



## **THE VALE OF GLAMORGAN COUNCIL**

### **PUBLIC RIGHTS OF WAY SUB-COMMITTEE - PROCEDURE**

**This procedure has been issued in response to the Coronavirus (COVID-19) pandemic and regulations. It applies to the process around the procedure for Public Rights of Way Sub-Committee meetings. The content is also based on guidance issued by the Welsh Government.**

**Issued: January 2022**

**N.B. This Procedure is in addition to the Council's Procedure Rules as contained within the Council's Constitution, to the Remote Meeting Procedures agreed under the use of the Managing Director's Emergency Powers in 2020 and the procedure relating to Attendance at Local Authority Meetings April 21.**

**FOR FURTHER INFORMATION PLEASE CONTACT:  
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## **INTRODUCTION**

The Public Rights of Way Sub-Committee is a sub-committee to the Council's Planning Committee.

The Coronavirus (Meetings) (Wales) Regulations 2020 meant that measures had to be put in place for the determination of public rights of way applications which could not be dealt with under the Scheme of Delegation to Officers and were not deemed appropriate to be dealt with pursuant to the Managing Director's Emergency Powers.

The provisions of the 2020 Meeting Regulations ended on 30th April, 2021 and were replaced by new provisions for Local Authority meetings made under the Local Government and Elections (Wales) Act 2021 (LG&E (Wales) Act 2021), some of which were to take effect from 1st May, 2021 and others May 2022.

What these mean for the Public Rights of Way Sub-Committee is that they may decide to hold a meeting using remote access provided:

- All parties can fully present their case;
- Each person participating has access to an electronic device to permit them to hear and be heard, and where possible use a live video link to also see and be seen.

Current regulations relax some of the current requirements however the Council will continue to maintain its obligations around natural justice and procedural fairness.

There will be occasions when applicants or objectors, or both, may wish to make verbal representations to the Public Rights of Way Sub-Committee.

### **OBJECTIVES OF THE PUBLIC RIGHTS OF WAY PROCESS DURING THE CORONAVIRUS (COVID-19) OUTBREAK**

The Public Rights of Way Sub-Committee, is able to:

- 1) To consider and determine under delegated powers applications for Footpath Orders made under Sections 25, 26, 118 and 119 of the Highways Act 1980 and Orders made under Sections 53(3)(b), 53(3)(c) and 54 of the Wildlife and Countryside Act 1981 in respect of modifications of the Definitive Map.
- (2) To consider and determine under delegated powers applications for Footpath and Bridleway Orders affected by development under Section 257 of the Town and Country Planning Act 1990 where opposition which has been raised as a result of pre-order consultation remains unresolved.

### **Public Rights of Way Sub-Committee Membership:**

The Public Rights of Way Sub-Committee is made up of 5 members who sit on the Council's Planning Committee.

Membership is in accordance with the requirements of the Local Government and Housing Act 1989, which require the Council, as far as is practicable, to reflect in the allocation of seats across all Committees the overall representation of each Political Group on the Council. **Membership of the Public Rights of Way Sub-Committee was determined at the Annual Meeting held on 10<sup>th</sup> May 2021 and the Planning Committee on 1<sup>st</sup> September 2021.**

**Current Membership for the 2021/22 Municipal Year (ending 22<sup>nd</sup> May 2022) is:**

**Conservative Group - Councillors C.A. Cave and V.P. Driscoll**

**Labour Group - Councillor P. Drake**

**Vale Independent Group - Councillor J.C. Bird**

At the Annual Meeting on 10th May 2021, and following the 'political balance' calculation, for the Public Rights of Way (PROW) Sub-Committee there was an equal entitlement to one seat to either the Plaid Cymru Group or Llantwit Major First Independents. Both Group Leaders had confirmed that they did not wish to take up the seat on the PROW Sub-Committee and consequently there would be a vacant seat unfilled.

Please note that the quorum for a meeting of the Public Rights of Way Sub-Committee remains as three members.

The Officer responsible for supporting the Public Rights of Way Sub-Committee is:

- Stephen Pickering – Team Leader, Countryside Services, Regeneration and Planning (Based at The Docks Office) (01446) 704110  
[SPPickering@valeofglamorgan.gov.uk](mailto:SPPickering@valeofglamorgan.gov.uk)

### **Role of the Democratic Services Officer to the Public Rights of Way Sub-Committee meeting.**

Each Public Rights of Way Sub-Committee meeting has the services of a **Democratic Services Officer**, whose responsibility it is to ensure that all administrative arrangements for the meeting are made including minute taking, and that they are undertaken in accordance with the regulations and to offer advice on procedure. There are no changes to the current role or responsibilities under this procedure. **(Please note that, with an increased demand to hold meetings remotely, a second Democratic Officer may also be deployed in order to assist with the technical requirements of the meeting).**

## **Notice of Meeting/Agenda send out**

Public Rights of Way Sub-Committee Meetings are usually held on a Thursday starting at 10am.

Agendas and reports for the meetings will usually be despatched within **five working days**, prior to the meeting. The agenda/notice of meeting is also uploaded to the Vale of Glamorgan website at the same time where possible.

All agendas which are subject to Access to Information legislation are translated into Welsh.

## **Site Visits**

Any site visits, if agreed, will be undertaken in line with Welsh Government guidance. Given this guidance is for the duration of the pandemic site visits are to be avoided given the current circumstances and that it would not be appropriate for meetings to be arranged on or adjacent to a site. As an alternative, Members can use Google Earth or other similar tools or may be able to view the site themselves at their leisure possibly from a car (however this should only be done having regard to current Welsh Government guidance on essential journeys etc). Another option is for the Public Rights of Way Officer to record a site visit (on video) that is then played to the Sub-Committee. This presupposes however, that it is safe for an officer to undertake the site visit within social distancing guidelines.

## **Public Speaking/Written Representation at Public Rights of Way Sub-Committee meetings remotely**

This procedure relates to the provision for remote meetings. There is currently provision for public speaking at Public Rights of Way Sub-Committees in person at the Committee and/or written representations. Link to the guide to public speaking:

<https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/PROW/15-08-17-PROW-Guide-to-Public-Speaking.pdf>

## **Registering to speak at Public Rights of Way Sub-Committee remotely**

The Register to Speak form will be available on the Vale of Glamorgan Council website from 8.30am on the day following the despatch of the agenda and will close at 5pm two days prior to the meeting (for example if the meeting takes place on a Thursday, the form will be available from 8.30am on the Friday and will close 5pm on the Tuesday before the meeting).

If an individual has **not registered to speak** on an application within the above timeframe they will **not be allowed to speak**. However, if a person **has registered in time but subsequently cannot attend**, a **nominated person can be allowed to speak** in that person's place if we are given **prior notice in writing/email and it is**

**approved by the Public Rights of Way Sub-Committee Chairman. There are no exceptions to these.**

Members of the Vale Council, not on the Public Rights of Way Sub-Committee, **do not need to register to speak but due to the ‘remote’ online nature of the meeting, Members will need to inform Democratic Services of their intention to attend and/or speak at the meeting in order to access this.**

A representative of the relevant Town or Community Council will be required to register to speak.

As members of the public are able to speak at a Vale of Glamorgan Council Public Rights of Way Sub-Committee meeting any Vale of Glamorgan Council Councillor, even with a prejudicial/personal interest, will also have the right to speak. The ability to vote as a Vale of Glamorgan Council Member of the Public Rights of Way Sub-Committee will depend on whether the Standards Committee has granted a dispensation to vote. It should be noted that the Member will be allocated **3 minutes** in line with other Vale Councillors who are not members of the Committee. **The Member(s) should leave the meeting as soon as they have made their representations.**

### **Written Representations**

**Please note that if a member of the public does not wish to speak in the meeting then they can submit a written copy of their speech (via email to [democratic@valeofglamorgan.gov.uk](mailto:democratic@valeofglamorgan.gov.uk)) after following the registration and deadline procedures in the section above.** These comments (which will be read out by an Officer at the Committee) should take **no longer than 3 mins** to read out – if they go over the allotted time, the Officer reading them will be asked to stop.

We would also strongly advise any members of the public who have **registered to speak** to provide the Democratic Services Officer(s) with a **written transcript** of what they intend to say in case they lose connection or cannot connect to the meeting on the day and thereby ensuring that their comments are considered by the Committee.

### **Remote meeting attendance**

Having regard to the current pandemic and the provision for remote meetings the Council will undertake the Public Rights of Way-Sub Committee meeting via a **remote mechanism**. The current platform of choice being the “**Microsoft Teams**” software application. However, this may be subject to change, prior to a meeting, via another application. All will be informed within reasonable time, prior to the meeting, of any change in the remote meeting provision as below: -

- **The public** – via the Council website
- **Members of the Vale of Glamorgan Council** - via internal email and the website
- **All taking part in the meeting** – via email, or telephone or website

Ahead of the day of the meeting, the Democratic Services Officer will contact **all parties** (Members, Officers and the public who have registered to speak) via email and/ or text to provide a **hyperlink and or telephone number** to be used to access a **videoconference meeting at a date and time previously specified in the Notice of Meeting/Agenda.**

**Subject to any technical issues the meeting will be recorded via the “Microsoft Teams” facility and uploaded to the Council website following the meeting.**

## **PARTICIPATION GUIDANCE**

### **The Meeting.**

In order for meetings to run, efficiently, effectively and smoothly, the meetings will be managed by the Chairman. There are some suggested practical arrangements below, but it is important to note that through the facility of remote attendance, those taking part will be seen (where possible) and heard throughout the broadcast and it is therefore important to conduct oneself as if the meeting was being held in public. Matters / requests to speak, etc. need to be brought forward via the Chair and speakers should speak in turn / when invited to do so by the Chairman in order to avoid blurred conversation / discussion, so as to keep matters as clear as possible.

### **Preparing for the Meeting – Practical Arrangements**

Immediately prior to the meeting, all participants will need to make sure that they are ready to take part productively via **Microsoft Teams** or any other format they are advised of.

**N.B. Officers and Members please note that personal or corporate devices may be used in order to access the meeting.**

**Councillors, Officers and others should confirm their attendance and any substitutes (if appropriate) in advance of the meeting so that officers are aware of who should be in attendance.**

### **Microsoft Teams – application guidance**

- Information on Microsoft Teams can be accessed via the following link:

**<https://www.microsoft.com/en-GB/microsoft-365/microsoft-teams/group-chat-software>**

- If **multiple devices are available to you (such as a phone and a laptop)**, we recommend using the device with the **biggest screen**, as this will be the one that most likely gives you an option to see all participants, rather than being restricted to only viewing the participant who is currently speaking.
- Take some time before the date of the meeting to familiarise yourself with where the **microphone and headphone plug-in** is on your device, as knowing where to find these will be helpful if you are required to speak more loudly and/or hear more clearly. The best audio quality will likely be achieved by plugging a **separate microphone into the device** – most modern headphone sets include a microphone.
- Make sure before the meeting starts that your equipment is **fully charged or has the capacity to charge** without impeding your audio/visual settings while the meeting is ongoing. Keeping your device plugged in to a power source if possible as this will give you confidence that the battery will last for the duration of the meeting.
- Please take some time to consider where you'll be able to **make yourself comfortable** so that you can focus on the discussion at hand.
- If **participating with video**, where possible it is best to try and find a space with a **plain background**. Other participants may find it distracting to see photos or shelves full of books or ornaments in the background. Also **consider lighting** – if a light source is behind you in the shot your face will likely end up looking darker on screen. Equally, too strong a light in front of you might have a 'bleaching' effect. Most devices will allow you to **access your camera ahead of the meeting** so you can identify where best to position yourself.
- If participating **with video**, aim to position your device appropriately so that your **head and shoulders are in the shot** (similar to a passport photo).
- Know how to **announce your presence by turning your microphone on and off again**.
- Make sure that you can **easily view any necessary documentation**.
- If **referring to a document** during the meeting, please be **specific regarding which Appendix it is** in as well as the **page number** and please **allow time for others to locate the same document**.
- Have a **pen and paper ready to use**. Conversation won't flow as naturally as it would with people in the room together, and the **Chairman will be moderating the order in which participants speak**. You may therefore find it helpful to **take notes of any points you would like to make** so you can refer back to them when it is your turn to speak.
- **Before the meeting starts**, please ensure that **any other nearby electronic devices are set to silent, or mute notifications on the device you're using**. If

you experience **interference during the call**, this could be **caused by other devices nearby** so you may want to turn off any other devices or remove them from the same room as you.

- We ask that you take steps to **join the meeting ten – fifteen minutes prior to the start of the meeting**, which will allow the Democratic Services Officer time to assist with any difficulties if needed.
- If you are not currently speaking, **please mute your microphone**. This will help to reduce the level of disruptive and distracting background noise and assist all participants in meeting one another as clearly as possible.
- If you wish to speak, please indicate this **via the Chat or Raise Your Hand functions on Microsoft Teams** and wait until the Chairman asks you to speak. If a question is asked of one participant directly, that participant will be the first person afforded an opportunity to respond. **It is crucial that all participants respect this process and listen to the Chairman to ensure everyone has a fair opportunity to make their points without being talked over.** If any participant repeatedly disregards this process and **talks over** other participants without waiting for the Chairman to confirm it is their turn, the **Democratic Services Officer** will be able to **mute their microphone**.
- When speaking, **don't shout**. The Democratic Services Officer will advise if your volume of speech is too low, it will usually require participants to **either move closer to their microphone or to adjust their microphone/volume settings**.
- Please try and remember that **not all participants** will have the same **visual access to the meeting**. There is an **option to dial in on a telephone call rather than use a screen**, and **not all participants** will have **access to a camera**. It's therefore important that **all participants communicate as much as possible verbally**, as not everyone will be able to see gestures or facial expressions. The **Democratic Services Officer will confirm at the start of the meeting** which participants have **screen access** and whether **any aren't visible on camera**.
- **Members of the Public Rights of Way Sub-Committee** should only vote on the recommendation / decision if they have been **able to hear and understand all of the debate** and information provided clearly. **The Chairman will remind all Members of this prior to the vote.**
- If the **connection becomes too slow**, the Democratic Services Officer will ask all participants to **turn their cameras off** for a short amount of time to allow **Microsoft Teams** time to **speed the connection up again**. If this problem recurs, the Democratic Services Officer will ask all participants to turn their cameras off, and **only turn them on when it is their turn to speak**.
- Know what to do **if your equipment fails, have a phone number to hand to call in case of technical difficulties**. At any point there may be issues with internet connections or computer failures.

- If required, for example, if members, etc. are unable to connect to the meeting or lose connection to the meeting (and therefore the Sub-Committee **stops being quorate**), the Sub-Committee may **adjourn the meeting** where considered necessary (either on a temporary or permanent basis).
- With reference to the previous point, **Officers** should establish a clear “**fallback plan**” so people know what to do in the event of a widespread failure. For example, switching over to **the use of another remote meeting application, such as ‘Zoom’**. **Similarly, a written copy of comments to be made by someone registered to speak on an application should be provided to officers prior to the meeting in case they lose connection or are unable to connect.**

### **Order of meeting and procedure.**

**Step 1:** The Chairman to read out a declaration on the meeting being held virtually and that a recording of this will be available to the public after the meeting has been held.

**Step 2:** Officers and Members to introduce themselves at the start of the meeting for the benefit of applicants/objectors and the public (for the recording to be uploaded).

**Step 3:** Approval of the previous meeting’s minutes for accuracy purposes only.

**Step 4: “Apologies for absence”**, in the main, are known in advance as Members contact to advise they are unable to attend.

**Step 5:** All agendas will have **Declaration of Interests** as a standing item for Members to consider if they have an interest on an agenda item.

**Step 6: Public Rights of Way Applications** (please also see the [Guide to Public Speaking](#) which goes into the steps and running order of this on the Vale of Glamorgan Council website):

- (i) At the meeting, the **Public Rights of Way Officer** will present the report.
- (ii) Those **objecting to the applications** will be asked to make their representations. Those speaking will not be allowed to ask any questions of officers or the Committee. **Members of the Committee** who wish to raise points of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way. (Please note that each individual speaker will be allowed no more than **3 minutes** to address the Committee, provided that (regardless of the number of speakers) those speaking for and against will be allocated the same amount of time in total. For example, in the event that two or more persons are registered to speak against an application, where there is only one person registered to speak in favour, he/she will be allocated **6 minutes to speak**. This is to ensure that there is equality of time afforded to those speaking for and against any application).
- (iii) A representative of a **Town or Community Council** will then be entitled to address the Committee, subject to a time limit of 3 minutes per councillor.

- (iv) Any Councillors of the Vale of Glamorgan Council **not on the Public Rights of Way Sub-Committee** will then be entitled to address the Committee, subject to a time limit of **3 minutes** per Councillor.
- (v) Those **supporting the application** will then be asked to make their representations. Those speaking will not be allowed to ask any questions of officers or the Committee. Members of the Committee who wish to ask questions of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way
- (vi) The **Council's Officers** may then comment on the representations made.
- (vii) The **Committee** will proceed to **debate the application and make a decision**. The **Public Rights of Way Officer** may be asked by the **Chairman** to address any issues raised during the debate. The **minutes of the meeting will include the reasons for the decision**.
- (viii) **Please note** there will be no right of reply and no requirement for speaking/representation to be "balanced" if there is no speaker/written representation in a certain slot.

## **NOTES:**

### ***Adjournments***

*The Committee may adjourn the meeting where considered necessary - for example, technical difficulties or if no longer quorate.*

### ***Part II***

*After moving into private session where confidential matters are to be discussed under Part II, the Chairman will:*

- *Ensure that applicants, objectors, other members of the public have left the meeting;*
- *Ask all who remain to ensure that there is no one else present who would be able to hear the proceedings.*

### ***Disruptive Behaviour***

*If a member of the public interrupt's proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting.*

***NB – for the purposes of this procedure, references to the Democratic Services Officer also include an additional Democratic Services Officer who may be assisting with the technology or other areas at the meeting.***

