



CYNGOR  
monmouthshire  
COUNTY COUNCIL  
*sir fynywy*

**PLANNING CODE OF PRACTICE**

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

**Planning Code of Practice**

**Contents**

|      |  |    |
|------|--|----|
| 1.0  | Introduction .....   | 3  |
| 2.0  | Elected Members .....  | 3  |
| 2.1  | Planning Committee Members .....   | 3  |
| 2.2  | Members of the Planning Committee who are also Members of<br>Community/Town Councils ..... | 4  |
| 2.3  | Local Ward Members who are not Members of Planning Committee .....                         | 4  |
| 2.4  | All Members .....  | 5  |
| 3.0  | Officers .....   | 5  |
| 4.0  | Operation of the Delegation System .....   | 6  |
| 5.0  | Discussions Before and During Applications and on Enforcement Matters .....                | 7  |
| 6.0  | Lobbying of Members of the Planning Committee .....  | 8  |
| 7.0  | Planning Applications Submitted by Members, Community/Town Councils &<br>Officers .....    | 8  |
| 8.0  | Planning Applications Submitted by the Council.....  | 9  |
| 9.0  | Officers' Reports to the Planning Committee.....   | 9  |
| 10.0 | Procedure at Planning Committee.....   | 10 |
| 11.0 | Planning Committee Site Inspections .....  | 11 |
| 12.0 | Planning Committee Decisions Contrary to Officer Recommendation.....                       | 11 |
| 13.0 | Appeals against Council Decisions.....   | 12 |
| 14.0 | Town and Community Councils.....   | 13 |
| 15.0 | Member Training .....  | 13 |
| 16.0 | Review of Decisions .....  | 13 |

**Monmouthshire County  
Council  
Cyngor Sir Fynwy**

**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 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 the planning system 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.
- 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.
- 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 (or 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 Chairman 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 email 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 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 – Communities & Place 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 of the Council. The local member in whose ward the application site is located can ask for any planning application to be referred to the Planning Committee for a decision rather than by officer delegated powers but must give material planning reasons for doing so. 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
  - 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
  - not be allocated a planning application to case manage if they are considered to have a personal interest in, or have a perceived personal interest in that application
  - 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 two members present at the Delegation Panel meeting.
- 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*'.

The Relevant Officers: Officer recommendations and decisions on delegated decisions can only be authorised by:

- Chief Officer – Communities & Place
  - Head of Placemaking, Housing, Highways and Flood
  - Head of Planning
  - Development Services Manager (DSM)
  - Heritage Manager
  - Development Management (DM) Area Manager
- 4.6 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. The DSM, DM Area Manager or where appropriate, the case officer shall present each application on the agenda to the Panel. The Panel Members may ask the officers questions for clarification. The Panel Members will then come to a view on the proposal and decide whether a) the application can be delegated to officers to determine as per the recommendation, or b) be referred to Planning Committee for determination.
  - 4.7 The meeting outcomes shall be delivered verbally at the meeting and the recording of this saved on the DM Team's IT system.
  - 4.8 Where the Council receives objections and officers recommend approval before an application is determined officers will:
    - Provide a copy of the officer evaluation to the Panel members, the local ward member and the local community or town council
    - The local member may attend the Panel but should contact the Chair and officers to agree and arrange this

- At the discretion of the Chair, the Panel may agree to meet an applicant and a third party on site where it is considered that certain planning issues warrant more detailed, direct discussion. This will, however, be the exception rather than the norm in that the officer report and presentation should normally be sufficient in setting out the planning issues and in coming to a balanced recommendation. If this circumstance applies, the applicant and third parties will be invited to make their views to the Panel Members separately before the Panel Members debate the proposal and make a decision

4.9 The Delegation Panel will also form a Design Panel 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 10 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.

## **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 or the Development Services 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 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 (see par.4.8 above). 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.

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.

## **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 Council Members 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 nine principles outlined in Paragraph 2.1 above and may wish to make a record of the discussion, but may also:

- i) Explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee/ by the Chief Officer
- ii) Explain the procedures by which representations can be made; that the public can speak at the Committee (subject to a number of conditions within the Public Speaking protocol 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
- iii) Explain the kinds of planning issues that the Council can take into account
- iv) Report issues raised to the Officers or direct the public to the Officers so that their views can be considered
- v) 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 they have been unreasonably or

excessively lobbied on a particular proposal they shall make a declaration at Planning Committee on that application that they have 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 Where a Planning Application is submitted by or on behalf of the following:
- a. an Officer of the Council who works within the Planning Department or who has an involvement in the Planning Application process (except in any instance where the application has been submitted in their capacity as an employee of the Council)
  - b. an elected or co-opted Member of the Council; or
  - c. c.by an individual who has a close personal relationship with either of the above; the application shall be considered by Planning Committee.
- 7.2 The Member that is affected shall declare an interest and take no part in the decision.
- 7.3 The Officer that is affected 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 administrative processes, including consultation, as all other applications with consideration being made in accordance with policy and any other material planning consideration.
- 8.3 The following applications will be considered under the Delegation Panel process:
- (i) where the application is by or on behalf of the Council and *there are no material planning objections to the proposed development*; and
  - (ii) the application is for development on Council-owned land or in which the Council has a direct interest and *there are no material planning objections to the proposed development*

Where any applications by or on behalf of the Council receive one or more material planning objections they shall be considered by Planning Committee.

- 8.4 Where a Member of Planning Committee has a Cabinet portfolio responsibility relating to an application, they 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 dispatched electronically to Members by close of business the day before Planning Committee meets. Late correspondence will be accepted for consideration up to a deadline of noon on the Friday before the Planning Committee after which it will not normally be taken into account unless it raises material planning or legal issues that have not already been considered in the officer report. "Received" means received by Planning Department staff at County Hall by post or electronically.
- 9.4 When applications are presented to Planning Committee the Council's Democratic Services Team will publish the agenda on the Council's web site five clear working days before the meeting itself. In addition, the Planning Department will publish the officer evaluation for each application that is on the agenda on the respective electronic application file before the committee meeting itself to enable these to be viewed by the public.

## **10.0 Procedure at Planning Committee**

- 10.1 The following procedure will be followed at Planning Committee:
- The Chairman will identify the application to be considered
  - An officer will present a brief summary of the application and issues with the recommendation
  - The Local Member, if not a member of Planning Committee will be invited to speak for a maximum of 4 minutes by the Chairman. The Local Member, at the discretion of the Chairman may be allowed to use their additional 2 minute summing up time at this point, if this is requested.
  - The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chairman
  - The Chairman 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.

- Time limits will normally be strictly adhered to although 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
  - Committee Members may then raise questions with officers
  - Planning Committee Members will then debate the application, commencing with the Local Member if a member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
  - Immediately before the application is put to the vote, the Local Member will be invited to sum up, speaking for no more than 2 minutes provided that they have not already used their 2 minute summing up time.
  - 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 or community or town council has spoken on an application, no further speaking by or on behalf of that group will generally be permitted in the event that the application is considered again at a future meeting of the committee, however regard will be had to special circumstances that may justify an exception. The final decision lies with the Chairman.
  - The Chairman's decision regarding a procedural matter 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 Chairman 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
  - Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application. Where Members attend remotely, they shall be on camera at all times during the consideration of the application to be eligible to vote.
  - Any Member who abstains from voting shall consider whether to give a reason for their abstention
  - The Legal 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 Chairman of 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 only reading the officer's report, listening to the officer presentation 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 the 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 Planning Committee will carry out the inspections with the local ward member being invited. The applicant (or agent) and objectors/supporters may attend but may only draw attention to matters of fact relating to the site, and at the Chairman's discretion. 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 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), they 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 an application against the officer recommendation the primary record of the debate are the minutes together with the recording of the livestream of the meeting. It is essential that Members' reasons are recorded and that the minutes of the meeting incorporate a full, clear and accurate 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 the Welsh Government's 'Development Management Manual Section 12 Annex: Awards of Costs'. Of particular relevance to this protocol is the following advice in par. 3.9:

*“Local 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 consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority.”*

### **13 Appeals against Council Decisions**

- 13.1 Officers will normally organise the administration of an appeal but in a case where there is a refusal of planning permission contrary to the officer recommendation and the appellant seeks an informal hearing or public inquiry Members will be expected to help formulate and to present the Council's case at the appeal. This is because under the Royal Town Planning Institute (RTPI) Code of Professional Practice planning officers who are members of the Institute must not make statements purporting to be their own, but which are contrary to their bona fide professional opinion. At a case determined by written representations a link to the live stream of the debate and the minutes will normally be sufficient to summarise the Council's case.
- 13.2 Once the appeal has been lodged then at the next available Planning Committee, individual Members will be nominated to represent the Council's case at the appeal. Other Members may attend to contribute or listen to the debate at the appeal hearing or inquiry. This is good practice in all appeals whether the decision was against officer advice or not. Members have an important role to play in appeals. The local ward member will be informed of the appeal. They 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 capacity as the local Councillor or representing the Council's case.
- 13.3 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 their professional views.

## **14 Community and Town Councils**

14.1 Officer reports will specifically address community and town council objections.

14.2 Community and town council clerks are notified by email when the agenda for Planning committee is published. It is the community or town council's responsibility to register to speak in cases where they wish to address committee Members.

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 Chairman and in accordance with the Protocol on Public Speaking.

14.5 Representatives will be expected to uphold the following principles:-

- To observe the National Code of Local Government Conduct, particularly in the context of declarable interests.
- Not to introduce information that is not a material planning consideration.

## **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 they agree 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 to Members, including the local Member, to keep them 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. The conventional protocol has been modified to allow public speaking via pre-recorded videos or to attend the meeting in person and address the Planning Committee.

Who Can Speak?

#### **Community and Town Councils**

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting. 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, at the date the Planning Committee agenda is published 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 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. This will also be via a pre-recorded video or in person at the Planning Committee meeting.

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.

Once the request to speak has been registered by the Council the speaker, if not attending in person, must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration.

If the third party does not wish to record a video, they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below. Speakers will also have the option to attend the meeting in person and addressing 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 issues about members or officers)
- Rights to views or devaluation of property.

#### Procedure at the Planning Committee Meeting

The procedure for dealing with public speaking is set out below:

- The Chairman will identify the application to be considered
- An officer will present a brief summary of the application and issues with the recommendation
- The Local Member, if not a member of Planning Committee will be invited to speak for a maximum of 4 minutes by the Chairman. The Local Member, at the discretion of the Chairman may be allowed to use their additional 2 minute summing up time at this point, if this is requested.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chairman
- The Chairman 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.
- Time limits will normally be strictly adhered to although 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
- Committee Members may then raise questions with officers
- Planning Committee Members will then debate the application, commencing with the Local Member if a member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Immediately before the application is put to the vote, the Local Member will be invited to sum up, speaking for no more than 2 minutes provided that they have not already used their 2 minute summing up time.
- 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 or community or town council has spoken on an application, no further speaking by or on behalf of that group will generally be permitted in the event that the application is considered again at a future meeting of the committee, however regard will be had to special circumstances that may justify an exception. The final decision lies with the Chairman.
- The Chairman's decision regarding a procedural matter 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 Chairman 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
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application. Where Members attend remotely, they shall be on camera at all times during the consideration of the application to be eligible to vote.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention
- The Legal Officer shall count the votes and announce the decision.