policy matters or issues of principle are at issue
- the Member simply disagrees with the conclusion reached in the report.
- the Member wishes to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations.

11.3 Members of the Planning Committee will carry out the inspections with the local ward member being invited. Applicant and objectors/supporters can attend but may only draw attention to matters of fact relating to the site. The community or town council shall be invited to attend the site inspection. An officer shall attend to advise on the application.

11.4 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

11.5 If a Member finds it necessary to visit a site alone (perhaps because it was not possible to attend the Committee inspection), he or she shall view it from public vantage points only, seek to avoid discussion with interested parties, and, if discussion occurs, make it clear that a decision will be taken when it has been discussed by the Committee.

## **12.0 Planning Committee Decisions Contrary to Officer Recommendation**

12.1 Where the Committee does not accept the recommendation made by the Officers the application shall be deferred to the following Planning Committee and brought back with reasons for refusal or conditions of approval as the case may be.

- 12.2 It is important that full clear and convincing reasons are set out when any planning decision is made. Where an application is determined in accordance with the officer recommendation the officer report meets this requirement. However, when members determine against officer recommendation the only record of the debate is the minutes. It is therefore essential that members' reasons are recorded and that the minutes of meeting incorporate a full, clear and convincing statement of the reasons.
- 12.3 Where planning permission is refused contrary to officer advice, members should be aware of the risk of an award of costs being made against the Council at a subsequent appeal. Advice on the award of costs is contained in Welsh Office Circular 29/93. Paragraph 9 of Annex 3 is relevant.

“Planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. But they will be expected to show that they had reasonable planning grounds for taking a decision contrary to such advice; and they were able to produce relevant evidence to support their decision in all respects. If they fail to do so, costs may be awarded against the authority.”

### **13.0 Appeals against Council Decisions**

- 13.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council. In giving evidence Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct \*.

\* The Royal Town Planning Institute Code of Professional Practice requires, inter alia, that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.

- 13.2 Where an appeal is lodged following refusal of planning permission contrary to officer recommendation and the appellant seeks an Informal Hearing or Public Inquiry, officers will consider whether the case officer or another officer can represent the Council at the Appeal. In the event that no officer considers that he/she can represent the Council having regard to their professional code of conduct and circumstances of the case, the Council will endeavour to appoint a consultant to act on its behalf. Where a consultant cannot be appointed a further report will be presented to Planning Committee. Whether an officer or consultant represents the Council it is essential that the local member and/or a member of Planning Committee attends and speaks at the appeal. This is good practice in all appeals whether the decision was against officer advice or not.
- 13.3 Members have an important role to play in appeals. The local ward member will be informed of the appeal. He or she and any other member may, within set deadlines, make written representations to the Inspector and may also appear at Informal Hearings or as a witness at Inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, exceptionally, representing the Council's case.
- 13.4 Officers shall support Members who wish to attend the appeal and/or make representations and advise them on preparing and delivering evidence as well as on legal aspects. Where appropriate a nominated officer will be designated to assist and guide members before attending a hearing or inquiry and attend the hearing or inquiry with the member(s). However, the officer will not be able to prepare or give evidence where that would be contrary to his/her professional views.

## **14.0 Community and Town Councils**

- 14.1 Officer reports will specifically address community and town council objections.
- 14.2 Where officers recommend approval and the community or town council have objected a copy of the officer evaluation will be provided to the community or town council and the Council will be invited to speak at Planning Committee or attend a meeting of the Delegation Panel.
- 14.3 Representatives of Community and Town Councils will be permitted to attend planning committees and committee site inspections.
- 14.4 A representative will be permitted to address the Committee on an application, at the discretion of the Chair and in accordance with the Protocol on Public Speaking.
- 14.5 Representatives will be expected to uphold the following principles: -
  - (i) To observe the National Code of Local Government Conduct, particularly in the context of declarable interests.
  - (ii) Not to introduce information that is not part of an application, or contained in the planning report or file.

## **15.0 Member Training**

- 15.1 The Council has decided that all members of the Council not just those Members of the Planning Committee shall undertake training. No Member shall sit on Planning Committee unless he/she agrees to undertake such training.
- 15.2 Members will be offered core training within three months of appointment to the Committee. This will cover planning procedures, the development plan and material planning considerations, probity and other subjects determined from time to time by Officers in consultation with the Members.
- 15.3 Other training will be available in the form of additional sessions such as seminars on specific subjects.

## **16.0 Review of Decisions**

- 16.1 To assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy the Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types and shall include visits to the sites.
- 16.2 The Planning Committee will formally consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.
- 16.3 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee so that any lessons can be learned. The outcome of enforcement

cases and legal proceedings will also be reported regularly so that the Planning Committee is kept abreast of progress.

- 16.4 The Delegation Panel may from time to time review decisions made under officer delegated powers.

## Appendix 1

### Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

#### Who Can Speak

##### Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

##### Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

**The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.**

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

## Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application.

Applications for planning permission that are recommended for refusal will normally be delegated to officers to determine as per the approved scheme of Delegation. Applicants have a right of appeal so natural justice is maintained via their right to appeal to The Planning Inspectorate. Where a Local Member, however, has referred the application recommended for refusal to Committee, it is considered appropriate to allow the applicant or their agent the opportunity to address Committee to ensure the debate is balanced.

### **When is speaking permitted?**

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

### **Registering Requests to Speak**

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to [registertospeak@monmouthshire.gov.uk](mailto:registertospeak@monmouthshire.gov.uk). Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

**Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.**

The Council will maintain a list of persons wishing to speak at Planning Committee.



## **Content of the Speeches**

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

## **Procedure at the Planning Committee Meeting**

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to speak for a maximum of 5 minutes.
  - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
  - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
  - Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
  - The Chair or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
  - The Chair's decision is final.

- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.