Virtual planning committee – a hints & tips guide

Note: we are hoping to provide routine updates to this guide as councils try out new ways of working and establish new types of committee etiquette. Please get in contact if you want to contribute advice or examples.

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The **Coronavirus Act 2020** passed into law in March 2020, and the enabling **regulations** came into force on 4th April 2020, allowing councils to operate remotely and removing some requirements for physical attendance.

Planning committee is a significant investment of time and resources for most councils, and requires the close coordination of planning, democratic services and legal teams. It is an important shop window for the council and plays a crucial role in providing democratic and transparent decisions on sometimes controversial issues. For these reasons, moving to a virtual committee will be a careful balancing act, ensuring that the committee is seen as providing a robust and reliable process but also one that is fair and accessible.

We've created a guide to help get you up and running. It is focussed on how people need to be supported, the changes needed to guidance and procedures, and the creative use of technology that will allow you to continue to operate in the short term. It also encourages you to consider opportunities to improve how you do things and how you engage people in the planning process. Equally, you might want to produce your own guide on how to get involved and circulate to stakeholders and make available on your website.

We recognise that this is a difficult time for people in councils. There may be high levels of redeployment, sickness or other kinds of absence. We wish you all well and hope that soon planners will be playing an important role improving our places with what we have learnt from the pandemic.

Step 1 - Update your documentation and set out a resilient backstop

Changing to an online or "virtual" planning committee may require changes to the constitution, standing orders, statement of community involvement (SCI), and other council documents related to the operation, membership and right to address the planning committee. As a minimum a new protocol will be required – we address some of the things that should be in it and how you might road test it later in this document.

Hint/tip: Planning committee is just one of many committees operated by a council and any changes should reflect the general principles and risk appetite of the council more generally.

Hint/tip: See the PAS **Coronavirus FAQs** regarding changes to your SCI

Hint/tip: In the short-term it might be most straightforward to work up an appendix to any council documents with a catch-all amendment that makes it clear that the new protocol overrides any provisions in the constitution that are inconsistent with it. These new powers could be time-limited. [Please send us your approach if you think it makes a good example – we are interested whether you chose to make an appendix or whether you think reg 5(5) provides you with the flexibility you need].

Step 2 – Getting people ready to take part

All of those taking part in committee will need to be confident about their home networks, ICT provision and the support that the council will provide. Some members may be ruled out by virtue of unreliable connections and presenting officers may also need to think about their domestic arrangements.

Hint/tip: It might be prudent to reduce the number of members attending committee and/or the minimum number agreed to be quorate (e.g. 3 is the legal minimum). Alongside this it may be sensible to revisit substitution arrangements. *Hint/tip:*It is possible that committees might need to sit more frequently or on different days and time slots to the traditional arrangements. You may need to revisit membership when you get a clearer understanding of how well the virtual committee is working.

Step 3 - The work of the planning committee

Planning committee exists to make decisions on significant and sometimes finely balanced applications. At least in the short term it is very likely that the workload of a committee will need to be reduced until members learn how to work effectively and seamlessly with everyone in a separate place.

Hint/tip: Consider changing delegation arrangements to 'lighten the load' of committees during this period. Are their certain types of applications/developments that can be delegated to officers? Some councils are considering hybrid arrangements ("delegation+") where an advisory panel provides case-by-case guidance on which cases can be dealt with under delegation arrangements that ordinarily would have gone to committee. These panels can provide useful flexibility, but care needs to be taken that they remain transparent. Cornwall have provided a useful "decision tree" for planning applications in the KHub.

Hint / tip: Each council will want to consider how to minimise the risk of disadvantage or exclusion of communities at committee. This may require ways to facilitate the representation of views of people who are not e-enabled or certain demographic groups.

Hint/tip: In the longer term, councils should work with developers and partners toexplore new ways of engaging with the public on larger/more controversial schemes and providing additional material to enable decisions to still be made by committee.

Hint/tip: It is critical to the reputation of everyone involved that there can be no perception that anyone is trying to take advantage of the current situation to avoid proper scrutiny or public engagement.

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Step 4 - Agree a method to be used for discussion, engagement and streaming

Where are you starting from?

Planning committees are presently at very different places when it comes to using technology and 'streaming'. Each will need to decide how ambitious to be given these different starting points and the need to provide a reliable and robust process. It is very likely that planning committee will need to use the same platform and call on the same skills as other committees (eg the licensing committee).

It is simplest to have everyone on the same platform, able to see each other and share a view of a screen. Platforms under consideration include Zoom, Microsoft Teams and Skype. Each has its own advantages and disadvantages.

Hint / tip: Planners and committee members should be part of the corporate conversation to ensure that any systems provided meet their needs, including software e.g. Apps, and hardware e.g. laptops, tablets, monitors.

Hint / tip: Short-term workarounds may be required, particularly when it comes to public participation. Most simply this could be a written representation that could be read out, or a recorded statement or video. It is likely that we will see widespread innovation in this area.

Hint / tip: Significant developments may already have an Equalities Impact Assessment. They may need revisiting to ensure that decisions are demonstrably fair. As a minimum councils will need to be consider how people with a "protected characteristic" who are involved in their decisions are able to engage with the technology and process of a virtual planning committee.

The agenda

As well as considering shorter or fewer items on the agenda it is a good idea to consider 'chunking' up the agenda into time slots with a break in-between. This will assist with people connecting to the session, dealing with any technical issues and allow the public to tune in to the item they are interested in rather than sitting through the whole meeting. This will require very disciplined time management.

Most councils already expend a great deal of time and energy ensuring that the pack of documents for committee is available in good time ahead of the meeting. This will be doubly important for a virtual committee, with everything relevant to the decision online.

In the short term, it might be wise to consider whether applications, previously earmarked for a committee decision, should instead be determined under delegated powers, go through a virtual planning committee or instead be deferred. It is vital that there is no perception that these emergency conditions reduce scrutiny or accountability. However, set against these considerations is the risk of a large backlog building up and of important applications become delayed or start to drift.

Hint / tip: In time it will be quite simple to compare how many items a virtual planning committee can deal with compared to a traditional one. Once this factor is known, it will become simpler to plan and schedule committees.

Hint / tip: In the medium term it may be necessary for applicants to spend more time explicitly gathering the opinions of stakeholders as part of the consultation process.

<u>The basics – being seen and being heard</u>

The regulations require members to hear and be heard by others, which allows basic telephony to be used as a minimum. This can also apply to some of the technology platforms which can either have video on or off depending on bandwidth. The regulations suggest that it is preferable that members can see and be seen which can be achieved using laptops or tablets but requires more bandwidth.

Hint/tip: You will need some protocols appropriate to your platform and bandwidth available to your members. Bigger committees won't be visible on a single screen even if everyone has their camera on, so the "chat" function might be appropriate to raise questions or to ask to speak.

<u>Engagement and streaming</u>

Each platform will require its own approach when thinking about how to engage with the public. We will highlight some good examples when they become available.

A basic approach is to establish a team consisting of the committee members. Added to this are guest members who have controlled access. At an appropriate point they can address the group before they are muted.

The activity of this group is then 'streamed' live to the public under the control of the facilitator.

Hint/tip: You may need a new role to assist the chair of the meeting. This role – a 'facilitator' or 'producer' is responsible for bringing people into and out of the meeting and ensuring that appropriate microphones are muted or live.

Hint/tip: It could be perceived that engagement is limited to a small number of carefully controlled people with a right to speak, and that everyone else is reduced to a passive consumer of a video stream. It may be appropriate to allow or even promote some kind of broader engagement via social media.

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Step 5 – work out a detailed routine and practice

Councils will need to prepare a revised protocol document that covers

- Notification, scheduling and access to papers beforehand
- If presentations and screen sharing is to be used, how the key issues might be flagged clearly in advance
- Estimating a running order and dealing with changes if technology fails
- Public engagement in a "live" or streamed context
- Public engagement via pre-recorded statements, videos or similar and how they are chosen
- Voting whether by clicking on a poll or form, by roll call or by raising a hand visually

Hint / tip: The committee clerk may need to learn new skills and be alert to new cues. However, the minutes of the meeting will remain critical and a video or recording should not take precedence as the record of the decisions of the committee.

Hint / tip: PAS are preparing an example protocol that you can localise

Dry run and practice

Having agreed a new method and draft standing orders the process should be tested, preferably more than once, and involving all those involved. An ideal scenario is to re-run a previous committee with members repeating the way the discussion and voting proceeded. If members of the public are to be involved, then their involvement should be simulated by officers.

There should be clear guidelines and thought given to what to do when things go wrong.

Hint/tip: The chair is going to need support and help to make the virtual committee work. They may need several dry runs, especially if the committee is large.

Hint/tip: The standing orders should be revised following practice and particular care taken to balance the need to keep things moving against perceived procedural unfairness.

Hit/tip: Everyone will be learning and inevitably glitches will occur– don't be afraid of this or to learn from your experience and experiences of others and do it differently next time around or change to a different platform (IT permitting).

Step 6 - Take the opportunity to improve

Whenever you are changing things around it is a good opportunity to review some of the fundamentals of committee more broadly. We've put together a checklist to help you to carry out a quick review / challenge:

- Are we clear about the role of planning committee? What are we here to do & what is our purpose? Does this need to change in the short term?
- How well do we explain to the public who's who, what we do, how decisions are arrived at, and what's allowed/not allowed? Would it be clear to someone arriving at (or logging-in) to our committee what is happening or who is in charge?
- Are the number/type of cases that committee see appropriate?
- Do our delegation and call-in protocols support or undermine the purpose of committee?
- Are we of an optimum size (e.g. is a committee with 8 members right? Is a committee of 18 members right? Is a committee where every councillor is a member right?).
- Do we need more than one committee e.g. strategic/area?

You can find [more of our improvement materials online](#).