
PROTOCOL FOR ADUR DISTRICT COUNCIL PLANNING MEETINGS
TO BE HELD REMOTELY BY ELECTRONIC MEANS

1.0 INTRODUCTION

1.1 Legislation

Until recently the Law governing Council and Committee meetings required Councillors to be present together in a physical location. Meetings were largely governed by the Local Government Act 1972 and the Local Authorities (Executive Arrangement)(Meetings and Access to Information) (England) Regulations 2012. Such legislation did not anticipate a global pandemic and the current impact of Covid-19 and social distancing guidance which has made it impractical to run Council and Committee meetings in the usual way.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations provide the Councils with the power to hold their Council and Committee meetings remotely, by electronic means, between 4th April 2020 and 6th May 2021. Consequently, during this period of time, to enable Councillors, Officers and the public to social distance themselves, Council and Committee meetings can lawfully be held on remote platforms by access via electronic devices, rather than being held in a physical location, such as the Civic Offices in Shoreham.

1.2 Council Procedure Rules

The legislation provides a significant amount of flexibility as to how such meetings may be run. It provides Councils with the power to introduce their own arrangements by way of Standing Orders governing for example, the electronic platform to be used, the way in which voting takes place, the way in which members of the public attend meetings and public speaking rights.

The Councils have amended their Council Procedure Rules, effective from 22nd April 2020, to implement the new Regulations and enable remote meetings to be held.

Council Procedure Rules form part of the Council's Constitution (Part 4) and can be found on the Council's website at www.adur-worthing.gov.uk.

1.3 Protocol

This Protocol, which is intended to give practical guidance on the implementation of, and arrangements for the holding of Planning Committee Meetings by remote access, should be read in conjunction with the revised Council Procedure Rules.

This Protocol forms part of the Council's Constitution (Part 5) and can be found on the Council's website at www.adur-worthing.gov.uk.

2.0 REMOTE PLATFORMS

The Regulations enable the Council to hold its Council and Committee meetings with persons attending the meeting by way of remote access. This means by enabling participation in the meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming.

2.1 Video Conferencing

The Council has chosen to use 'Zoom' as their platform for participation in remote Planning Committee meetings.

This software will enable Members of the ADC Planning Committee, in remote attendance, to hear and be heard, see and be seen, by other Members in attendance and also by any member of the public attending the meeting. It also provides the facility for members of the public, with a right to speak, to join the Zoom meeting where they also can be heard, and seen, by all Members of the Committee.

2.2 Live Streaming

The Regulations provide that a meeting must be open to the public (unless they have been excluded due to exempt or confidential material being discussed). However, being open to the public now means simply that the public must be able to hear, and where practicable see, the Members of the meeting.

Therefore, the meeting will also be livestreamed (via the Council's YouTube channel or other streaming methods) enabling members of the public who are not entitled to speak at the meeting, to 'attend' by observing the live stream via an electronic device.

3.0 PARTICIPATION AND ACCESS TO REMOTE PLANNING COMMITTEE MEETINGS

3.1 Participation in Planning Committee Meetings

Those Members participating in ADC Planning Committee meetings by virtue of being a Member of that meeting, will be provided with a calendar invitation to the meeting with a link to enable them to access the remote meeting.

Any members of the public, with a right to speak at the meeting, for example to ask a public question, or to make representations on an agenda item, will also be provided, via an email, with a link to enable them to join the remote meeting.

Any Members participating in the meeting, by virtue of a right to do so under the Council Procedure Rules, or a right to make representations on an agenda item, will also be provided with a link to enable them to join the remote meeting.

3.2 Access to Planning Committee Meetings

Those members of the public who do not have a right to speak or participate in the meeting, may attend by watching the live stream of the meeting. Details of how to access the live stream will be included on the agenda for the Planning Committee Meeting, which will be published in advance on the Council's website.

4.0 ARRANGEMENTS FOR COUNCILLORS PARTICIPATING IN THE PLANNING COMMITTEE BY REMOTE ACCESS

4.1 Joining the Meeting by Remote Access

Members who are participants of the ADC Planning Committee meeting, by virtue of being a Member, or Substitute Member, of the Planning Committee, will be provided with a Google calendar invitation to the meeting by Democratic Service Officers. The invitation contains a link to the Zoom meeting.

Members will have already received appropriate hardware, software and Zoom training from the Democratic Services team. But any queries should be directed by email to democratic.services@adur-worthing.gov.uk in advance of the meeting.

The summons to the meeting will advise of the start time of the meeting. All participants should have remotely accessed the meeting at least 10 minutes before the start time. The remote meeting will be accessible 15 minutes before the start time of the meeting when Officers will be available.

Any Member, not a Member of the Planning Committee, but attending under a provision in the Council Procedure Rules enabling them to do so, or attending to make representations, would need to contact Democratic Services officers on democratic.services@adur-worthing.gov.uk by noon on the day prior to the meeting to obtain joining instructions.

4.2 Security

Any Member provided with access details to the Zoom meeting should ensure they are kept confidential and not shared with any other person.

Should a Member wish to invite another person to the Zoom meeting, they should discuss with Democratic Services Officers, who will, if that person has a right to participate in the meeting, issue them with their own individual joining instructions.

4.3 The Remote Environment

The Zoom meeting will be live streamed and viewed by the public (unless it is in private session). A Member attending will be using the camera and microphone on their electronic device e.g. laptop or iPad.

When attending a remote meeting a Member should ensure they are sitting comfortably, in front of their electronic device so that they can be seen and heard clearly. The Member should consider the background also captured by the camera and ensure it is appropriate to the meeting. The Member should take steps to ensure they will not be disturbed during the meeting as far as possible.

4.4 Officer Support to a Remote Meeting

A remote meeting will be attended by various Officers, but they will include a Legal Officer to provide the meeting with legal and constitutional advice, a Democratic Services Officer to record and minute the meeting and take a recorded vote, and a Meeting Host who will be able to provide and deny access to participants, mute and unmute participants' microphones and raise and lower participants' hands.

4.5 Attendance and Apologies at a Remote Meeting

At the commencement of every remote meeting the Chairperson, or an Officer present, will take a roll call of attendees and apologies for absence. When a Member's name is called out they are required to unmute their microphone, respond "Present" and then mute their microphone again.

This is firstly to ensure at the outset of the meeting that it is quorate, and secondly to provide transparency to the public as to which Members are in attendance.

4.6 Non-Attendance during a Remote Meeting

It may become necessary during a meeting for a Member to cease attending for a short temporary time, for any reason, but including a temporary loss of remote connectivity.

Non-attendance means either where a Member cannot hear the participants of the remote meeting or cannot be heard by them; a loss of visual connectivity would not lead to non-attendance.

The Meeting Host will ensure that a quorum is maintained and advise the Chairperson if it is not, that an adjournment will be required in accordance with Council Procedure Rules.

A Member who is not in attendance for the duration of any particular agenda item is at risk of missing relevant information or debate that took place during their temporary absence. Should a Member lose connection during an agenda item, the Chairman of the Planning Committee meeting can use his or her discretion to facilitate one of the following options:

- They could adjourn the meeting for a few minutes to allow the Member to attempt to reconnect to the meeting; or
- They could summarise any discussion or debate that took place during the Member's period of lost connection to ensure they have not missed any relevant information; or
- They could choose to continue with the agenda item (provided the meeting remains quorate).

If the Planning Committee continues during a Member's non-attendance, they will not have full facts on the matter and may have missed some relevant information presented or debated. They should not therefore vote on that particular agenda item. In that circumstance, if the Member is in attendance at the time the vote is taken, they are advised to abstain from the vote.

4.7 Chat Function

The Zoom platform has a 'chat' functionality where messages can be typed to all or some selected participants of the remote meeting, during the meeting.

All Members, save for the Chairperson, are asked not to use the chat functionality. The electronic chat is to be reserved only for communication between Officers and the Chairperson of the remote meeting, to enable them to effectively manage the remote meeting.

4.8 Declaration of Interests

Members should continue to declare interests in the usual way and the Council's existing rules will apply.

Should a Member be required to leave a remote Planning Committee meeting for an agenda item, due to an interest, the Meeting Host will move their electronic access to a remote 'Waiting Room', and then enable their access to the remote meeting again at the end of the agenda item. Whilst in the 'Waiting Room' the Member will not be able to see nor hear the

meeting but should remain connected until they are advised that they have been re-joined to the meeting.

4.9 Members Speaking at a Remote Planning Committee Meeting

When a Member of the Planning Committee joins a Zoom meeting, with the exception of the Chairperson, they should have their microphone set to mute.

When a Member wishes to speak they should indicate by using the 'Raise Hand' function in Zoom. The Chairperson can see all those indicating and will come to each person; the Chairperson has absolute discretion as to the order in which he takes speakers.

When a Member is invited to speak by the Chairperson, they should unmute their microphone to enable them to speak.

When the Member has finished speaking, they must remember to switch their microphone to mute once again and to use the 'Lower Hand' function in the system.

Both the Chairperson and the Meeting Host will have the ability to mute and unmute participants' microphones and raise and lower hands electronically.

4.10 Rules of Debate

The usual rules of debate apply to remote Planning Committee meetings, and reference should be made to Council Procedure Rule 16 as amended.

The Chairperson should announce each Member when inviting them to speak, to aid transparency and assist those attending by watching the live stream. Chairpersons should refrain from using first names and should refer to Members of the Committee as "Councillor X" as appropriate.

4.11 Voting at a Remote Planning Committee Meeting

For all Planning Committee meetings where Members are attending by way of remote access, a recorded vote will be taken on each agenda item where a vote is required.

When the Chairperson indicates that a vote is to be taken, each Member's name will be read out in alphabetical order by the Democratic Services Officer. Each Member will need to unmute their microphone and say either 'For', 'Against' or 'Abstain' from the motion or amendment that has been put. Abstention may be due to non-attendance throughout part of an agenda item, or for any other reason. After indicating, each Member must remember to mute their microphone again.

Where a Member, thought to be in attendance, does not respond to a recorded vote, the Democratic Services Officer will confirm that they are recording no vote for that Member. If the Member had in fact cast a vote, this will alert them to the fact that they could not be

heard (perhaps by having their microphone on mute or having lost connectivity). If they are still connected, they should unmute their microphone and interrupt the meeting to be heard and cast their vote.

4.12 Adjournments

In accordance with Council Procedure Rules, the Chairperson has the power to adjourn a meeting for a short temporary period. If the Chairperson advises of a short temporary adjournment to a remote meeting, all Members must remain in attendance with their microphones on mute, until the Chairperson instructs otherwise.

It is likely that the Chairperson may leave the meeting for a few minutes, for example to take advice from professional Officers, via the chat function, the Zoom waiting room, or a separate electronic platform.

4.13 Documents

All Agenda documents will be made available to Members participating in a remote meeting, in advance.

A Planning Officer will introduce the planning application and display any plans electronically at the remote meeting, as well as bringing any new matters that have arisen since the agenda was prepared. It is likely that presentations on agenda items at remote meetings may be more concise and succinct and it is assumed that Members will have familiarised themselves with all relevant agenda documents in advance of the remote meeting.

4.14 Exempt Session

If a resolution is passed for the meeting to go into private session, to consider exempt or confidential material, any press and public participating in the Zoom meeting will be asked to leave the remote meeting. If the exempt item is at the end of the agenda, they will be asked to disconnect and the Host of the meeting will ensure they have disconnected and may remove their access if they have not done so. However, if the exempt part of the meeting is not at the end of the agenda, the meeting Host will move all members of the public and press connected to the meeting to the waiting room where they should remain connected, until the Host returns them.

The live streaming of the meeting will also immediately stop during any exempt part of the meeting, to ensure that no member of the press or public, those with a right to speak or otherwise, are in attendance.

It is the responsibility of the Member participating in a private session of a meeting, to ensure that the meeting cannot be seen or heard by any other person at their remote location.

4.15 Disturbances

If there is a disturbance amongst Members of the Planning Committee, the Chairperson continues to have the ability to deal with it in accordance with Council Procedure Rule 32 as amended. Rather than a Chairperson standing, in a remote meeting the Chairperson has the ability to mute all microphones, and if a direction is given for a Member to leave a remote meeting, the Meeting Host can effect this.

4.16 Members standing

Any requirement in Council Procedure Rules to a Member needing to stand to address a meeting, does not apply to a remote meeting.

5.0 ARRANGEMENTS FOR MEMBERS OF THE PUBLIC PARTICIPATING IN THE PLANNING COMMITTEE BY REMOTE ACCESS

5.1 Joining the Meeting by Remote Access

Any member of the public with a right to speak at an ADC Planning Committee meeting will be provided with an email by Democratic Services Officers, which will include an electronic link to the Zoom meeting. This applies to members of the public attending to ask a question at public question time and to members of the public attending to exercise a public speaking right on a planning application being considered.

Members of the public joining the Zoom meeting will be provided with support and guidance in advance by Democratic Services Officers.

The summons to the meeting will advise of the start time of the meeting. All members of the public should access the remote meeting at least 10 minutes before the start time, even if they are expected to speak on an item later on the agenda.

5.2 Security

Where a member of the public is provided with access details to the Zoom meeting, they will be advised to keep these details confidential.

5.3 The Remote Environment

Members of the public participating in the Zoom meeting will be provided with advice and guidance on their remote environment.

5.4 Attendance to ask a Public Question

At ADC Planning Committee meetings held remotely, the agenda item on public questions will generally be the first substantive item on the agenda.

Members of the public may ask questions at a remote ADC Planning Meeting in accordance with Council Procedure Rule 11 as amended.

Should a member of the public wish to ask a question at a remote ADC Planning meeting, they must submit their question by email, together with their name, address and contact details to the Director for Communities at democratic.services@adur-worthing.gov.uk by noon on the second working day prior to the day of the meeting.

No questions will be permitted at the remote meeting unless such advance notice has been given.

If the question is accepted by the Director for Communities, the member of the public will be sent details of how to join the remote meeting on Zoom for the agenda item on public question time.

If the member of the public joins the meeting electronically, when invited to do so by the Chairperson, they may unmute their microphone, speak to put their question verbally to the Chairperson, and mute their microphone again. If the member of the public chooses not to join the remote meeting, or is unable to do so, their question will be read out to the meeting by the Chairperson or an Officer present. The question will be answered by the Chairperson.

If the member of the public has joined the remote meeting, they are also entitled to ask a supplementary question arising out of the answer to their substantive question. If the member of the public has not joined the remote meeting, they shall not be entitled to ask a supplementary question.

At the end of the agenda item for public questions, the Chairperson will ask all members of the public to disconnect from the remote meeting. If they fail to do so, the Meeting Host will immediately cease their ability to access the meeting. The member of the public may continue to 'attend' the meeting by watching the live stream of the remainder of the meeting on YouTube.

Members of the public no longer have the right to ask questions at meetings, unless they have given prior notice, and no longer have the right to ask a supplementary question if they have not joined the remote meeting. To compensate for that, the Chairperson may wish to advise the meeting that if any additional questions arose that could not be asked at the meeting, they should be directed in writing by email to democratic.services@adur-worthing.gov.uk where the Council will use their best endeavours to provide a written response within 3 working days thereafter.

Both the Chairperson and the Meeting Host have the ability to mute and unmute the microphones of members of the public and to remove their access to the remote meeting.

5.5 Attendance to Exercise Public Speaking Rights

Where a member of the public wishes to attend the ADC Planning Committee meeting to exercise public speaking rights in accordance with section 6 of this Protocol, they must provide advance notice of their intention to make representations to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk by noon on the working day prior to the date of the meeting. They must, at the same time, provide a written script of their representations to Democratic Services Officers; if they fail to do so, they may lose their right to make such representations.

Those having registered and with a right to speak in accordance with section 6 below, will be sent an email by Democratic Services Officers with an electronic link to access the Zoom meeting. They should connect to the meeting at least 10 minutes before the commencement of the meeting as advertised in the summons and agenda.

On commencement of the meeting, members of the public attending to exercise public speaking rights should ensure that they have their microphones set to mute and their video cameras off; the Meeting Host will be aware of their connection. They should remain connected and in attendance whilst earlier items on the agenda are dealt with.

When the item on the agenda, where they are entitled to speak, is taken by the Chairman they will be advised verbally. At this point the member of the public should connect their camera to the meeting, and when invited to do so by the Chairperson, should unmute their microphone and make their representations. The member of the public should remember to mute their microphone at the end of their representation.

At the end of the agenda item, the member of the public should disconnect from the meeting, and may listen to the livestream of the remainder of the meeting should they wish to do so.

If a member of the public, with a public speaking right at ADC Planning Committee meeting, does not wish to join the meeting remotely to exercise their right to speak, or is unable to do so, their written representation submitted in advance to Democratic Services Officers will be read out in advance by the Chairman or an Officer present. Time limits set out in section 6 below will still apply.

Both the Chairperson and the Meeting Host have the ability to mute and unmute the microphones of members of the public and to remove their access to the remote meeting.

5.6 Disturbances by Members of the Public at Remote Planning Meetings

If there is a disturbance amongst members of the public at a remote meeting, the Chairperson has powers to deal with it in accordance with Council Procedure Rule 31 as amended. Having warned the member of the public over their conduct, the Chairperson can, if the conduct continues, mute the microphone of that member of the public, or

ultimately can order their removal from the remote meeting. If such a direction is given, the Meeting Host may cease the access of that member of the public. The member of the public then no longer has a right to speak at the meeting but can continue to 'attend' by watching the live stream of the meeting.

6.0 PROCEDURE AT A REMOTE PLANNING MEETING

6.1 Public Questions

The Chairperson is likely to deal with Public Question Time as the first substantive item on the agenda.

6.2 Individual Planning Applications

A Planning Officer will introduce the planning application and display any plans at a remote meeting by sharing their screen electronically with all participants of the Zoom meeting. They will also bring any new matters that have arisen since the agenda was prepared.

6.3 Public Speaking

Public speaking at meetings of Adur District Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues. Examples of relevant planning issues include external design, appearance and layout of the development, impact on trees and nature conservation or overshadowing and privacy, highway safety and planning policy and government guidance. Examples of non-relevant planning issues may include boundary disputes or other property rights, loss of property value or loss of view, matters covered by other legislation and the applicant's motives, character or reputation.

Relevant representations will be accepted from Objector(s), a Parish Councillor (from the relevant Parish Council), Ward Councillor(s) and the Applicant (or their representative) and Supporters.

As set out in paragraph 5 above, advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk by noon on the working day prior to the date of the meeting. Whilst Planning Committee meetings are being held remotely by electronic means, a written script of the representations must also be submitted at the same time, in order that they may be read out at the meeting, and taken into account when reaching a decision, should the member of the public be unable or unwilling to attend to speak themselves.

If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

The order, and time allowed, for speaking at Adur District Council Planning Committee meetings will be as follows:

Objector(s)	Maximum of 3 speakers	Maximum of 3 minutes each speaker
Parish Councillor	Maximum of 1 speaker	Maximum of 3 minutes
Ward Councillor(s)	Subject to a maximum of 1 Councillor speaking in support of the application and a maximum of 1 Councillor speaking against the application, limited to: <ul style="list-style-type: none"> • Maximum of 2 Ward Councillors, or • With the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak, one Ward Councillor and an adjacent Ward Councillor, or • With the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Adur District Councillors 	Maximum of 3 minutes each speaker
Applicant (or representative) and supporters	Maximum of 3 speakers	Maximum of 3 minutes per speaker

There is no right for anyone to speak at ADC Planning Committee otherwise than in accordance with the above provisions. An individual may not speak a second time at a Planning Committee meeting, on the same application.

Speakers may address the Planning Committee Chairperson, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

6.4 Determination of Application

Following public speaking, members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

6.5 Documents Open to Public Inspection

Any reference in Council Procedure Rules to a document being available for public inspection at the Council's offices will now be satisfied by being published on the Council's website.

6.6 Chairperson's Discretion

The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied, having taken legal and professional advice, that it is fair, reasonable and appropriate to do so in the circumstances.

7.0 FOLLOWING A REMOTE PLANNING MEETING

The video / audio recording of the remote Planning Committee meeting will be live streamed and also made available to view on the Council's website. It will be available for 12 months from the date of the meeting, after which period it shall be deleted.

Minutes of a meeting will be dealt with in the usual way and draft minutes will be published on the Council's website as soon as practicable after a remote meeting.