



**Oadby & Wigston**  
BOROUGH COUNCIL

# **COUNCIL CONSTITUTION**

## **COVID-19 SUPPLEMENT**

**Revised:** Wednesday, 13 May 2020



# THE CONSTITUTION OF THE BOROUGH COUNCIL OF OADBY AND WIGSTON

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## FOREWORD | COVID-19 SUPPLEMENT

The Remote Procedure Rules contained with this COVID-19 Supplement have been approved and adopted by the Monitoring Officer on 13 May 2020 under Part 3, Section 6, Paragraph 1.7.1 of the [Council's Constitution](#) (Monitoring Officer) for the purpose(s) of giving operational effect to the provision(s) as contained under [section 78 of the Coronavirus Act 2020](#) ("the 2020 Act") and 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").

These Remote Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the 2020 Regulations and should be read in conjunction with the ordinary Procedure Rules under Part 4, Section 4 of the Constitution. The 2020 Regulations, made under section 78 of the 2020 Act, apply notwithstanding any other legislation or current or pre-existing standing orders or any other procedure rules of the Council governing meetings and remain valid until 7 May 2021. Wherever there is a conflict, the Remote Procedure Rules take precedence in relation to any remote meeting.

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# **PART 4**

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## **Rules of Procedure**

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## **PART 4 | SECTION 1A - REMOTE MEETING PROCEDURE RULES (TEMPORARY STANDING ORDERS)**

### **1. SECTION 1A – REMOTE MEETING PROCEDURE RULES**

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#### **1. How will Notice of Meetings be Provided**

- 1.1 The Proper Officer will give notice to the public of the time of the meeting and shall provide details of how the meeting shall be open to the public which shall be through remote means including (but not limited to) video conferencing, live webcast and live interactive streaming.
- 1.2 Members will be notified of a remote meeting by email and all agenda papers will be available on the Authority's website and via its meeting management software or other electronic means as appropriate.

#### **2. Application of the Rules**

- 2.1. These Rules should be read in conjunction with the ordinary Council Procedure Rules (under Part 4, Section 4 of the Council's Constitution) which details the rules of debate and apply to all meetings of the Council except as varied by the Council Procedure Rules.

#### **3. Quorum**

- 3.1. The normal quorum requirements for meetings as set out in the Authority's Constitution will apply. Any Member so authorised to participate by remote conferencing shall be regarded as present for the purposes of determining a quorum.
- 3.2. In the event of any failure of the video conferencing link the Chair will immediately determine if the meeting is still quorate. If the meeting is still quorate, then the business of the meeting will continue. If there is no quorum then the meeting will adjourn for up to fifteen (15) minutes to allow the connection to be re-established.
- 3.3. If connection cannot be re-established after fifteen (15) minutes the meeting shall be immediately adjourned to a later date.

#### **4. Notice of Remote Link**

- 4.1. Any Member wishing to participate by remote means in any meeting of the Council, or of a Committee or Sub-Committee, must confirm their attendance by such means in writing to Democratic Services at least forty-eight (48) hours in advance of the start of the meeting.
- 4.2. The remote means must be established and tested before the commencement of the meeting.

#### **5. Types of Remote Link**

- 5.1. Members should try to establish video conferencing capability however by exception, they

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may attend by audio only.

### **6. Record of Attendance**

- 6.1. The Chair will confirm at the outset and at any reconvening of the meeting that they can see and hear all participating Members. Any Member participating by remote link must also confirm at the outset and at any reconvening of the meeting that he/she can see and hear the proceedings and the other Members participating.
- 6.2. The Democratic Service Officer(s) will record remote attendance on behalf of Members.

### **7. Declaration of Interests**

- 7.1. Any Member participating by remote link who declares an interest in any item of business in terms which requires them to leave the room must also leave the remote conference temporarily. The departure will be confirmed by the Democratic Services Officer(s) who will thereafter confirm to the remote Member when they may re-join the meeting.

### **8. Disruption to Remote Conferencing**

- 8.1 Should any aspect of the hosting technology fail, the Chair will call an adjournment of up to fifteen (15) minutes to determine whether connection can be re-established. If connection cannot be re-established after fifteen (15) minutes, the meeting shall be immediately adjourned to a later date.
- 8.2 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to five (5) minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting will continue to deal with the business on the agenda, providing the meeting remains quorate and the public are able to hear.
- 8.3 If, following disconnection, an individual Member's connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of the connection's re-establishment.
- 8.3 If a connection to a Member is lost during a regulatory meeting, the meeting will proceed, providing it remains quorate. Any Member who has been absent from the debate on a particular item due to connection failure or any other reason will not be permitted to vote on the item, as they will not have heard all the facts to be able to make a fully-informed decision.

### **9. Notification of Right to Speak**

- 9.1 The Chair will follow the Council Procedure Rules set out in the Constitution when

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determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

- 9.2 The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.
- 9.3 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will as part of their introduction explain the procedure for their participation. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.

### **10. Voting**

- 10.1 When the Chair is satisfied that there has been sufficient debate and there is a proposer and seconder for the item being debated, the Chair will progress to making a decision.
- 10.2 Unless a Recorded Vote is called, the method of voting will be at the Chair's discretion and will be by one of the following methods:
  - (a) a vote by electronic means;
  - (b) Members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called; or
  - (c) by the general affirmation of the meeting.
- 10.2 Details of how individual Members voted will not be kept or minuted unless a Recorded Vote is called.

### **11. Exclusion of the Press and Public**

- 11.1 If a remote Member wishes to participate in discussion of a confidential and/or exempt item, they must verify that the venue in which they are situated is secure, that no member of the press or public has access and that no recording of any kind of the proceedings is being made, by any person. The Democratic Services Officer(s) present will ensure that no recording of any kind is taking place.

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## **PART 4 | SECTION 4A – REMOTE SPEAKING PROCEDURE RULES (DEVELOPMENT CONTROL COMMITTEE)**

### **1. SECTION 4 – DEVELOPMENT CONTROL COMMITTEE REMOTE SPEAKING SCHEME**

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#### **1. Introduction**

- 1.1. When an application has been identified to be considered at a particular Committee meeting, the Development Control Section will inform the Applicant (or their Agent) and any person who has made representations on the application that it is due to be considered by the Committee and to give those persons the opportunity to make verbal representations at the Committee meeting.
- 1.2. This procedure only relates to applications determined by the Borough Council, and includes details on how to join, observe and speak “virtually” at the Committee meeting through the use of the ‘Zoom’ video conferencing platform (“Zoom”) in light of the ongoing coronavirus (COVID-19) pandemic.

#### **2. When are the Committee Meetings?**

- 2.1. The Development Control Committee meetings are ordinarily held every 4 weeks and begin at 7:00 p.m. in the Council Chamber at the main Council Offices in Station Road, Wigston.
- 2.2. However, in light of the ongoing COVID-19 situation, and the requirement to follow the Government’s ‘social distancing’ guidance, these meetings will be held “virtually” or “remotely” through the use of Zoom.
- 2.3. Committee agendas are published at least 5 working days before the Committee meeting and are available to view on our website [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk) under the ‘Your Council – Meeting Dates, Agenda and Minutes’ pages (follow the ‘Calendar of Meetings’ link).
- 2.4. Meetings are open to everyone to watch and listen to remotely, whether a person has registered to speak at the Committee meeting itself or not. The meetings’ proceedings will be streamed LIVE on the Council’s YouTube Channel (search ‘Oadby & Wigston Borough Council’ at [www.youtube.com](http://www.youtube.com)) from the time the meeting is due to start on the day of the meeting. A direct link to the live stream will also be available on our website (see above).

#### **3. How to Register an Interest to Speak**

- 3.1. Speaking opportunities shall be allocated on a first come, first served basis. If a number of people want to speak for or against a proposal the onus is on them to appoint a speaker. However, the Applicant (or Agent) will always be given the opportunity to address the Committee.

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- 3.2. If objectors/supporters cannot agree on a spokesperson the objector/supporter who registered first will be the ones permitted to speak. The identified speakers may defer to another at the discretion of the Chair of the Committee and on the condition that the Council's Democratic Services Team is informed by 12:00 pm on the day of the Committee meeting by e-mailing [democratic.services@oadby-wigston.gov.uk](mailto:democratic.services@oadby-wigston.gov.uk) or calling either (0116) 257 2643 or (0116) 257 2605.
- 3.3. A registered speaker's contact name/number/address may be disclosed to other persons wishing to address the Committee to assist in the appointment of a spokesperson should there be more persons who wish to address the Committee than allowed under the public speaking protocol.
- 3.4. To register a right to speak, speaker must telephone the Planning Administration Team on (0116) 257 2671.
- 3.5. Those registered to speak at the Committee meeting will be sent an e-mail invitation from 'Democratic Services (OWBC)' which will contain a unique 'Click Here to Join' link to remotely join the meeting from a PC, Mac, iPad, iPhone or Android device.
- 3.6. For those speakers who do not have access to any of these devices, or do not wish to appear by video link, the e-mail invitation will also include a telephone number for the speaker to call to remotely join the meeting by audio only. If the speaker does not have access to e-mail, joining instructions can be provided over the phone.
- 3.7. Speakers must not share their unique joining details/instructions with anyone else.

### **4. How many people can address the Committee?**

- 4.1. There will be a maximum of three public speakers (excluding Ward Councillors not on the Committee or Councillors with prejudicial interests) allowed to speak.
- 4.2. These would consist of the Applicant (or Agent), one supporter and one objector.
- 4.3. There will be a time limit of five minutes per person and each speaker may only speak once.

### **5. Commenting at the Committee Meeting**

- 5.1. Comments must be completed in five minutes and be a statement of the speaker's objections or support. It is not an opportunity to ask questions.
- 5.2. No letters or additional information can be distributed at the Committee meeting and videos, overheads and electronic presentations are only allowed at the Chair's discretion and on the condition that an electronic copy of the shared content is

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provided to the Democratic Services Team by 12:00 pm on the day of the Committee meeting (see e-mail above).

- 5.3. Comments should also be limited to relevant planning considerations. Examples of some relevant planning considerations are as follows (although this list is not exhaustive):
- Layout and density of buildings;
  - Overshadowing, overlooking and loss of privacy, noise disturbance or other loss of amenities;
  - Appearance and character of the development;
  - Traffic generation, highway safety, parking;
  - Relevant planning policies.
- 5.4. Speakers should avoid references to matters which are not material planning considerations. Examples of matters which are not relevant planning considerations are as follows (although this list is not exhaustive):
- Boundary disputes, covenants or other property rights;
  - Personal remarks (for example the applicant's motives);
  - Reduction in property values;
  - Loss of private view over the land;
  - Matters dealt with under other laws (for example licensing).
- 5.5. At the Chair's discretion, Members of the Committee may ask a visiting speaker to clarify a point of fact after their statement has been made before the application is debated. However, this is not intended to result in a dialogue between the Committee Members and the speaker.
- 5.6. Any issue deemed to be defamatory, derogatory or to relate to a specific Officer or Member will not be permitted and the speaker will be warned accordingly. If the speaker does not follow this warning, they will be immediately removed from the remote meeting and will lose their right to speak any further on an application.
- 5.7. Committee meetings are live-streamed (see above) and are otherwise audio-visually recorded. Recording of Committee meetings will be made publically available as part of the public record.
- 5.8. If the person chosen to speak would like help preparing their case, Planning Aid may be able to assist them. Planning Aid is a charity run by volunteers and not connected with Oadby and Wigston Borough Council. Planning Aid do not provide planning advice via telephone, all requests for advice should be directed to their email advice service, details of which can be found at [www.rtpi.org.uk/planning-aid/online-advice-service](http://www.rtpi.org.uk/planning-aid/online-advice-service).

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### **6. What Happens at the Committee Meeting**

- 6.1. On the day of the Committee meeting, a member of the Democratic Services Team will contact all speakers between 10:00 am and 4:00 pm to give them an opportunity to ask any questions they may have, practice joining the meeting remotely and to ascertain that all speakers have a reliable internet or telephone connection etc.
- 6.2. On the evening of the Committee meeting, speakers must attempt to join the meeting at least 15-minutes before the meeting is due to start so any technical issues can be resolved to therefore ensure a prompt start to the meeting.
- 6.3. When speaking, speakers will be required to connect their audio (through their device's microphone or telephone receiver) and, where possible, their video (through their device's camera).
- 6.4. When speakers first join, and throughout the meeting, their microphone will automatically be set to mute until such time as they are unmuted and invited to speak. Once a speaker has finished speaking, they will be muted once more.
- 6.5. Furthermore, before and after a speaker has spoken, they will be placed into a "virtual" holding area where they can watch and listen to the meetings proceedings. Speakers will only be taken out of the "virtual" holding area when they are invited to speak, and only after a speaker has finished speaking, they may leave the meeting.
- 6.6. Generally, the Chair will introduce each item on the agenda and then proceed as follows:-
  - Any Councillors with prejudicial interest in the application to address the Committee (if any);
  - The Applicant/Agent of the application may then address the Committee;
  - Supporters/objectors of the application can address the Committee;
  - A Ward Councillor(s) who is not a Committee Member may then address the Committee (if any);
  - The Planning Officer or Development Control Manager will present the application and include any information detailed on the Agenda Update, with reference to a electronic presentation; and
  - Development Control Committee Members debate and determine the application, involving Officers as and when necessary.
- 6.7. If an application is deferred until another meeting for further information or negotiations, before or after public speaking, then the process is repeated. The right to speak does not extend to site visits (if any).

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- 6.8. If speakers need any assistance joining the meeting, or experience any technical difficulties during the meeting, they must contact the Democratic Services Team directly on either (0116) 257 2643 or (0116) 257 2605. If needed, the meeting will be temporarily suspended to resolve any technical difficulties.
- 6.9. There are a number of self-help resources available on the Zoom website at [www.support.zoom.us/hc/en-us/categories/200101697](https://www.support.zoom.us/hc/en-us/categories/200101697) should speakers need to refer to these for help on setting up Zoom on their device.

### **7. What Happens at the Committee Meeting**

- 7.1 By registering and speaking at the Committee meeting, speakers are confirming that they consent to the Council holding and processing their personal information and using it for the purposes of democratic participation and engagement facilitated by the Council's use of the Zoom video conferencing platform ("Zoom") to conduct remote access meetings. Their personal information will not be shared or used for any other purpose by the Council. For more information, please see the Council's Privacy Policy: [www.oadby-wigston.gov.uk/pages/privacy\\_notices](https://www.oadby-wigston.gov.uk/pages/privacy_notices).
- 7.2 Zoom may collect information including speakers' IP address, device details and operating system details. When speakers use Zoom, some data will be disclosed to other participants and to meeting or webinar hosts. For instance, when speakers attend a meeting, their name might appear in the attendee list. If a speaker turns on their audio microphone and/or video camera, their voice and/or image will be shown. If a speaker sends a chat or share content, that can be viewed by others in the chat or the meeting. For more information, please see Zoom's Privacy Policy: [www.zoom.us/privacy](https://www.zoom.us/privacy).

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