

## **PART 4 – RULES OF PROCEDURE**

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### **PLANNING COMMITTEE PROCEDURE RULES**

#### **1 ESTABLISHMENT OF PLANNING COMMITTEE AND ALLOCATION OF SEATS**

##### **1.1 Establishment**

The establishment, terms of reference and allocation of seats for the Planning Committee will be determined by the Council in accordance with the Council Meeting Procedure Rules.

##### **1.1A Size and Composition**

The planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number).<sup>1</sup>

##### **1.1B Substitute Members**

The use of substitute members in the absence of appointed members on the Planning Committee is prohibited.

##### **1.2 Chair and Deputy Chair**

The chair and deputy chair of the Planning Committee shall be elected by the Council in accordance with the Council Procedure Rules.

##### **1.3 Period of office**

The period of office of the chair, deputy chair and members of the Planning Committee will continue until the first meeting following the Annual Meeting of the Council in any year when no Council elections are held. In a year when Council elections are held the period of office will end on the day of the election.

#### **2 ORDINARY MEETINGS**

Ordinary meetings of the Planning Committee will take place every 4 weeks, subject to bank holiday provision, in accordance with a calendar of committee meetings approved at the Council's Annual Meeting. Ordinary meetings of the Planning Committee will (as may be appropriate):-

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<sup>1</sup> Except in the case of a local authority which is comprised solely of multiple member wards, only one Member from a multiple member ward may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests (Regulation 6 of the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017). As Cardiff is currently comprised solely of multiple member wards, this rule is not currently applicable to Cardiff.

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any petitions and where these Procedure Rules allow hear the address on behalf of any petitioners and any response;
- (d) receive any announcements from the chair;
- (e) deal with any business from the last meeting of the committee;
- (f) put questions to the chair or relevant employees of the Council where appropriate on items of business before the committee and to receive responses;
- (g) consider requests from members of the committee for items of business to be considered;
- (h) consider any other business specified in the agenda of the meeting including 'late representations' relating to planning applications which have been received at least 24 hours prior to the scheduled start of the meeting; and
- (i) such other matter or matters which the chair has certified as being urgent.

### **3 ADDITIONAL (EXTRAORDINARY) MEETINGS**

#### **3.1 Calling additional (extraordinary) meetings**

- (a) Those listed below may request the proper officer to call an additional meeting of the committee in addition to ordinary meetings:-
  - (i) the Council by resolution;
  - (ii) the chair of the committee;
  - (iii) the Chief Executive;
  - (iv) the Monitoring Officer;
  - (v) one half of the membership of the committee if they have signed a requisition and presented it to the proper officer.
- (b) Any request presented in accordance with this Rule must be in writing, specify the business to be transacted at the meeting and be accompanied by a copy of any report for the meeting.

#### **3.2 Business**

Any meeting called in addition to ordinary meetings pursuant to Rule 3.1 will:-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) consider the item or items of business specified in the request; and
- (c) such other matter or matters which the Chairperson has certified as being urgent.

## **4 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the agenda.

The place of a meeting shall include the provision enabling meetings to be attended remotely by persons who are not in the same physical place, in accordance with the Council's Multi-Location Meetings Policy.

## **5 NOTICE OF AND AGENDA TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the proper officer will send a summons (notice of meeting) signed by him or her by mail to every member of the committee or leave it at their usual place of residence or at a place nominated by the member. The agenda will give the date, time and place of each meeting, including details of how the meeting may be accessed remotely by persons who are not in the same physical place, and specify the business to be transacted, and will be accompanied by such reports as are available.

## **6 CHAIR OF MEETING**

### **6.1 Chair of the meeting**

The chair of the committee will chair a meeting of the committee and in his or her absence the meeting will be chaired by the deputy chair of the committee (if any). In the absence of the chair and the deputy chair of the committee, the committee will choose a chair to chair the committee. The person presiding at the meeting may exercise any power or duty of the chair.

### **6.2 Conduct of the meeting by the chair**

The chair shall conduct the meeting to secure a proper, full and effective debate of business items particularly where a decision is required.

Those wishing to speak on each planning application will do so in the following order:

- (a) Officers to present any issues not included in the Committee report, such as issues on the late representation sheet (3 mins);
- (b) petitioner (if applicable) to speak to any petition of objection (3 mins);
- (c) applicant (if applicable) to exercise right of response to petition (3 mins)
- (d) Members (if present) representing the Ward in which the application is located (5 mins each);
- (e) Members (if present) who do not represent the Ward in which the application is located, subject to such Members formally requesting the Chair, in writing, in advance of the meeting with details of the reasons for the request to speak (5 mins each);
- (f) Planning Committee Members to debate and decide on applications

unless the Chair considers that more time is required (15 mins).

## **7 QUORUM**

The quorum of a meeting will be one half of the whole number of members (rounded up to the nearest whole number). If fewer than the quorum attend the meeting or if during any meeting the chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8 MOTIONS WHICH MAY BE CONSIDERED**

The following motions may be moved provided that they relate to an item of business on the agenda, concern a matter within the terms of reference of the committee and will not purport to exceed the powers delegated to the committee:-

- (a) to appoint a chair of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (e) to appoint a sub committee of the committee arising from an item on the agenda for the meeting subject to statutory constraints;
- (f) to receive reports and/or to adopt recommendations of committees or officers;
- (g) to receive reports and/or to adopt recommendations of the Cabinet;
- (h) to delegate powers to an officer of the Council or a sub-committee subject to the constraints in this Constitution and of law;
- (i) to propose a resolution which differs from that recommended in a report;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (o) to not hear further a member named under Rule 15.3 or to exclude him or her from the meeting under Rule 15.4.

## **9 RULES OF DEBATE**

### **9.1 Content of speeches/debate**

Speeches, discussion and questions must be directed to the matter under discussion or to a personal explanation or point of order. The period allowed for any speech and the number of times a member may be allowed to speak will be determined by the chair subject to the obligation on him or her under Rule 6.2.

## **9.2 Point of order**

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Meeting Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

## **9.3 Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech or comment by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

## **9.4 Declarations of interest**

A member may at any time declare a personal interest under the Code of Conduct and when a member indicates that he/she wishes to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

# **10 PREVIOUS DECISIONS AND MOTIONS**

## **10.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of the committee within the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

## **10.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

# **11 VOTING**

## **11.1 Majority**

Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present at the time the question was put.

## **11.2 Chair's casting vote**

If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses

to exercise a casting vote.

### **11.3 Show of hands/Electronic Voting**

The chair will take the vote by show of hands or by use of an electronic voting system if available, whichever the chair decides, or if there is no dissent, by the affirmation of the meeting.

### **11.4 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **12 MINUTES**

### **12.1 Signing the minutes**

The chair will sign the minutes of the proceedings of the committee at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **12.2 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the chair put them but otherwise the form of the minutes will be a matter for the proper officer.

## **13 ATTENDANCE**

13.1 Members will be regarded as present at a meeting where they attend that meeting either physically at the place specified on the meeting agenda or by remote means, which enables persons who are not in the same place to speak to and be heard by each other.

13.2 All Councillors present during the whole or part of a meeting must accurately record their attendance on the record of attendance provided for that purpose.

13.3 Any Members attending the meeting remotely will have their attendance recorded electronically via the meeting software, and must leave the meeting if they will not be present for any extended period of time during the meeting.

## **14 MEMBERS OF THE PUBLIC**

### **14.1 Exclusion of members of the public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule 16 (Disturbance by

Public).

#### 14.2 **Right of Petitioners to address committee**

- (a) Subject to compliance with the Council's Petition Scheme and this Rule 14.2, when a Petition (including an electronic petition) is submitted, with signatories numbering 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 signing the petition ('the Lead Petitioner') may address the Planning Committee to which the Petition has been referred on the subject matter of the Petition for up to three minutes.
- (b) In any case where the petitioners object to a planning application, the applicant will also be given an opportunity to be heard.
- (c) Any Petition presented to the Planning Committee must be submitted to the Local Planning Authority either by email, post or hand delivery, in accordance with the Petition Scheme, by 5.00pm, 7 working days before date of the meeting at which it is to be presented, and must include:
  - i. The name and contact details for the Lead Petitioner;
  - ii. The subject matter and specific request of the Petition and reference to planning issues that may be relevant to the planning decision;
  - iii. The name and postal address (including postcode) of each Petition signatory;
  - iv. The reference number of the planning application to be determined by the Local Planning Authority; and
  - v. The total number of signatories to the Petition.
- (d) Each and every signatory to the Petition, including the Lead Petitioner, must be an individual who lives, works or studies within the City and County of Cardiff.
- (e) The receipt of a Petition will be acknowledged by the Head of Planning within 5 working days. Provided the Petition meets all criteria set under this Rule 14.2 and the Petition Scheme, the Lead Petitioner will be invited to present the Petition at the Planning Committee meeting and the applicant will be notified and invited to attend the Planning Committee if the applicant so wishes.
- (f) In the event that more than one Petition is received, which meets all criteria set under this Rule 14.2 and the Petition Scheme, in relation to the same planning application and seeking a similar outcome, only one Lead Petitioner will be permitted to present the Petition to Planning Committee. Democratic Services officers will notify each Lead Petitioner and ask them to liaise with each other to consider amalgamating the Petitions and agree which Lead Petitioner will present the Petition to Planning Committee. In the absence of such agreement, the Head of

Planning, in consultation with the Chair of Planning Committee, may determine at his/her discretion how many petitioners should be afforded speaking rights.

- (g) When a petitioner has been heard by the Planning Committee under this Procedure Rule, no further Petition on the same item and seeking a similar outcome shall be considered and no further address shall be heard on that item, within six months of the Committee meeting at which the Petition was first considered or the petitioner heard.
- (h) A petition comprised of less than 50 signatories or which does not meet all criteria set under this Rule 14.2 and the Petition Scheme shall be granted no speaking rights at Planning Committee. However, a response to any relevant planning grounds will be provided with the Planning Committee report or as part of the late representations to Planning Committee, and such report will be available for public inspection on the Council's planning register following determination of the application. No further response will be provided.

## **15 MEMBERS' CONDUCT**

### **15.1 Members wishing to speak**

When a member speaks at a committee he or she must address the meeting through the chair. If more than one member speaks, the chair will ask one to speak and the others must remain silent until invited to speak unless he or she wishes to make a point of order or a point of personal explanation or to declare an interest.

### **15.2 Chair seeking order**

When the chair asks for order the meeting must be silent.

### **15.3 Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named member may not discuss or debate any further business whilst it is transacted at the meeting.

### **15.4 Member to leave the meeting**

If the member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named member must leave the meeting forthwith.



## **15.5 General disturbance**

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

## **16 DISTURBANCE BY PUBLIC**

### **16.1 Removal of member of the public**

If a member of the public interrupts or disrupts proceedings of a committee, the chair will warn the person concerned. If they continue to interrupt or causes disruption, the chair will order their removal from the meeting.

### **16.2 Clearance of part of meeting room**

If there is a general disturbance in any part of meeting room open to the public, the chair may call for that part to be cleared.

## **17 COUNCILLORS ATTENDING PLANNING COMMITTEES OF WHICH THEY ARE NOT MEMBERS**

A Member, who is not a member of the Planning Committee, may attend a Planning Committee meeting and with the permission of the Chair may speak but may not vote subject to the following:

- (a) where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct; or
- (b) where the Director of Governance and Legal Services or his/her representative advises that as a matter of law non-members of a committee should withdraw.

## **18 ELECTRONIC BROADCAST AND PROCEEDINGS OF COMMITTEES**

- (a) Planning Committee meetings shall be webcast by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution).
- (b) Other filming, recording and use of social media is permitted during Planning Committee meetings, provided that:
  - (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;

- (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
  - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.
- (c) Use of social media by members of the Committee is not permitted during the meeting.

## **19 SUSPENSION OF COMMITTEE PROCEDURE RULES**

All or any of these Committee Rules of Procedure except Rule 11.4 may be suspended by motion on notice or without notice if at least one half of the whole number of the Councillors are present. Suspension can only be for the duration of the meeting.

## **20 MEMBER DEVELOPMENT TRAINING**

All Members of the County Council are expected to undertake a basic level of training on planning matters in their role as local Members. Specific training will be provided to the Chair, Deputy Chair and members of the Planning Committee as part of the Member Development Programme.