

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

04 May 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Decision

1 CONSTITUTIONAL AMENDMENTS: PUBLIC SPEAKING AT PLANNING COMMITTEES (SOCIAL DISTANCING)

1.1 Background

- 1.1.1 On 27th April an extraordinary meeting of Cabinet considered the recommendations of the Overview and Scrutiny Committee for the safe return of face-to-face meetings in the Council Chamber, subject to measures to ensure social distancing can be maintained and meetings conducted in a Covid-secure manner. As the publication of the agenda for Council pre-dates the Overview and Scrutiny and extraordinary Cabinet meetings, a verbal update will be provided on any points raised at those meetings.
- 1.1.2 As part of the proposals, and until social distancing requirements are lifted, the numbers of participants in meetings of the Council, Cabinet, Committees, Panels and Boards needs to be restricted. Consequently, there will be a strict limit on public participants physically attending planning committees (whether to speak or otherwise). To give effect to those proposals, a number of minor, temporary, changes are required to the Protocol on Public Speaking at Planning Committees as set out at Annex 1, Part 4 of the Constitution. These are set out at **Annex 1** to this report.
- 1.1.3 Broadly, these changes are to strongly encourage public participation to take place remotely wherever possible, and set out how the (maximum) 10 members of the public physically attending will be allocated a space, the terms under which they will be admitted to the Council building, and the procedure for enabling them to address the committee. It should be noted that this limit is *not* a limit on the number of public speakers in total – the preference in every case will be that members of the public address the committee remotely. The 10 person *physical attendance* limit is to ensure that the Council is able to comply with relevant social distancing requirements. The proposed changes will only remain in force until the relevant Coronavirus legislation is repealed or expires.

1.2 Legal Implications

- 1.2.1 Under the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 the Council is permitted to hold gatherings which are reasonably necessary for “*meeting a requirement for a particular area of work*”. However, such gatherings must still be carried out in a Covid-secure manner. The Council also has responsibilities under health & safety legislation to provide a safe place of work which must also be safe for visitors.
- 1.2.2 Additionally, under the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, the Council is required to collect and retain certain details of any person attending the Council premises for contact tracing purposes.

1.3 Financial and Value for Money Considerations

- 1.3.1 nil

1.4 Risk Assessment

- 1.4.1 A detailed risk assessment has been carried out and reported the Overview & Scrutiny Committee and Cabinet. The matters set out in that risk assessment are considered to properly address requirements both under the Coronavirus legislation and guidance, and health and safety legislation.

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Policy Considerations

- 1.6.1 Community
- 1.6.2 Health and Safety

1.7 Recommendations

- 1.7.1 That the proposed temporary amendments to the Protocol on Public Speaking at Planning Committees be **APPROVED**.

Background papers:

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Nil

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