



**PACWAC  
REMOTE HEARINGS PROTOCOL  
FERMANAGH AND OMAGH LDP  
INDEPENDENT EXAMINATION  
HEARING SESSIONS**

VERSION 1

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## BACKGROUND

This protocol has been developed to provide a mechanism for facilitating remote oral hearing sessions for the Independent Examination (IE) of the Fermanagh and Omagh (FO) District Council Local Development Plan (LDP) Planning Strategy. They have been developed to enable the hearing sessions to progress while ensuring that we take all reasonable steps to try and reduce the spread of COVID-19.

Nothing in this protocol derogates from the Commissioner's duty to determine all issues that arise in accordance with normal principles. Every remote hearing session will be planned and conducted in a manner designed to secure every party's right to a fair hearing. Every remote location attended by the participants in a remote hearing forms part of and is an extension of the hearing. All participants must conduct themselves accordingly. This document should be read in conjunction with the Commission's Procedures for the Independent Examination of Local Development Plans and the Guidance Notes for Participants for this IE.

There are four contributors in any remote hearing session:

- The Administrator – this will be a member of PACWAC administrative staff who will be present and manage the hearing from an administrative perspective;
- The Programme Officer – the person appointed to administer the examination process and the main point of contact for all parties;
- The Commissioner – this will be the appointed Commissioner who will conduct the hearing;
- Participants – these will be the nominated speakers for each party who have made representations to the Council within the prescribed time periods and seeking changes to the plan or invited by the Commissioner to participate. Participants will be expected to participate via video link.

The sessions will be available for the public to observe live on the internet. No-one is permitted to make any video or audio or other recording or image whatsoever of any part of the proceedings. This absolute prohibition includes a 'screenshot' or 'screengrab' and all like or related mechanisms.

The method by which all hearings are conducted will be a matter for the appointed Commissioner. As the hearing sessions will be programmed over a period of time there may be changes to sessions and timetabling and expected participants should keep up to date via the Commission's website.

Given the introduction of this technology to the work of PACWAC all parties are urged to be sympathetic to any technological difficulties that may be experienced. This document will be subject to review and updated as appropriate. Please ensure that you are referring to the

latest version which will be available on our FO Examination Library [www.pacni.gov.uk/fo-examination-library-0](http://www.pacni.gov.uk/fo-examination-library-0)

## **BEFORE THE HEARING SESSIONS COMMENCE**

As per the procedures for the Independent Examination process the Commission will notify the Council of the start date of the public hearing sessions of the Independent Examination eight weeks in advance of the oral hearing sessions commencing. Three weeks before the date of opening the Commission will publish the Hearing Programme and Examination Agenda. Please refer to the Guidance Notes for further information.

In order to plan for the hearing sessions the Commission will write to all parties who have provided an indication that they wish to appear before the Commission to give oral evidence to confirm that this is still the case. Those wishing to pursue oral representation at the remote hearing will be asked to identify the named speaker for the representation and details of where the invitation for the remote hearing should be sent. The Programme officer will issue a Pro-forma requesting this information which should be returned within 7 calendar days.

You should consider whether you are likely to need to confer with another person (Agent, Legal Representative etc) during the event. If so, agree how you intend to achieve this e.g. SMS, Email, WhatsApp etc.

Every proposed remote hearing participant should test Webex video conferencing in advance of the scheduled remote hearing date and advise the PAC of any technical problems as soon as possible. Details on how to join a Webex meeting can be found on their website [www.webex.com](http://www.webex.com). The onus is on the participant to test the Webex video conferencing software on their device and to test any equipment (headphones, speakers or microphones) they plan to use at the hearing sessions. Any technical issues should be reported to the Programme Officer at [FO.LDP@pacni.gov.uk](mailto:FO.LDP@pacni.gov.uk) as soon as possible and any party who fails to join the hearing session at the specified time should be aware that the hearing session may proceed in their absence.

## **LIVE STREAMING**

To allow people to view the hearings as they would with a physical hearing, the hearing sessions will be available for the public to stream live on YouTube. A link to the stream will be available on the Planning Appeals Commission's website and this will allow people to keep up with the hearings in real time.

Any unauthorised recording or transmission of the hearing sessions is an offence under the Coronavirus Act 2020 and the only streaming of the hearings will be through the Planning Appeals Commission's YouTube channel. Just as with a physical hearing no video or audio record will be kept of the hearing sessions and it is therefore important to note that if you wish to view the proceedings, then the onus is on the individual to arrange a streaming device with an adequate internet connection to stream the hearing session in real time.

## THE HEARING SESSIONS

The purpose of the hearing sessions is for the Commissioner to gain the information they need to examine the soundness of the plan. They will lead the hearing, introduce each topic and ask specific questions about the topic.

A member of the PACWAC administrative team will host all remote hearings and will log into the session around forty minutes before the start. All participants are expected to be logged on a minimum of 15 minutes before the starting time of the hearing session. The Administrator will check if you can hear and be heard. The Administrator will be present for the duration of the hearing to monitor the process from a technical perspective.

If you experience problems with your connection then please try again using the same joining instructions. If this doesn't work then you should immediately contact the Administrator by email at [FO.LDP@pacni.gov.uk](mailto:FO.LDP@pacni.gov.uk). They will attempt to help you to join or re-join the session at an appropriate point. It may be that, if you initially joined by video, you can re-join by audio or by telephone, to limit the effect of any technical issues that you may have been experiencing.

External speakers have been known to contribute to feedback as the sound is picked up by the laptops own microphone and re-transmitted, thus causing a feedback loop. We recommend participants use earphones or headphones with a microphone in order to enhance the quality of communication.

## WHEN THE HEARING SESSION COMMENCES

The Commissioner will open the hearing session and it will proceed in line with their instructions. At the outset of every session the Commissioner will normally:

- Make introductory comments and state general housekeeping matters;
- Summarise orally the basic protocol to be observed and how the session will be conducted;

- Confirm all present are those expected to be so (as on the list) and no unauthorised person is present;
- Set out the agenda and expected timings;
- Confirm all can hear and remind everyone that devices should be on mute at all times until invited to speak by the Commissioner;
- The Commissioner will then move round the participants for comments in turn and advise participants that once they have finished speaking, they please say so;
- If the Commissioner raises their hand – please stop talking;
- If you need to communicate with other members of your team or take instructions – please do so in private via separate communication channels;
- Remind all present that recording of proceedings is not authorised.

The remote hearing session will be conducted on the basis of the agenda which will have been circulated in advance. This will allow parties to focus on specific areas and organise their preparation accordingly. The Commissioner will control the session and will invite participants to speak at the appropriate time. You are reminded that the Commissioner will be taking notes so please speak slowly and observe if they are still writing before you proceed.

Please make your response brief and focused and adhere to the agenda. You won't need to repeat your full case in detail, or give any sort of formal presentation, as all your written submissions will have been read.

When the Commissioner has heard from a speaker, you should turn off your video camera and your microphone should be muted. There will not be any cross examination, participant interruption or open discussion, and responses should always be directed to the Commissioner. Participants will normally only be asked to speak once on each question. They may be invited to make further contributions but repetition of points that either they or other parties have made, should be avoided.

In line with the agenda the Commissioner will raise and invite responses to questions. The Commissioner's expectation is that each session will typically last for up to 90 minutes. The Commissioner may introduce breaks in the session. There will be no more than three sessions in any one day.

- Before closing the Hearing at the final session, the Commissioner will ensure that all parties are satisfied that all issues have been fully explored;
- Emphasise that no further evidence is to be presented unless during the hearing the submission of post hearing evidence has been agreed;
- An indicative timescale for the issue of the report will be given.

The remote oral hearing sessions will be closed.

Where for any reason the remote hearing session comes to an end without any prior warning you should await email instruction from the Administrator. An attempt will be made to restart the session as soon as possible.

## DOCUMENTS, EVIDENCE AND PRESENTATION

The Planning Appeals Commission and Fermanagh and Omagh District Council websites contains all the relevant examination documents. These are available to all participants, stakeholders and the public. The hearing will not therefore use the document sharing facility available on the electronic platform. Nor should you hold any document in front of your camera. New documents should only be submitted during the hearings at the invitation of the Commissioner. If you are invited to submit further evidence then this should be emailed to the Programme Officer at [FO.LDP@pacni.gov.uk](mailto:FO.LDP@pacni.gov.uk) so that they can pass it to the Commissioner and put it on the website.

## HOW SHOULD YOU PREPARE FOR THE HEARING?

Please prepare for the Hearings appropriately and give the other participants the same respect as you have previously at face to face Informal Hearings:

- Check that you know how to join the Hearing by going to Webex.com;
- Ensure that you have read and familiarised yourself with the Guidance Notes that were issued with the agenda for the public hearing sessions;
- You must make sure that you attend the hearing session from start to finish;
- Remote sessions are specific and targeted, prepare thoroughly in advance of the session;
- Ensure that you have appropriate connectivity on the devices that you intend to use;
- Decide where you'll sit for the full duration of the hearing, it should be quiet and private;
- Let anybody close by know that you will be in a Hearing, so that you are less likely to be interrupted;
- Make sure the computer, tablet or mobile telephone you'll use is fully charged or plugged in, so you do not get cut off;
- Have any documents you'll need ready beforehand, including the Agenda;
- Set your mobile phone to silent if you are not using it to access the Hearing;
- Be ready at least 30 minutes before the Session;
- If you are joining by video, if possible, have something plain behind you like a blank wall.

## **Appendix 1 Privacy Notice Addendum**

This addendum is to be read with in conjunction with the Planning & Water Appeals Commissions' Privacy Notice and our Data Protection & Freedom of Information Policy

### **Use of video and audio conferencing technology to conduct hearing sessions remotely and live streaming**

This use of video and audio conferencing technology to conduct hearing sessions remotely has been introduced to reduce the health and safety risk to individuals during the current Covid-19 pandemic. The personal data we collect from you to facilitate a remote hearing will include your name, email address or telephone number, display name and self-image which will be retained for the duration of the proceedings only. The technology is used to facilitate hearings only, as the sessions are live streamed they are recorded automatically in the YouTube studio. These recordings will be deleted within 24 hours of the closure of the live streamed session.

### **Privacy Advice for Users of Digital Devices**

The remote hearing platform will normally display the self-image, name and may sometimes also display the email address of participants in a virtual hearing to all other participants who are using digital devices. These will also be seen by viewers of the live stream.

After you click your joining link but before you join the virtual hearing, the remote hearing platform will enable you to type in the name which you wish to be displayed. You can choose what name to type in and should add an organisation name too. Your display name must be sufficient to enable you to be identified during the session.

### **Privacy Advice for Telephone Users**

If you do not want to display your telephone number, you are reminded to add a privacy prefix before you dial the telephone number for the hearing session. On most UK telephone networks you can dial 141 before the number and this will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the virtual hearing session and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.