

TONBRIDGE AND MALLING BOROUGH COUNCIL

CONSTITUTION

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Part 4: Rules for Public Speaking – Supplement 2

1.	Rules for Public Speaking in respect of Planning Applications. Amended to reflect coronavirus restrictions relation to social distancing.	3 - 6
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Adopted by Council: 04 May 2021

The Director of Central Services and Monitoring Officer is responsible for ensuring that the Constitution is kept up to date.

As part of the Council's environmental strategy, the Constitution is produced with recycled paper and available to view on line.

**TEMPORARY RULES FOR PUBLIC SPEAKING IN RESPECT OF
PLANNING APPLICATIONS DURING THE CORONAVIRUS OUTBREAK**

1.	Application of Rules
1.1	<p>These rules shall apply until the Coronavirus Act 2020 and all associated Regulations and restrictions therein are revoked or expire.</p> <p>These rules apply to the consideration of planning and allied applications that may be determined by the Borough Council where the application is to be determined by an Area Planning Committee (or by Council in accordance with Council and Committee Procedure Rule 15.23 or 15.24), but do not apply to applications where the Council is a consultee and not the determining authority.</p>
1.2	The right to speak does NOT apply to reports relating solely to enforcement matters or any other business of the Area Planning Committees than that in 1.1 above.
2.	Procedure before Committee
2.1	<p>Where these rules apply, any member of the public wishing to address the committee (including applicants, their agents, parish council representatives and local residents are strongly encouraged to participate remotely wherever possible. Until social distancing restrictions are lifted there will be a strict limitation placed upon the number of people admitted to the Council buildings for the purposes of attending committees.</p> <p>The Applicant's Acknowledgement Letter will indicate that, in the event that the matter is to be determined by a Committee, members of the public will be given an opportunity to speak at the Committee.</p>
2.2	Once the Director of Planning, Housing & Environmental Health has determined that an application will be determined by a Committee, the applicant will be sent written notification stating the date, time and manner of accessing the Committee's meeting.
2.3	The Neighbours' Consultation Letter will state that, in the event that the matter is to be determined by a Committee, members of the public or a representative of the relevant Parish Council will be given an opportunity to speak if they have made a written representation.
2.4	Anyone who has made a written representation on an application, and the applicant/their agents, must notify the Council in advance that they wish to take advantage of the opportunity to speak at Committee.

	<p>Anyone who wishes to do so must register with the Democratic Services Officer contact as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbc.gov.uk</p> <p>Anyone seeking to register to speak after this time will be refused.</p> <p>When registering to speak, every participant must indicate whether they can attend remotely. If a person is able to attend remotely, they <i>must not attend the council premises</i>.</p> <p>Any person indicating a wish to attend in person because they are unable to attend remotely will need to provide their contact details which will be retained and used by the Council for the purposes of contact tracing.</p> <p>No more than 10 members of the public will be admitted onto council premises for the purposes of attending the committee, and these will be allocated on a “first come-first served” basis to people registering to speak and who are genuinely unable to attend remotely. These people will be notified in advance of the meeting. If there is more than one application being considered by the planning committee and if necessary, the 10 spaces will be divided between applications.</p> <p>Careful consideration should be given to appointing a single spokesperson to address the Committee in person on each application.</p>
2.5	<p>A person wishing to address committee but who does not wish to appear “live” at the meeting may either provide a video or audio recording of their statement (limited to 3 minutes), no later than 5.00pm on the closest working day prior to the day of the meeting.</p> <p>The statement, whether presented live or pre-recorded must not be accompanied by any additional material (such as photographs or power point presentations). “Screen sharing” by speakers will not be permitted. Any statement which contravenes this rule will not be accepted.</p> <p>Anyone wishing to address the committee is encouraged to provide a written copy of their statement, which may be read out in the event of a technical issue preventing the person connecting to the meeting or the pre-recorded statement being played.</p> <p>Whether or not written statements will be read out is at the discretion of the Chairman of the committee.</p>

2.6	<p>Where a recorded statement is being provided, the representor is encouraged to state their postal address at the beginning of their statement for the committee's reference.</p> <p>Potential speakers are encouraged to indicate (for the purposes of the Data Protection Act 2018 and/or any other relevant data protection legislation) if they agree to their contact details being shared with other representors to enable them to get in contact with each other and to encourage them to select a single spokesperson.</p>
3.	Procedure at Committee
3.1	<p>Anyone attending the Council premises will be asked to confirm that they have not tested positive for Covid-19 in the past 24 hours.</p> <p>Anyone with any symptoms of coronavirus must not attend the premises.</p> <p>Face coverings must be worn at all times when inside the building except when you are addressing the committee.</p> <p>Public speakers will be asked to register with the relevant officer on the premises so that they may record the date and time of entry. If you have not been notified that you are permitted to attend the premises for the meeting, you must not do so. Anyone seeking admission who has not been informed that they are permitted to attend will not be admitted.</p> <p>In the introduction to the meeting the Chairman will explain the composition of the virtual "top table". The Chairman will also explain the need for speakers to only deal with planning matters and the need to guard against making defamatory statements. The Chairman will remind speakers that their face and voice may appear on the live stream, and the archived recording of the meeting</p>
3.2	<p>The Chairman will indicate the order in which items of business is to be dealt with, this will ordinarily be as on the Agenda, but is at the absolute discretion of the Chairman (on advice of officers where needed).</p>
3.3	<p>The Chairman will explain the speaking time limitations. Each speaker will be limited to 3 minutes for each application. Where there is more than one application for a site, for example an application for planning permission and listed building consent, the time allowed will be limited to 3 minutes for each application i.e. 6 minutes in total.</p>
3.4	<p>Where the Chairman has suggested at the Chairman's briefing that an initial officer presentation is required, that presentation will be the first step in consideration of the Committee item and will occur before the speakers are invited to speak.</p>

3.5	<p>The speakers shall be taken in the following order:</p> <p>The representative of the relevant Parish (where they have registered in advance to speak);</p> <p>Individual speakers will then be invited to come forward by the Chairman, by name.</p> <p>Any pre-recorded statements shall then be played (or written statement read out where technical issues have prevented the statement from being played);</p> <p>Finally, the applicant and/or their agent will then have an opportunity to address the committee where they have registered to do so in advance.</p> <p>Where any written statement or pre-recorded statement exceeds 3 minutes, only the first 3 minutes shall be read or played.</p> <p>Speakers physically present at the Gibson Building will be asked to wait in the Committee Room, they will be escorted individually into the Council Chamber when it is their turn to speak and escorted back to the Committee Room once their address to the committee is completed.</p>
3.6	Committee Members will not be able to question speakers on any matter
3.7	At the conclusion of their presentation, the speaker will be asked to turn off their video feed and mute their microphone.
3.8	<p>At the conclusion of the public speaking, the Chairman will invite members of the public to leave the “Teams” meeting and watch the debate on the live stream to save bandwidth. Members will then debate the application. The members will indicate their wish to address the meeting through the virtual meeting platform and the Chairman will invite each member to speak in turn.</p> <p>All other microphones will be muted and video feeds switched off.</p>
3.9	After Members have debated the item, Officers will answer questions, summarise the debate or clarify points, including any matters arising from the points raised by speakers, and to give any necessary professional advice before Members reach their decision.
3.10	If the case is deferred for a site inspection or for a further report speakers will be permitted to speak again at a subsequent meeting.