

Dartford Borough Council

Protocol for public speaking at Development Control Board (including at meetings held 'virtually')

1. The Council welcomes public speaking on any planning application that the Development Control Board is proposing to determine and on any other planning matters that are being considered by the Board where consultation with the public has taken place and representations have been received.

If a disability prevents you or makes it difficult for you to access our public speaking service, please see section 4(e) below, which sets out the options available to you, to improve your access to the service, including the option of submitting a written statement, which will be read out on your behalf at the Board meeting.

2. If a report is due to be considered by the Development Control Board, the Council will write to all those who have commented on the item, as well as the applicant and agent advising them of the time and date of the meeting and of the arrangements for public speaking.
3. If a petition with less than six signatures is received, the Council will write to all signatories. If a petition has six or more signatures, the Council will write to the lead petitioner or if that is not obvious, the first signatory.

4. Registering to speak

- (a) Individuals who have submitted a written response to the application and the applicant/agent/landowner may register to speak. Where more than one speaker wishes to speak in support of a recommendation, precedence will be given to the applicant/agent/landowner.
- (b) One speaker will be allowed to speak in favour of a recommendation and one against. This will be operated on a "first come first served" basis. If more than one person wishes to speak, the Council will give priority to the first person that registers.
- (c) Speakers must register their intention with the Development Control section no later than 12:00 p.m. on the Monday before the meeting. Once the register is closed, no changes or additions to the list of speakers will be allowed. If a speaker who has already registered wishes to stand down in favour of another speaker, they must do so before the deadline. The Chairman may, in exceptional circumstances, use his discretion to allow changes to be made after this deadline.
- (d) If accessing the Board meeting remotely (see para.(e) below), speakers must submit a written statement of not more than three minutes in duration,

or no more than 400 words in length, to be received by the Council, by 10.00am on the day of the meeting, at the latest. Pre-recorded video submissions will not be accepted.

- (e) Through a virtual platform, speakers may attend remotely, to address the Board meeting in the following ways, in accordance with the Procedure for Holding Remote Meetings and Etiquette (see the Appendix to this protocol):
- (i) via a computer, laptop or other smart device with an internet connection, with participation by video link (access credentials/instructions to the virtual platform will be provided by the Host, by email or text, in advance of the meeting). A speaker will be able to hear the proceedings and technology interruptions/difficulties permitting, see and be seen by Councillors, other registered speakers and observers, such as members of the public and press; or
 - (ii) by telephone (access credentials/instructions to the virtual platform will be provided by the Host, by email or text, in advance of the meeting) ; or
 - (iii) if the access methods referred to above are not available to a speaker , or they have disability which makes it difficult for them to make use of the public speaking service, their written statement (see para.4(d) above), will be read to the Board by the Chairman (or nominee) during the relevant part of the meeting.

The fallback position in the event of technological access difficulties, is for statements to be read to the Board by the Chairman (or nominee), during the relevant part of the meeting.

5. On the day of the meeting, speakers who have registered and are attending the meeting remotely, will be advised to join the meeting using the access credentials/instructions to the virtual platform, provided to them, 10 minutes before the start time for the meeting.
6. Where a written statement contains inappropriate language, the offending sections will not be read to the Board. The Council accepts no responsibility for any defamatory, insulting, personal or confidential information or information, which is otherwise actionable, contained in a written statement and read to the Board.

7. Order of speakers and conduct of meeting

- (a) The Chairman may take agenda items in an order, which reflects the degree of public interest.
- (b) For items where there are speakers opposed to the recommendation, the officer will first make a presentation, describing the proposal, outlining the main planning considerations and concluding with a recommendation. This

will be followed by public speaking.

- (c) Where the recommendation is for approval, objectors will have the opportunity to speak first, followed by any supporter. The reverse will apply for cases where the recommendation is one of refusal.
- (d) Each speaker will either be limited to no more than three minutes speaking time or to no more than 400 words in length, to present their statement to the Board. This rule applies whether speakers read their statements themselves or if the statements are read to the Board on their behalf, in accordance with para.4(e)(iii) above or in the event of technological access difficulties during a virtual meeting.
- (e) Speakers may not distribute or display any written or visual material, e.g., written statements, photos, videos etc.
- (f) Members or officers may wish to clarify any points with the speaker before Members consider the agenda item, where the method of the speaker's attendance at the meeting makes this possible. Thereafter, no further speaking will be allowed and the speaker will have no further rights to address the meeting, but may continue to observe the meeting for as long as the meeting is in open public session.
- (g) The Chairman will have absolute discretion to curtail or extend speaking in individual cases if considered appropriate.
- (h) This protocol will apply to items, which have previously been deferred by the Board for whatever reason.

Dartford Borough Council - Procedure for Holding Remote Meetings and Etiquette

1. Section 78(2) of the Coronavirus Act 2020 provides for local authority meetings to be held remotely, from 4 April 2020 until 7 May 2021, to facilitate the transaction of business during the COVID-19 pandemic crisis and to comply with the Government's measures to combat the disease, which includes social distancing measures.

Schedule 12 of the Local Government Act 1972, requires Councillors to be physically (in-person) present at a meeting. Reg.6 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the 2020 Regulations), provides that being present at a meeting, includes being present through remote attendance.

2. Social distancing aims, through a variety of means, to minimise physical contact between individuals and thereby to reduce the possibility for new infections. This includes the curtailing of social contact through the holding of physical in-person meetings.
3. The Council has made arrangements for meetings to be held 'virtually' from remote locations, where it is necessary to consider matters which are, by their nature, essential for the proper conduct of the Council's business (including complying with statutory requirements, legal or contractual obligations, or to meet the needs of public health and well-being) and which are time-critical.
4. The Council has adopted a new Standing Order 64 (attached as an Appendix to this procedure) to provide for and to regulate the meetings held remotely, by electronic means, including by telephone conference, video conference, live web casts and live interactive streaming or by any other appropriate channel of communication chosen by the Council, which meets the requirements of the 2020 Regulations.
5. The Council's procedural Standing Orders regarding voting, the casting vote of the chairman, quorum, declarations of interest and substitution will apply to remote meetings.
6. Remote meetings are meetings in public and as such, the public and press must, as a minimum requirement, be able to hear the proceedings, but the Council will strive to ensure that they can see and hear proceedings where this is practicable, when meetings are held in open session. This will generally be achieved through the live streaming of meetings on YouTube.

Unless public participation in a meeting is provided for in the Council's constitutional arrangements (see section 11 below), the press and members of

the public only have a right to observe meetings, which are held in open session.

7. The Council has the discretion as to which of the various video-conferencing platforms to use for its video-hearings. The Council will indicate on its website, the video-conferencing platform being used with instructions on how to join the remote hearing, including who to contact in the event of technological difficulties.

An officer will act as 'Host' and will have the technical conduct of the meeting only. **Remote access** may be through:

- (a) a computer, lap top or other smart device with an internet connection, with participation by video link (access credentials/instructions to the virtual platform will be provided by the Host); or
- (b) by telephone (access credentials/instructions to the virtual platform will be provided by the Host);

Or

- (c) if the access methods referred to above are not available, through a written statement to be read to the Chairman (or nominee) during the relevant part of the meeting.

8. The meeting will be recorded to assist with the production of the minutes of the meeting. The recording will be retained (for internal officer use only) until the minutes have been agreed (not necessarily signed by the Chairman), at the next remote or in-person physical meeting, at which point, the recording will be erased.

9. Meetings held in open session will be live streamed on YouTube, details of which will be publicised on the Council's website. Live streams will be retained (saved by YouTube as a public video and accessible via YouTube) until the minutes have been agreed in accordance with section 8 above and thereafter, will be deleted from YouTube.

10. **Process**

- (1) At least 5 clear working days' before the meeting, the Democratic Services team will ensure that the **agenda** for the meeting:

- (a) is posted or emailed to Councillors and any members of the public who are attending remotely to exercise a right to speak at the meeting in accordance with constitutionally adopted procedures (see section 11 below); and
- (b) is published electronically on the Council's website in a common format (e.g. PDF) and common pagination, to permit ease of reference during the remote hearing.

The process referred to in (a) and (b) above, will be apply to any additional or late items, including any items to be 'tabled' as soon as they become available.

- (2) If a Councillor is being **substituted**, they must at least three hours before the meeting start time, notify the name of their substitute to the Democratic Services team.
- (3) Where considered appropriate, the Democratic Services team will prepare an **informal briefing note** for the Chairman and relevant officers before each meeting. The briefing note will be emailed to them, in advance of the meeting.
- (4) The Chairman and relevant officers will **sign in to the virtual platform** at least fifteen (15) minutes before the start time for the meeting, to ensure that connectivity is secure and to identify any other technological issues.

Councillors, officers and any members of the public who are attending remotely to exercise a right to speak at the meeting, should sign in to the meeting at least ten (10) minutes before the start time.

- (5) Before the start of the meeting, the Host will confirm that the meeting:
 - (a) is available in real time (audibly as a minimum requirement);
 - (b) is being recorded; and
 - (c) is being live streamed for members of the public and press, on the Council's YouTube channel.
- (6) The Democratic Services Officer and the Chairman will ensure that they are able to clearly see all Councillors and any members of the public who are attending remotely to exercise a right to speak at the meeting, or otherwise to identify them, at the start of the meeting. In the case of any uncertainty, the Democratic Services Officer will take a roll call and record the names of those in attendance, including officers, for inclusion in the minutes. The Chairman will also establish at the start of the meeting, that Councillors and any members of the public who are attending remotely to exercise a right to speak at the meeting and officers, are able to hear or to hear and see the proceedings.
- (7) The Chairman will proceed with the business on the agenda and establish whether any Councillor needs to declare an interest in any item on the agenda, which may require them to leave the meeting. Any such items will stand deferred until the end of the agenda, to enable the Councillor concerned to leave the meeting at that point. Should any Councillor become aware that they have an interest during the discussion of an item, they must declare the interest and discussion of that item will immediately end and be deferred to the end of the agenda.

Where more than one item stands deferred to the end of the agenda, the items will be discussed in the order in which they appear on the agenda, unless the order is changed by the Chairman, with the consensus of the Councillors present at the meeting.

- (8) The Host will ensure that a Councillor who has declared an interest in an item has 'left' that part of the meeting during the consideration of the item. At the end of the consideration of that item, the Host will contact the Councillor concerned to advise them that they can re-join the meeting. The Democratic Services Officer will note in the minutes, the point at which they 'leave' and/or re-join the meeting.
- (9) Any confidential or exempt items will be taken at the end of the meeting (following consideration of any items in which Councillors have declared an interest). The Chairman will ask any members of the public who have attended remotely to exercise a right to speak at the meeting to 'leave' the meeting. The Host will confirm that the meeting is now in confidential session or that a confidential 'breakout room' in the existing video hearing has been established.
- (10) Before discussing any confidential or exempt items, the Chairman will ask all Councillors and officers to confirm, by affirmation, that they are in a secure location and that no one else is able to see or hear the discussion. Where any Councillor or officer is not in a secure location and cannot make it secure by asking others to leave the room, they must leave the meeting during consideration of the item(s). The Democratic Services Officer will note in the minutes, the point at which they 'leave' and/or re-join the meeting.
- (11) The Chairman will use their best endeavours to ensure that Councillors do not 'drift' in and out of open session and that any discussion of exempt/confidential information only takes place in 'closed' session at the end of the meeting.

If, having commenced the proceedings, the meeting becomes inquorate for any reason, this will be drawn to the attention of the Chairman. The procedures detailed in Standing Order 6 and Standing Order 64 will apply.

- (12) Voting will generally be by affirmation where the Councillors present at the meeting are clearly visible and/or audible and there is no doubt over how they wish to vote. Where there is any doubt over the outcome of a vote, or where not all Councillors are clearly visible and/or audible, the Chairman will ask for a vote to be taken by roll call. The Democratic Services Officer will read out the names of the Councillors in alphabetical order and ask each Councillor to clearly state their voting intention, including the Chairman at the end (bearing in mind that in the case of an equality of votes, the Chairman has a second or casting vote). The Democratic Services Officer will advise the Chairman of the outcome of the vote and the Chairman will advise the meeting accordingly.

(13) At the end of the meeting, all Councillors, officers and any members of the public who have attended remotely to exercise a right to speak at the meeting will exit/leave the virtual platform. The Host will ensure that the meeting has ended and will make the recording of the meeting available to the Democratic Services Team to assist with the post-meeting administration.

(14) Following the meeting, the Democratic Services Officer will draft minutes of the meeting for agreement with the Chairman, at which point, the minutes will be published as 'draft minutes' on the Council's website. Once the minutes have been confirmed at the next meeting of the body concerned, whether that be a remote or physical meeting, the recording of the meeting will be erased. If agreed at a remote meeting, the minutes will retrospectively be 'wet-ink' signed by the Chairman, as soon as reasonably practicable thereafter.

11. Public Speaking - Quasi-Judicial/Regulatory/Overview and Scrutiny Meetings

(1) In accordance with the Council's constitution, the public have certain rights to address meetings of the Development Control Board and Licensing Sub-committee hearings. External participants may also be invited to attend overview and scrutiny committee meetings. These rights are set out in the protocols of the bodies concerned.

(2) The Protocol for Public Speaking at Development Control Board and the Licensing Sub-committee Rules of Procedure apply to meetings held remotely.

(3) The Council is entitled to strike the same balance between a virtual meeting being open to the public and the need to maintain good order during proceedings as it does for physical meetings. The Council reserves the right to password protect a meeting, 'lock', limit or vary access to a meeting once it has begun and to satisfy itself of the bona-fides of those joining a meeting. Muting disruptive participants will be the Council's default position although the Chairman may call for the suspension of a meeting at any time if she or he deems it necessary to maintain good order.

12. General Etiquette: The following applies to Councillors, officers and members of the public who exercise their right to address meetings in accordance with section 11. above.

Virtual meetings are formal meetings of the Council, viewed by the public and press. The following rules must be adhered to and etiquette observed:

- (a) log onto the virtual platform at least 10 minutes before the meeting is due to start. A telephone number of an officer will be provided in case of technical difficulties on the day;

- (b) limit distractions - consider where IT equipment is placed in your home – to avoid disturbance from other members of the household, pets or other distractions;
- (c) give the meeting your full attention - avoid multi-tasking e.g. taking phone calls, dealing with emails, texts and social media during the meeting;
- (d) pick a location with plenty of light and a neutral background - try to ensure that your camera is placed to give a clear, front-on view of your face and avoid sitting in front of a window or other light source that may put your face into shade;
- (e) use headphones or a headset to improve sound quality and avoid ‘echoes’;
- (f) to improve broadband performance, consider whether other use of the broadband connection in your household can be reduced during the meeting;
- (g) remember that this is a meeting open to be viewed by the public. You may be participating from a domestic or informal setting but consider how matters such as your dress, attitude and how you present yourself may reflect upon you and the Council. Remember that when you are contributing to a discussion, the technology may feature the image from your webcam in full screen format;
- (h) if you experience technical difficulties during the meeting, you should inform the Chairman and the Host if possible, and avoid disrupting the meeting;
- (i) you will be invited by the Chairman to speak at appropriate points. Your microphone will be muted by the Host, until you are invited by the Chairman to speak;
- (j) speak clearly - you will make your statement, or the statement will be made on your behalf and wait until invited to speak again, if considered necessary by the Chairman;
- (k) act professionally and courteously - you should not speak over or interrupt another speaker;
- (l) be prepared for technical difficulties - if there are intermittent faults during the virtual hearing, repeat from the point of disruption. Whilst intermittent disruption is frustrating, it is important that you remain professional and courteous at all times;
- (m) check that there is nothing in the background that would be inappropriate, or show something you would not want others to see. For example, pictures of children or other family members, posters etc. Virtual video backgrounds can be used to avoid distractions and preserve your privacy, if you are joining the virtual meeting from your home.

Displays of posters or banners in screen shot are not permitted and may result in you being removed from the meeting.

Etiquette specifically for Councillors:

- only participate in formal votes where you have been able to hear all the debate on an item;
- the chat facility is useful, but you should be careful not to broadcast inappropriate comments during the meeting.
- the chat facility may be used for the following:
 - (a) to indicate to the Chairman that you wish to speak;
 - (b) to seek clarification or ask questions;
 - (c) to attempt to resolve minor technical issues.
- it is inappropriate to use the chat facility to:
 - (a) carry out a parallel conversation about the issues being considered;
 - (b) carry out superfluous chitchat or make party political comments.

Once the Chairman draws a meeting to a close, remember that the technology may still be broadcasting for a short time. It is sensible to assume that your microphone and camera are still 'live' and you should refrain from informal chat or discussion until you have fully disconnected from the video-conferencing platform. You may wish to power-off and restart your computer to ensure your connection with the platform has ended.

13. Drawing matters to the Chairman's attention

The Host will make available a secure tool e.g. 'chat' facility and 'hand raise function', to enable:

- (a) officers attending the meeting to offer confidential and procedural advice to the Chairman;
- (b) Councillors or participants wishing to raise matters during the meeting.

The Host will, through a secure tool, draw the matter to the Chairman's attention.

14. Data Protection

The Council's data processing activities are as set out in its [Privacy Notice for Virtual-Remote Access Meetings](#).

STANDING ORDER 64 – HOLDING MEETINGS REMOTELY

- (1) The Coronavirus Act 2020 (section 78(2)) makes provision for ‘persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place’.
- (2) This Standing Order 64 applies to meetings of the General Assembly of the Council, Cabinet, Committees, Boards and Panels and the Annual Meeting, that are required to be held or held, before 7 May 2021, or earlier, in accordance with secondary legislation.
- (3) The Council shall hold its meetings at such hour and on such days, and alter the frequency, move or cancel such meetings as it may determine, without requirement for further notice¹.
- (4) This Standing Order 64 shall apply notwithstanding any standing orders or rules to the contrary.
- (5) For the purposes of this Standing Order 64:
 - (a) **‘remote access’** means attendance, participation in or observance of a meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming;
 - (b) **‘attendance’** means both attendance in person and participation in the meeting by Councillors and observance of the meeting, by the public and press using one of the methods of remote access described above in real time when the meeting is in open session;
 - (c) **‘place’** means more than one location, including the Civic Centre, an electronic or a digital or virtual location, a web address or a conference call telephone number.
- (6) **Quorum**

The rules set out in Standing Order 6 (Quorum for Meeting of the Council) and Standing Order 29 (Quorum of the Cabinet, Committees, Sub-Committees, Boards and Panels), shall apply.
- (7) **Remote Attendance**
 - (a) A person, whether a Councillor or member of the public or press, may attend a meeting by remote access.
 - (b) Meetings shall be held at a place, to suit the Council’s needs and capacity.
 - (c) Remote attendance of Councillors at meetings shall only be permitted where the conditions of section 5(3) of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are met². A Councillor will be in remote

¹ Where notice of a meeting is required and has been given, but the meeting is subsequently cancelled, altered or moved, further notice does not need to be given in respect of that change

² These conditions allow Councillors to join via a video link system or by telephone so long as every Councillor can be heard by every other Councillor and the public and press

attendance where they are able to hear and where practicable see, and be similarly heard or seen by:

- (i) other Councillors whether attending in person or in remote attendance; and
 - (ii) any members of the public who are attending remotely to exercise a right to speak at the meeting in accordance with constitutionally adopted procedures; and
 - (iii) any other members of the public and press attending the meeting remotely to observe.
- (d) A Councillor who has **declared an interest** in an item shall pause/exit their remote access whilst the item is being considered. The Interim Transformation Manager (or nominee) shall inform/re-invite the Councillor (whether by email or otherwise) when to re-start the remote access and resume their participation in the meeting. Where practicable, discussion in an item in which a Member has declared an interest, or where they become aware during discussion of an item that they need to declare an interest, shall be moved to the end of the agenda.
- (e) Where the **public and press are excluded** (either for the whole or part of the meeting) in accordance with Standing Order 46 (Admission of Public to Meetings), before Councillors can participate in the consideration of any confidential and/or exempt item of business, they shall confirm to the Chairman, that they are in a secure and private location, and that no-one else is able to hear or view the proceedings from their device.
- (f) The Mayor or Chairman may call for a short adjournment of the meeting to enable the rectification of any **failure in technological provision or the loss of a quorum arising from technical failure, or loss of a quorum for any other reason**.
- (g) The failure of any technological provision, including lack of network coverage for the public and the press, whether that leads to a partial or complete loss of contact between the remote attendees shall not invalidate any part of the deliberations of or any vote taken at the meeting, providing a quorum is maintained. If a quorum is lost, the matters in question shall be reaffirmed once a quorum has been restored.

(8) **Voting**

- (a) Votes shall be taken by role call or affirmation e.g. 'is that agreed?' providing that this is clear and apparent.
- (b) Votes may be recorded in accordance with Standing Order Order 13(3) (Voting in Council) and Standing Order 30(2) (Voting in Cabinet, Committees, Sub-Committees, Boards or Panels).
- (c) If there is an equality of votes (whether or not the voting includes a vote by the Mayor or Chairman), the Mayor or Chairman shall have a second or casting vote.

(9) **Minutes**

Minutes shall be drawn up and recorded in accordance with Standing Order 15 (Minutes) and shall be submitted for confirmation to the next succeeding meeting of the body concerned, whether this is held remotely or in a physical location. Where minutes are agreed at a remote meeting, they shall be retrospectively signed by the Mayor or Chairman, at the next physical meeting of the body concerned.

(10) Access to meeting documents

For the purposes of this Standing Order 64, notices, agendas, reports, background papers, minutes etc. shall be deemed to be 'open to inspection' and supplied³, by publication on the Council's website only and not by physical display at the Civic Centre or Dartford Library.

³Local Government Act 1972, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014