



# Virtual Planning Committees

## A guide to revising protocols and procedures

Note: we are hoping to provide routine updates to this guide as councils try out new ways of working. Please [get in touch if you want to contribute, especially if we can showcase your protocol or webcast meetings.](#)

This is version 1.0 published on 24th April 2020.

## Purpose of this document

This document has been written during the Covid-19 pandemic to help Local Planning Authorities (LPAs) consider planning applications at a virtual planning committee. It will help you change your existing protocols or create a new and separate protocol.

We recommend that this document is read alongside the PAS virtual committees [hints and tips guide](#). We hope it helps you to consider what the most appropriate approach is for your council. This document does not constitute legal advice and your decisions will need to reflect your council's approach to meetings and voting.

## Contents

Part 1 – Documentation updates.....	3
Delegation / terms of reference / applications .....	3
Number of committees and their structures .....	3
Time, frequency and notification of meetings.....	3
Number of councillors and roles.....	3
Part 2 – Preparing for a meeting.....	4
Code(s) of conduct .....	4
Training .....	4
Technology failures.....	4
Site Visits .....	5
Agenda .....	5
Officer presentations .....	5
Speakers.....	5
Running order .....	6
Presiding Officers and Legal Advice .....	6
Part 3 – Different roles at a virtual planning committee.....	7
The Chair of a virtual planning committee .....	7
Members of a virtual planning committee .....	8
Council officers - presenting .....	9
Council officers - supporting.....	9
Members of the public.....	10

## Part 1 – Documentation updates

1. Legislation for the use of virtual planning committees can be found in the [Local Authorities and Police and Crime Panels\(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) (“the Regulations”) made under section 78 of the Coronavirus Act 2020. The Regulations apply until the 7th May 2021.
2. If you are not creating a separate set of protocols, you may have to re-write or temporarily suspend existing protocols or add an appendix to your Authority’s constitution.

### Delegation / terms of reference / applications

3. You should consider changes to the scheme of delegation e.g. if you have changed the delegation agreement to allow officers (sometimes in conjunction with councillors) to decide a wider or different range of applications.
4. You might also consider changes to the type of ‘business’ that the virtual committee will conduct e.g. you may have decided to stop enforcement cases, untidy sites, NSIP consultation etc. coming to committee for a period of time.

### Number of committees and their structures

5. Councils operate different structures for their planning committees. Smaller councils might have one committee for all applications, others might have one or two (e.g. split by geography or size of application). There are some councils where every member is a member of planning committee.
6. You may require changes to the number of committees either to reduce the resources required to service them, or to spread the workload. You may decide to operate only a ‘strategic’ committee and an ‘applications’ committee – this will need to be communicated clearly so people know which committee(s) is/are still sitting.

### Time, frequency and notification of meetings

7. You should review the frequency and times of committee meetings e.g. more often to allow for shorter and more focused agendas or less often e.g. if changed delegation arrangements mean fewer applications to consider.
8. Consider the implications for keeping communities up to date about meeting times and remember to update protocols where necessary– e.g. your constitution may say things like: *‘committee is held on the first Thursday of every month’*.

### Number of councillors and roles

9. Changes may have been made to the number of members that would normally sit on committee and to the number of members required to achieve quorum.
10. Some councils also have non-voting members that represent interests (e.g. trade/commerce or heritage/conservation) so you will have to consider whether these members still sit on committee.

## Part 2 – Preparing for a meeting

12. When preparing for the virtual committee and deciding on the protocols for access and taking part, it is useful to have in mind how the Regulations that support the Coronavirus Act set out the [conditions that define a member as being 'present' and in 'attendance'](#). In summary those conditions are that the member in remote attendance is able at that time

*to hear, and where practicable see, and be so heard and, where practicable, be seen by all in attendance at the meeting. [our summary and emphasis]*

13. You will already have protocols covering a range of items that govern who can sit on committee, how they should behave and how they should prepare. You will need to review them to reflect your technology choices and more broadly how the council generally is updating its procedures. The following list provides some prompts.

### Code(s) of conduct

14. Although no more relevant than usual, attention should be drawn to your council's code of conduct and/or member guide regarding ward councillor/committee member role, probity, disposition, pre-determination, declarations of interests, material considerations, etc.
15. A disciplined approach to considering planning applications must be maintained; reports must be read in advance, attendance at site visits (if safe and appropriate) and approaching decision making on applications with an open mind.
16. Members should confirm their attendance and any substitutes in advance of the meeting so that officers are aware of who should be in attendance.

### Training

17. Ensure all committee members and substitutes have undergone the required and relevant training as set out in the council's requirements for becoming a planning committee member.
18. Update any guides or "welcome" materials for members of the public. Section 65-66 provides a list of the sort of things people will need to be told.

### Technology failures

19. At any point there may be issues with internet connections or computer failures. You should establish a clear "fallback plan" so people know what to do in the event of a widespread failure. As a minimum there should be an audio link (conference call) for all that are required to participate.
20. You should also have in place a contingency plan for any contributing party unable to connect to a meeting for whatever reason (e.g. the ability to join the meeting by alternative means such as voice only or by telephone call).
21. It is advisable for the clerk or legal officer to have a written version of the speech participants intend to give so they can make their representations on their behalf if they are unable to access the meeting at the appropriate time. This is not an

opportunity to submit new materials into the process, just the words they intended to use within the time limit given.

22. It is important that any failures in technology do not leave 'gaps' in the meeting. It is advisable to take a 10-15 minute adjournment should there be a technology failure to allow for the issue to be resolved. The meeting should then be re-started from the point the technology failed perhaps with the Chair providing a quick summary of what happened to cause the adjournment and where the proceedings got to.

#### Site Visits

23. At present site visits cannot be undertaken safely as a group. Consideration should therefore be given to the use of more photos, videos and site plans where that is appropriate.
24. If a site visit is required in advance of the meeting, then it may be possible for Members to visit the site individually if considered safe to do so within social distancing guidelines.
25. Another option is for the planning officer to record a site visit (on video) that is then played to the committee. This presupposes that it is safe for an officer to undertake the site visit within social distancing guidelines. It may also be possible for an officer to be on site during the Committee and produce a live feed for the Committee and be directed by members (through the Chair) to cover key features. While this may require additional software and a reliance on mobile data, it would ensure that the Committee all viewed the site in the same way and at the same time. These sorts of decisions should be made on a site by site basis.
26. If it is deemed that a site visit is necessary before a decision can be made on a planning application and no alternative way is possible, then a decision will have to be postponed pending a site visit. If this is required, then it should be discussed with the applicant and an extension of time sought. It should also be made clear for other interested parties that a decision has been postponed until site visits become safe to carry out.

#### Agenda

27. It will probably be appropriate to reduce the number of applications considered and therefore decisions that are made by a virtual planning committee at least until the system has been tested.

#### Officer presentations

28. Presenting officers could record a video of their presentation about each application before the virtual planning committee takes place as a contingency for technological failure.
29. Presentations should be succinct and should where possible avoid too much navigating around the presentation as there is often a delay between screens.

#### Speakers

30. LPAs have different approaches to how they register speakers, how many can speak and for how long. This should all be reconsidered as part of the protocol.

31. It would be sensible to have speakers register at least a day before the committee to allow instructions to be given about what will happen and to ensure that the running order of the agenda can be finalised prior to the committee.
32. Through the registration process there should be some mechanism to attempt to verify as far as possible that the participants have a legitimate interest in the planning committee. There have been several cases of meetings being hijacked causing distress and delay.
33. Given that this will be new to all involved it might be beneficial to give speakers longer to speak or at least make clear how they will be advised that time is running out.
34. Written speeches or pre-recorded videos can be used for people who are unable to join the meeting and it would be good practice to ask for them in advance in case of a technology failure.

#### Running order

35. Longer sessions should be broken down either by application or groups of applications, with breaks in between so that the public know when an application in which they are interested will be considered. This approach may mean that meetings take longer but this will be balanced by making it easier to manage participant involvement and make it easier for participants to access and follow the agenda items that concern them.
36. Some software products have a time limit, so for example, MS Teams only allows meetings for four hours. Use this as a cut-off point or be prepared to re-start a meeting.

#### Presiding Officers and Legal Advice

37. It is advisable to have more than one presiding officer in attendance as back-up if technology fails for one of them.
38. Most LPAs already have a legal officer present, but it would certainly be good practice for these first virtual planning committee meetings where unknown issues may arise.
39. Getting the virtual committee public and webcast might be new and require energy and focus. However the minutes of the Committee will still need to be produced and published as usual.

## Part 3 – Different roles at a virtual planning committee

40. Below are some suggestions for procedures/advice to follow for the individuals participating in the virtual committee session to ensure it runs as smoothly as possible. While some of this may feel overly prescriptive, we must remember that visual cues such as name plates identifying participants and their roles, and gestures such as raising hands for voting will not be immediately obvious in the virtual committee.

### The Chair of a virtual planning committee

41. Appoint a 'Facilitating Officer' who will be on-hand to help deal with any technological issues (e.g. internet connections 'dropping out') experienced by the chair and other participants.

42. Councils each have their own way introducing the committee and putting together agendas and standing items. Clarity and clear communication are important for any version of committee but particularly so for virtual committees. The following items are suggestions for what should be covered by the Chair and it is also good practice to include these in a guide and provide this to participants prior to the meeting. It is good practice to have a 'script' or 'aide memoire' at hand to make sure all items are covered):

- Welcome, introductions
- Declaration regarding reasons for virtual committee, live streaming, that participants are taking part remotely and whether you are allowing public participation
- The purpose of planning committee
- The role of the chair
- The names of and role of committee members (including if they are the ward member for an application), substitutes if applicable
- The names of and role of officers
- Who else will be participating e.g. public speakers?
- How declarations of interest will be handled especially if a Member needs to leave the meeting while the item is under discussion.
- How confidential or exempt items will be handled which may have to include the meeting being stopped and re-started to ensure that it becomes a private session with only those that should be involved.
- The agenda items, running order
- Start and finish times (including any breaks, guillotine)
- The process for making decisions e.g. officer will present the proposal, public speakers will speak, committee members will debate (ask questions of speakers (if allowed) and officers/experts; how the votes will be cast.
- What will happen if there is any interference from members of the public.
- Accessing the minutes of the meeting
- The role of the general public i.e. that planning committee is a council meeting held in public; not a public meeting where all are free to contribute.

43. Whenever introducing or addressing participants, make their name clear and their role (i.e. are they a councillor or officer?).

44. Structure the debates to avoid members speaking over each other. It helps if the Chair is clear at the start of the meeting how they will manage the debate e.g. being clear that each committee member will be invited by name to provide their initial views after the officer presentation and public speaking has concluded.
45. Summarise as often as possible where you are in the meeting and what has happened. It is crucial that everyone is clear when a decision has been reached, the vote count and what the decision was.
46. Voting – it is important to be clear how voting will work and be recorded (i.e. a show of hands may not work in a larger virtual committee)

#### Members of a virtual planning committee

47. Always log on to the meeting at least 10 minutes before the start time of the committee to allow for time to deal with any technology issues.
48. If you declare an interest in any item of business which would require you normally to leave the room then you should be clear how you do this and know how to re-join the committee when appropriate.
49. The Chair will ask each Member in turn if they have any questions for the officers, and this will be your opportunity to address these through the Chair. The Chair may also ask specialist officers in attendance questions.
50. Whilst speaking, background noise should be kept to a minimum, mobile phones should be muted, and automatic notifications should be turned off. For times when you are not speaking then you should be on mute.
51. You should seek any points of clarification from officers on their reports where possible before the planning committee by email or by setting up a virtual meeting with the officer. When asking a question at Committee it should be clear and concise.
52. If questions to speakers are allowed, then they should just be for points of clarification.
53. You will be asked to vote (using whatever method you have chosen) on each planning application. You will be asked to state your name and confirm if you were able to hear the full item and then asked whether you are in agreement with the motion. Please speak clearly when voting.
54. Members cannot vote if they were unable to be involved in or hear all the discussion on a planning application. This should be made clear to the Chair by either requesting a recap when you are able to re-join or by saying so at the point of being asked to vote.

### Council officers - presenting

56. When presenting a report, be sure to check that members can see the screen and have the 'facilitating officer' check that the screen is visible to public viewers. There is normally a slight delay of a few seconds when sharing your screen initially and when moving between slides; be patient and don't rush.
57. State who you are and your role in the application process. Make sure you have a separate means to refer to other relevant documents e.g. a tablet device or another laptop/monitor if you have them or a hard copy.
58. Follow the usual good practice for presenting the report; clearly identify the proposal; explain the context of the development, the policy context; the reasons for recommendation, any objections, any late representations etc. so it is clear to those listening to the broadcast.
59. Any changes to the draft decision letter need to be picked up at the end of the presentation, making it clear why changes are being made.
60. After presentation / conclusion, and in between questions, mute microphones. Keep responses to the point, try not to ramble or give overly complicated responses.
61. Be clear about when to leave the session e.g. wait until the Chair has indicated that the present item is closed and that they are moving to the next item.

### Council officers - supporting

62. If at any time the camera or microphone fails, make sure you have a procedure in place to let other officers know/have a telephone number for getting in touch with e.g. the presiding officer. In the event that things fail, and officers cannot re-connect, the session will have to revert to the pre-circulated reports - Members should have read their papers and therefore should be able to make a decision. Other officers present can respond to questions.
63. Make sure that you are clear about any changes to the process e.g. how voting will be carried out and numbers checked; clarifications (e.g. conditions) and what happens when recommendations are overturned.

## Members of the public

65. You will need to provide for members of the public a 'guide for accessing the virtual committee' covering how to:

- Access the broadcast of the committee
- Log-in to the session (where required);
- Find the follow-up minutes and actions

66. As part of the same guide, further advice is required for people who have been granted the right to speak to the virtual committee. This should include:

- How the registration process works, its timetable and how to prove legitimate interest in the application
- How to submit speeches as a written statement in case of connection difficulties (and how this is not an opportunity to submit photos or other materials)
- Any platform, system or equipment requirements
- Joining the meeting 10-15 mins before the start to allow time to access and test that technology is working and reduce disturbances to the start time of the Committee;
- The importance of security, the risk of hijacking and the consequences of poor behaviour by individuals or groups
- Whether or not when people speak they are recorded or broadcast (and the process of agreeing to this)
- Good meeting etiquette and hygiene:
  - Taking part in a location that is quiet, where distractions, disturbance and interruptions can be minimised, and background noise levels kept to a minimum;
  - The use of headsets to aid hearing proceedings and reducing distractions/outside noise;
  - Neutral backgrounds when using web cameras
  - Focusing on the proceedings – turn off all automatic notifications / pop-ups / email notifications to prevent these being a distraction and or showing on screen;
- How the chair will invite participants to speak, and whether follow-up questions are allowed. How long speakers have, and how they are reminded when their time allotted is almost finished