

# **PROTOCOL ON THE OPERATION OF THE PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS**

## **1. Introduction**

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Planning Committee hearings held during the Covid-19 restrictions will take place using a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

## **2. Prior to the Meeting**

Once the date for a hearing has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

## **3. Format**

For the duration of the Covid-19 restrictions period, all Planning Committee meetings will be delivered by conference call using Skype software. This will be able to be accessed using any of a PC, laptop, I-Pad etc or mobile/landline telephone and the instructions sent with meeting appointments will cover how to do this.

## **4. Meeting Agenda**

An agenda setting out the items for the meeting will be issued in advance to all parties involved in accordance with statutory timetables. This will include details of the planning application together with all representations on the matter. The agenda will also be published on the Council's website – [www.havering.gov.uk](http://www.havering.gov.uk) in the normal way.

## **5. Format of the Meeting**

Although held in a virtual format, Planning Committee meetings will follow the standard procedure with the following principal stages

The procedure for considering applications where there are public speakers shall be as follows:

- The [Head of Planning], or his/her representative, will introduce the development the subject of the application;
- Public speaking in accordance with Rule 3 of the Planning Procedure Rules (Public Speaking Procedure) will take place;

- The [Head of Planning], or his/her representative, will present the material planning considerations and address, where necessary, any issues raised during public speaking; and
- The Committee will consider the item and reach a decision.

The procedure for considering applications where there are no public speakers shall be as follows:

- If requested by the Chairman, the [Head of Planning], or his/her representative, will present the main issues; and
- The Committee will consider the item and reach a decision.

## **6. Meeting etiquette and rules**

For some participants, this will be their first conference call or virtual meeting. In order to make the meeting productive for everyone, the following rules must be adhered to and etiquette observed:

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, conference calls such as those used for the meeting may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker, and etiquette of participants during the call.

- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak;
- If invited to contribute, participants should make their statement, then wait until invited to speak again if required;
- If at all possible, participants should find a quiet location to take the Skype call where they will not be disturbed. Background noise can affect participants;
- The person speaking should not be spoken over or interrupted and other participants will normally be muted whilst someone is speaking. If there are intermittent faults during the call then the speaker will repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.

## **7. Public speaking and running order**

If the application has not been called-in by a ward Councillor or member of a neighbouring ward Councillor then the Committee will go straight to consideration of the application.

If the application **HAS** been called-in by a ward Councillor or Councillor of a neighbouring ward then the following speaking rights will apply:

1. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
2. The items on this part of the agenda will run as follows where there are registered public speakers:
  - a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (3 minutes)
  - c. Responding Applicant speaking slot (3 minutes)
  - d. Ward Councillor(s) speaking slots (3 minutes)
  - e. Officer presentation of the material planning considerations
  - f. Committee questions and debate
  - g. Committee decision
3. The items on this part of the agenda will run as follows where there are no public speakers:
  - a. Where requested by the Chairman, officer presentation of the main issues
  - b. Committee questions and debate
  - c. Committee decision

#### **Late information**

4. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

#### **Recommendation**

The Committee to take any decisions recommended in the agenda report(s).

At the conclusion of the deliberation of the item the Committee, together with the assistance, if needed, of the legal advisor will come to a decision on whether the application is approved or refused.

The clerk will then ask each Member in turn if they wish vote in favour, against or abstain from voting and this will be confirmed by the clerk so all participants are aware of the final voting record.

#### **8. After the Hearing**

The notice of the decision of the committee will be circulated to all participants within five working days of the meeting. Minutes of the meeting will also be published on the Council's website.

For any further information on the hearing, please contact [richard.cursons@onesource.co.uk](mailto:richard.cursons@onesource.co.uk), tel: 01708 432430.

## **Appendix A - Guidance on the Role of the Committee**

### **Applications for Decision**

#### **Introduction**

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### **Advice to Members**

##### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special

attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.