

Addendum to the Protocol for Operation of Planning Committee Derry City and Strabane District Council Applicable to Hybrid Meetings (Revision 7) March 2023

Preliminary Matters

Legal Basis

- Local Government Act (Northern Ireland) 2014
- Local Government (Coronavirus) (Flexibility of District Council meetings) Regulations (Northern Ireland) 2020
- Council Standing Orders
- Council Constitution

Standing Orders

This Protocol applies notwithstanding any prohibition or other restriction contained in Standing Orders or any other rules of the Council governing a Council meeting and any such prohibition or restriction has no effect.

Standing Orders will apply. Any reference to 'physical' Council meetings in Standing Orders applies as if it applies to 'remote' Council meetings.

The protocol for the operation of the Planning Committee (revision 5) December 2021 remains in place with the following additions.

The Addendum will be kept under regular review to reflect changing circumstance and the requirements of the Planning Committee during this period of pandemic.

This addendum should be read in conjunction with the council Remote Meetings Protocol. Any conflict between the two documents will be resolved in favour of this addendum.

Format of Planning Committee Meetings

- Meetings will be held in hybrid format via WEBEX and physical attendance at Council Chambers.
- All Participants will receive notification of the meeting and relevant sign-in details.
- The meeting will be broadcast on the Council's YouTube channel.
- Section 9 shall apply with Representations made via WEBEX.

9. All parties wishing to address the Committee must register their wish to do so in writing with the Council's Planning Committee Administrator by 12 noon two working days before the meeting. The generic email address is planning@derrystrabane.com. As speaking rights are intended only to allow parties to highlight issues which have already been articulated in written submissions, it is only in exceptional circumstances that the Chair may accept a late request or extend the time at his/her discretion.

All contributions shall be oral, via Webex video conference or in person, however, a written statement may be submitted as back-up, in the event that a contributor who has been registered to speak is unable to do so on the day, this written statement will be read into the record (Note: the statement will be provided to members and may be taken as read).

In the event that a contributor who has requested speaking rights does not have access to technology to join the meeting, a written statement can be submitted and this will be read into the record of the meeting.

The statement when read aloud may be no more than 5 minutes in length.

If all the above options cannot be carried out with the speaker and individual cannot be rightly heard, the Committee will defer the application in question until arrangements can be made to ensure the representations have been heard and properly considered.

As there is a cap on the number of people who can be on a webex call at any one time, only one speaker on behalf of objectors /supporters/ applicant per item will be invited to the webex, however, depending on the number of participants, the Chair will have discretion to allow further invitees if technology allows. The normal timelines covered in the Protocol remain the same.

For members of the public or relevant parties who simply wish to view the Committee and not participate, the public gallery option is now open and available in Council Chambers and proceedings can also be viewed on DCSDC Youtube channel.

The following procedures will apply for each application:

- i. Introduction by Planning Officer

The Planning Officer presents the application and makes a recommendation on whether the application should be approved, approved with conditions or refused with reasons for refusal. Plans/drawings and photographs can be used to demonstrate the proposal (if no speakers please refer to point vii).

ii. Representations – Objectors

If an objector wishes to speak, they will address the Committee first. Should an objector speak, the applicant should be allowed to respond if they wish, even if they have not registered to speak in advance. The total time allowed for objectors to address the Committee will not be more than 5 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. If more than one objector or supporter wants to speak, the Clerk/Chair will ask objectors to appoint a spokesperson to represent their views.

iii. Members' questions to objectors.

iv. Representation by Councillor, MP or MLA

The total time allowed for representations by council members in support of an application will be 5 minutes.

The total time allowed for representations by council members against an application will be 5 minutes.

MPs and MLAs will be permitted to address the Planning Committee when they have been asked to represent their constituents. Proof of this fact must be submitted to the Planning Committee. The total time allowed for representations from MPs and MLAs will not be more than 5 minutes each with an upper cap of 20 minutes for this section, split between 10 minutes for supporters and 10 minutes for objectors.

v. Representation on behalf of applicant, agent or supporter

The total time allowed for applicant, agent or supporter to address the Committee will not be more than 5 minutes unless the committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

If more than one supporter wants to speak, the Chairman may ask the supporters or objectors to appoint a spokesperson to represent their views.

No documentation should be circulated at the meeting to members by any speakers.

vi. Members' questions to applicant, agent or supporter.

vii. Planning Officers' comments and Members' questions to Planning Officers.

viii. Members' debate and consideration of all information and representations put to the Planning Committee. Further advice may be provided by Planning Officers on points of law and planning policy if required.

ix. Members' decision.

- x. All proposals should be tabled and determined

The members take a vote on whether or not to agree with the Officer's recommendation. The Chair has a casting vote.

Members must be present in the council chamber for the entire item, including the Officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

Should Committee not agree with the Officer recommendation, Members should discuss reasons for refusal and conditions to a proposal but cannot amend the application. Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware of the legal tests conditions need to meet if challenged; they should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. Planning Officer/Head of Planning comment should be invited, as necessary.

The reasons for any decisions which are made contrary to the Planning Officer's recommendation must be formally recorded in the minutes and a copy placed on file.

The decision of the Planning Committee in respect of the refusal or approval of an application is final from the close of the meeting at which the application is heard.

The Chairman may:

- a) suspend the public's right to speak if he/she considers it necessary to maintain order at the meeting; or
- b) vary the order of representations if he/she feels that it is convenient and will assist the Committee in dealing with the matter provided that it will not cause prejudice to the parties concerned.

Members must use video conference facility and shall ensure that they are present for the entirety of each item being presented to the Committee for decision; before each meeting the Chair will remind members of this and advise that by voting they are confirming that they have been present for the entirety of each item.

When a Member is invited to speak by the Chair, they should unmute their microphone and, switch on video, to enable them to be heard and seen in the meeting.

All participants should keep their contributions as short and succinct as possible. Where a degree of cross-chamber/party conversations may be possible in a conventional meeting, such activity in a video conference will render the meeting inaudible to all. This means that Members may only speak when invited so to do by the Chair. Only one Member may speak at any one time.

When referring to reports or making specific comments, Members should refer to the report and page number in the agenda document pack so that all Members have a clear understanding of what is being discussed at all times.

When the Member has finished speaking, they must remember to switch their microphone to mute once again and should also switch off video.

If a technological fault occurs during the course of a meeting the meeting will be adjourned to allow Officers to try to rectify the fault. If Officers cannot rectify the fault within a reasonable period of time (minimum period of 5 minutes) the meeting will continue.

If during the course of a meeting a technological fault occurs with the live stream to the public, the meeting will be adjourned until the fault is rectified. If the fault cannot be addressed after a reasonable period of time (minimum period of 5 minutes) the meeting stand adjourned.

Decisions of the Council are not invalidated due to a technological fault of an individual Member's remote connection, which cannot be reasonably rectified, which prevents them from either being heard, being seen or voting on an item. Normal quorum procedures will apply.

Members should indicate to the Chair if they have to leave at any point during the meeting and when they have returned using the chat function.

Site Visits

Were members consider a site visit necessary, the application will be deferred until such times that it is considered safe, under government guidelines, to proceed with such a visit.

Late Items

Late items will be forwarded to Members by email in advance of the Committee commencing. Members will be given the normal requisite time to consider content with a short adjournment at the start of the meeting before proceeding to taking any planning decisions.