

Planning Committee Supplementary Agenda



4. Urgent Business (if any) (Pages 3 - 10)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

Item 4.1: Protocol in respect of the conduct of Remote Planning Committee meetings (including Planning Sub-Committee meetings)

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Michelle Ossei-Gerning
020 8726 6000 x84246
michelle.gerning@croydon.gov.uk
www.croydon.gov.uk/meetings

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<p>Report of: Director of Law & Governance</p> <p>Author: Sean Murphy</p>	<p>Title:</p> <p>Protocol in respect of the conduct of Remote Planning Committee meetings (including Planning Sub-Committee meetings)</p>
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1. Recommendation

- 1.1 That Planning Committee approves that the *Protocol in respect of the conduct of Remote Planning Committee meetings (including Sub-Committee meetings)* attached to this report be adopted as an addendum to Part 4K of the Council's Constitution.

Background

- 1.2 In order to enable Council meetings to continue to take place during the restrictions brought about by The Health Protection (Coronavirus, Restrictions) England Regulations 2020, the Government passed The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which came into force on the 4th of April 2020 and remain law until 7 May 2021.
- 1.3 To introduce clarity on how remote Planning Committee (and Planning Sub-Committee) meetings will be governed it is recommended that Planning Committee adopts the *Protocol in respect of the conduct of Remote Planning Committee meetings (including Sub-Committee meetings)* ('the Protocol') appended to this report.

Detail

- 1.4 Article 16 of the Council's Constitution provides that the Planning Committee and Planning Sub-Committee may agree protocols relating to the participation at meetings of the Committee, the conduct of Members in relation to planning matters and other aspects of the operation of the Committee. The Protocol should be read as an addendum to (and not a replacement of) the existing rules, processes and procedures governing the operation of Planning Committee including the Planning and Planning Sub-Committee Procedure Rules (part 4k of the Constitution), the Planning Code of Good Practice (part 5D of the Constitution) and the Members Code of Conduct. In the event of any conflict the Protocol takes precedence over other procedure rules in so far as the matter of conflict pertains to the governance of the remote meeting.

- 1.5 The Protocol introduces the following specific provisions:-
- 1.5.1 Allowing Applicants, Objectors, Members of Parliament and the GLA Member to submit a written statement in the place of addressing the Committee during the public speaking slot. The written statement is to be read out loud by the Committee clerk and will be limited to 450 words for those applications where 3 minutes would have been allowed and 750 for those applications where 5 minutes are allowed.
 - 1.5.2 In the event that a referring Ward Member is unable to attend due to technological difficulties or as a result of sickness, they can submit a written statement too but in all other circumstances should attend the meeting virtually to make their representations.
 - 1.5.3 The notification and registration requirements remain unchanged.
 - 1.5.4 At present, we are only able to allow for participation during the public speaking procedure by way of written statement (except for referring Ward Members). The Protocol envisages the Council being able to take part by way of live remote participation in due course and allows for the option of submitting a pre-recorded statement (as an alternative to live participation) at that time.
 - 1.5.5 In order to enable the business of the Committee to run as efficiently as possible the protocol recommends that at the point of debate Members of the Committee indicated their desire to address the committee by speaking aloud their name and the Chair will then normally select the speakers in the order in which those names are heard.
 - 1.5.6 The Protocol also recommends that once the Chair considers that an item has been adequately debated, the Chair will invite a proposer and seconder to the substantive recommendation in the report and that will be voted upon first. If that motion isn't approved, the Chair will ask for a proposer and seconder in relation to any contrary motions. Prior to voting on a contrary motion officers should be given an opportunity by the Chair to comment on the reasons being put forward.
 - 1.5.7 The Protocol is to be kept under review and amended and any substantive changes to be reported back to Committee for further approval.

Addendum to the 'Planning and Planning Sub-Committee Procedure Rules' (Part 4k of the Council's Constitution) approved by the Planning Committee on the 23rd of April 2020 pursuant to Article 16 of the Council's Constitution

Protocol in respect of the conduct of Remote Planning Committee meetings (including Sub-Committee meetings)

Interpretation: any reference to 'Committee' is a reference to both the Planning Committee and the Planning Sub-Committee unless otherwise specified.

1. Introduction

1.1 Article 16 of the Council's Constitution provides that the Planning Committee and Planning Sub-Committee may agree protocols relating to the participation at meetings of the Committee, the conduct of Members in relation to planning matters and other aspects of the operation of the Committee.

1.2 The [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) make provision for remote attendance at, and remote access to, council meetings held on or before 7 May 2021. This protocol addendum to the Planning and Planning Sub-Committee Procedure Rules introduces protocols that are applicable on every occasion when the Committee meets remotely as provided for under these Regulations.

1.3 This Protocol is in addition to (and does not replace) the Planning and Planning Sub-Committee Procedure Rules ("the Committee Procedure Rules"), the Non-Executive Committee Procedure Rules or the Planning Code of Good Practice and these apply equally to meetings held remotely as they do to meetings held in person but in the event of any conflict, this Protocol will take precedence over other procedure rules in relation to the governance of remote meetings unless determined otherwise by the Council Solicitor or her representative in attendance at a remote meeting.

1.4 For the avoidance, of doubt, the provisions of the Members' Code of Conduct as well as the Planning Code of Good practice apply to remote meetings of the Committee in the same way as they do to physical meetings and Members should make all necessary declarations of interest in the usual way. Where a Member should not participate in relation to a matter under consideration due to having an interest in an item being discussed, they can do this by putting themselves on mute and disconnecting their camera so as to be neither seen nor heard and they will not be invited to vote in accordance with paragraph 3.4 below. They should only reconnect their camera and unmute themselves when the matter in relation to which they have an interest is no longer under consideration.

1.5 This Protocol specifically varies the rules concerning the Public Speaking Procedure of the Committee (section 3 of the Committee Procedure Rules) and the Voting Procedures (section 8 of the Committee Procedure Rules).

2. Public Participation Procedure

2.1 As at the 23rd of April, the technology used to hold remote meetings is being used in a manner that does not allow for live participation by Objectors, Applicants, Members of Parliament or the GLA Member to exercise public speaking rights. It is envisaged that in due course live participations by those categories of individuals will be enabled. This protocol deals with a 'Written Statement Procedure' to be followed until such time as live participation is introduced at which point the 'Live Remote Participation Procedure' will apply in respect of speakers who aren't part of the Planning Committee. Where it is necessary to do so to ensure the good management of the Committee or to overcome any technical problems, the Written Statement Procedure can be returned to at any time at the discretion of the Chair.

2.2 It is important to note that all Committee meetings are intended to be broadcast live and the weblink to enable members of the public to freely view will be made available and published on the Council's website.

Written Statement Procedure

2.3 When the Written Statement Procedure is to be invoked to enable Objectors, Applicants, MPs or the GLA Member to participate in Committee, the Development Management Service will have written to those individuals inviting them to submit a written statement which will be read out loud to the Committee by the Committee Clerk during the slot that would normally (in the context of a meeting in person) have been occupied by the relevant category of speaker. Where this would have been a 5 minute slot (under paragraph 3.1 of the Committee Procedure Rules), the Written Statement will be subject to a word limit of no more than 750 words. Where this would have been a 3 minute slot (under paragraph 3.2 of the Committee Procedure Rules) the Written Statement will be subject to a word limit of no more than 450 words.

2.4 Referring Ward Members do not need to use the Written Statement Procedure and may address the Committee live but are able to submit a Written Statement, subject to the word limits referred to above, where they are unable to attend the Committee due to technological difficulties or as a result of sickness.

2.5 The notification and registration requirements in relation to Objectors, Applicants, MPs, the GLA Member and referring Ward Members set out at paragraph 3.6 of the Committee Procedure Rules remain unchanged and must

be followed at all times. Where more than one individual has requested to use the same participant slot (e.g. two objectors wish to have their statements read out to Committee) the Democratic Services Manager will inform the parties involved when they register and seek their consent to share their contact details to enable them to liaise with each to agree a joint statement within the 450 (or 750) word limit. Where such agreement is not able to be reached, the participant who, in the judgement of the Development Management Service, is most directly affected by the development proposal will take precedence. If necessary the Development Management Service may direct that the word limit be shared where two or more objectors are equally impacted.

Live Remote Participation Procedure

2.6 When Objectors, Applicants, MPs or the GLA Members are invited to contribute in a live stream format to the meeting, subject to the notification and registration requirements having been followed, the Committee will follow the same order as set out in paragraph 3.4 of part 4K. Guidance will be issued to participants on how to access and participate in the meeting remotely as part of the notification process undertaken by Development Management Services.

2.7 Participants will be limited to the usual time limits set out in the Committee Procedure Rules. Where the Live Remote Participation Procedure applies and technology supporting the Committee allows it, participants will be given an option of submitting a pre-recorded video or audio statement. Where that is allowed, the notification letter will specify this.

2.8 Any intentionally disruptive or inappropriate behaviour from a member of the public can, following the giving of a warning, be dealt with by the Chair of the Committee muting the disruptive individual and, if that is not successful, accessing the Committee clerk to arrange for the individuals access to the Committee to be discontinued.

3. Member Participation Procedure & Voting Procedures

3.1 Remote Planning Committee meetings will seek to replicate so far as is possible meetings in person subject to the amendments below.

3.2 When following an officer's presentation the meeting becomes open to questions the Chair will invite any questions of clarification asking in each Member in turn (by alphabetical order) whether they have any questions. At other times, such as when the debate is to be opened, the Chair will invite participants to indicate they wish to contribute by speaking aloud their name. The Chair will normally select Committee Members to address the Committee in the order in which they have requested to speak. This varies normal Committee protocols which invite Members to indicate their wish to address the Committee by raising their hand.

- 3.3 The Members of the Committee as an alternative means of indicating to the Chair that they wish to address the Committee, may use the 'chat' function available in the software supporting the Committee. Members should only use this after the Chair has orally invited Members to indicate they wish to address the Committee (for instance, Members may wish to use the 'chat' function to indicate if they wish to come back on a point or whilst another Committee member is already speaking). It should be noted that the 'chat' function should be used for no more than indicating to the Chair that a Member wishes to speak or in accordance with paragraph 3.6 below to indicate to the Chair that a Member is having connectivity issues. As the business of the Committee needs to remain open and transparent, the 'chat' function should be used for no other purposes.
- 3.4 Once the Chair is satisfied that there has been adequate discussion or debate on an item of business under discussion, unless there has been a motion to adjourn or defer a particular matter, the Chair will then seek a proposer and seconder to a substantive motion in favour of the officer's recommendation in the report. This is in accordance with paragraph 8.8 of the Committee Procedure Rules which recommends that in the interests of running the business of the Committee efficiently, it is preferable for the recommendation set out in the officer's report to be moved and voted on first.
- 3.5 Provided the recommendation is moved and seconded, the Chair will proceed to ask each Member by name how they choose to vote (For, Against or Abstain). Before doing so, the Chair will ask all Committee Members present to confirm whether they are satisfied that they have heard the entirety of any presentations to Committee (including public speakers' presentations) and the debate in order to be able to vote. If a Member is not satisfied that they heard the entirety of the presentations and debate, unless this was resolved earlier in accordance with paragraph 3.6 below, it will normally be necessary for the Member to refrain from taking part in the vote. If this is the case, the reasons for this will be noted by the Committee Clerk. Once the vote is completed, the outcome of the vote will be announced. Where the matter has not been approved, the Chair will ask for a proposer and seconder in relation to any contrary motion and, provided there is such a contrary motion moved and seconded, will ask each Member by name how they choose to vote and the outcome of the vote will be announced. Prior to voting being undertaken on a contrary motion, officers' should be given an opportunity by the Chair to comment on the reasons being put forward.
- 3.6 If at any time during the course of the Committee a Member is unable to hear or see the presentation or debate in relation to an item, they should indicate as soon as possible to the Chair. If only a small part of the debate or discussion was missed, the Chair will ask the speaker who was speaking at the time connection was lost to repeat the points that they were

making. If necessary, the Chair may pause proceedings whilst any connectivity issues are being resolved. The Chair and all Members will be able to access IT support when needed during the course of the Committee (with the support of the Committee Clerk when needed).

4. Interpretation and Review of this Protocol

- 4.1 This Protocol will be kept under review and any suggestions or comments on the Protocol can be addressed to the Council's Monitoring Officer or her deputies who will have authority to make minor changes in Consultation with the Chair. Any changes that are more substantial will be reported back to Committee for approval.

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