

**PLANNING COMMITTEE:**

**17 June 2020**

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**REPORT OF DIRECTOR OF GOVERNANCE & LEGAL SERVICES**

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**PLANNING COMMITTEE ARRANGEMENTS DURING COVID-19 RESPONSE PERIOD**

**Reason for this Report**

1. For the Council's Planning Committee to note the changes to its procedural arrangements during the period when normal business operations are disrupted due to government restrictions arising from the current COVID-19 pandemic.

**Background**

2. The UK government has introduced a range of personal isolation and social distancing measures in response to the COVID-19 pandemic. The application of these measures means that Members are unlikely to be able to physically attend meetings of the Committee for several months until the restrictions are lifted.
3. Under statutory powers granted in the Coronavirus Act 2020, the Welsh Ministers have issued Regulations (The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020). The Welsh Minister's written statement presenting the Regulations says 'Local authority meetings are unlikely to return to normal for some months and therefore Councils need flexibility to provide for urgent business relating to COVID-19.' The Regulations make temporary changes to the rules governing local authority meetings during the COVID-19 response period.

**Issues**

4. During the COVID-19 response period, it is important that the Local Planning Authority is able to safely make essential and time critical decisions.
5. The Regulations relax the existing rules for remote attendance (which require 30% to be physically present in the same room, under the Local Government (Wales) Measure 2011) and replace them with new rules. The new rules allow meetings of a local authority to be held remotely using any equipment or facility

which allows Members to speak to, and be heard by, each other (whether or not Members can also see each other). The new rules on remote attendance apply to any meetings of the local authority including Planning Committees held before 1st May 2021.

6. Whilst the legislative framework for remote meetings is in place, the Information Note set out in the Appendix 1 has been produced in order to communicate to the public and any interested parties, the temporary arrangements for the procedure of virtual Planning Committees at Cardiff Council.
7. Officers have considered the Committee's requirements which will be kept under review as technical solutions are continually developing in order to enable the Planning Committee to determine planning applications to allow developments to proceed without undue delay as well as arrangements to manage public participation in a remote meeting.

### **Legal Implications**

8. Legal implications arising from the Local Authorities (Coronavirus) (Meetings)(Wales) Regulations 2020 are set out in the body of the report.
9. The Council has public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.
10. The Council must also be mindful of its Welsh language duties, under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its decisions upon the Welsh language.
11. The Wellbeing of Future Generations (Wales) Act 2015 requires the Council to consider how its proposed decisions will contribute towards meeting the wellbeing objectives set out in the Corporate Plan. Members must also be satisfied that the proposed decisions comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **RECOMMENDATION**

Planning Committee is recommended to note changes to its procedural arrangements during the period when normal business operations are disrupted due to government restrictions arising from the current COVID-19 pandemic as set out in the Appendix to this report .

**DAVINA FIORE**  
**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND**  
**MONITORING OFFICER**

17<sup>th</sup> June 2020

## APPENDIX

### CARDIFF COUNCIL VIRTUAL PLANNING COMMITTEE MEETINGS INFORMATION NOTE

#### 1. BACKGROUND

- 1.1 The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (“the Committee Regulations”) came into force on 22 April 2020. The Regulations make temporary provision for the conduct of local authority meetings and for public and press access to these meetings during the COVID-19 pandemic.
- 1.2 The Committee Regulations enable local authorities to conduct meetings on the basis of remote attendance and removes the requirement that meetings must be held in public.
- 1.3 The Committee Regulations set out a detailed procedure for the electronic publishing of material relating to meetings to achieve a level of public accountability.
- 1.4 This document has been prepared to communicate the temporary arrangements for the format and to assist the public and any other interested parties in the participation of virtual Planning Committees at Cardiff Council as a consequence of the Coronavirus outbreak.

#### 2. PROCEDURE AT VIRTUAL PLANNING COMMITTEE

- 2.1 Although members of the public are unable to physically attend Planning Committee Meetings held at the Council’s premises during the Lockdown restrictions members of the public and press can view the proceedings at Planning Committee held in a virtual format, via the webcast on the Council’s website- [www.cardiff.gov.uk](http://www.cardiff.gov.uk) . Except during any times when the Committee may resolve to exclude the public for the discussion of exempt / confidential information, under the Access to Information Procedure Rules, during which time the live webcast will be suspended.
- 2.2 Planning Committee Meetings will follow the standard procedure including the order and priority of speakers and the content and length of speeches in the normal way with the following changes to the principal stages set out in the Council’s Planning Committee procedure rules available on the Council’s website- [www.cardiff.gov.uk](http://www.cardiff.gov.uk) .

2.3 The current Planning Committee rules (Rule 2) state the committee will meet once every 4 weeks, (with provision for extraordinary meetings to be called by the Chair). It is currently envisaged to retain the existing provision with meetings once every 4 weeks. Once the date for a meeting has been set, an electronic appointment will be sent to all relevant parties. The relevant parties will be requested to provide a suitable email address and test their access to a Teams meeting in advance of the virtual Planning Committee meeting. The appointment for Committee Members and Officers will include a link to access the virtual meeting as well as guidance on the use of the technology involved. An agenda setting out the items for the meeting will be published on the Council's website – [www.cardiff.gov.uk](http://www.cardiff.gov.uk) in the normal way.

2.4 The attendance of Members at the meeting will be recorded by the Committee Clerk. The normal quorum requirements for meetings as set out in the Committee's procedure rules will also apply to a remote meeting. The prohibition of Substitution for members on Planning Committee is suspended until 30<sup>th</sup> April 2021. This means that substitution of members to attend planning committee and its sub-committees is temporarily permitted. The procedure to be followed is set out in the Council's adopted Appointment of Substitute Members Procedure Rule.

2.5 If a Member wishes to speak during the debate on an item are requested to type 'Speak' into to chat to indicate that they wish to speak.

2.6 If a connection to a Member is lost during a meeting of the Planning Committee and the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion, as they would not have heard all the facts.

2.7 Any Member participating in a remote meeting who declares a disclosable prejudicial interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting by switching off their camera and microphone. The Elected Member will not be permitted to communicate with the remote meeting until the item is concluded and are invited back into the meeting using the chat facility

2.8 The Clerk will clarify with the committee how the vote will be undertaken and administer the vote accordingly. The current Planning Committee rules (Rule 11.3) say the Chair is to decide the appropriate method of voting (show of hand / electronic system / affirmation of the meeting). The preferred option is a Roll Call vote and the Committee Clerk will announce the decision of the Committee.

### **3. LATE REPRESENTATIONS**

3.1 In view of the Lockdown restrictions Late representations received electronically by Planning Services at [SupportServices@cardiff.gov.uk](mailto:SupportServices@cardiff.gov.uk) at least 24 hours

prior to the scheduled start of the meeting may be made to the Council in accordance with the details published in the agenda on the Council's website. **Comments made after this deadline cannot be considered. Furthermore, given the challenges posed by the current remote working arrangements, the submission of any Late representations are strongly encouraged well ahead of this deadline so that matters raised can be responded to and shared with Members of Committee before the Meeting.**

#### **4. RIGHT OF PETITIONERS TO ADDRESS COMMITTEE AND APPLICANTS RIGHT TO RESPOND**

4.1 Any reference in Planning Committee procedure rule 14.2 to 'petition' is clarified to include electronic petitions. The email address if accepted as the signature will be redacted on the Council's website.

Therefore when a petition specifies the name, electronic and postal address of not less than fifty Cardiff electors, a substantial proportion of whom could reasonably be expected to be affected by the matter to which the petition relates, one person from amongst those electronically signing the petition in the manner specified above may remotely address the virtual committee to which the petition has been referred on the subject matter of the petition for up to three minutes.

4.2 Planning Committee Rule 14.2(c) states 'Any petition presented direct to a committee shall be delivered to the relevant Chief Officer at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.'

4.3 In view of the Lockdown restrictions petitioners are requested to deliver the petition electronically to the following email address [SupportServices@cardiff.gov.uk](mailto:SupportServices@cardiff.gov.uk) at least seven clear days prior to the date of the meeting of the virtual committee at which it is to be presented. In any case where the petitioners object to a planning application, the applicant will also be given an opportunity to be remotely heard. If a petitioner or applicant wishes to address the meeting in Welsh they are requested to notify the Council at [SupportServices@cardiff.gov.uk](mailto:SupportServices@cardiff.gov.uk) 72 hours in advance of the meeting.

4.4. To cover the eventuality that the Petitioner and/or Applicant cannot access the virtual Planning Committee or their connection to the meeting is lost or interrupted, the Petitioner and Applicant are requested to provide both their telephone number and a written statement of their speech and the time taken to read such a length of wording is around three minutes (which equates to approximately 350 words or a single side of A4) **no later than 4pm the Monday before the virtual Planning Committee**. In the event that the Petitioner and/or Applicant cannot access the virtual Planning Committee remotely or by telephone or their connection to the meeting is lost or interrupted and the connection cannot be restored within a reasonable time, the written statement will be read out by an

officer during the meeting. An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements

- 4.5 Once the Petitioner and Applicant have been accepted into the meeting and have started making their speeches, after three minutes of speaking, remote video or telephone connection will be terminated.

## **5. GENERAL DISTURBANCE**

- 5.1 In the event of inappropriate infiltration or general disturbance by a member of the public which interrupts or disrupts proceedings the Chair may choose to temporarily adjourn the live meeting until the third party can be exited from the broadcast. In this event, the Chair will reintroduce the meeting from the point it was interrupted and it will continue thereafter.

## **6. SITE VISITS**

- 6.1 The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (“Coronavirus Regulations”) prohibit people from leaving or remaining away from the place where they live without reasonable excuse. Sometimes Members of the Planning Committee need to visit a site to help them make a decision on a planning application.

In many cases, the purpose of the site visit can be achieved remotely by other means to avoid the need for a site visit. This can include the use of video conference applications, satellite imagery, photographs and video of the site or a remote site visit using video conferencing technology to obtain the required information.

- 6.2 Members are reminded that under current Lockdown arrangements it would not be possible to undertake site visits safely. With this in mind, officers are able to provide an overview of the site for each application presented utilising maps, aerial photography, and fly-through’s using Google Streetview. In this way it is hoped that Committee business can continue to be progressed whilst still ensuring a thorough understanding of proposals and the site context.

## **7. GENERAL**

- 7.1 This information note contains temporary arrangements made in response to the COVID-19 crisis and is subject to ongoing review with a view to amending the Council’s Planning Committee rules in due course.

- 7.2 Members of the public may access minutes, decision and other relevant documents through the Council’s website [www.cardiff.gov.uk](http://www.cardiff.gov.uk)