



**PACWAC
COVID-19
TEMPORARY
RESPONSE MEASURES**

**Ann Street
PHYSICAL/HYBRID HEARING ATTENDANCE GUIDE**

VERSION 7.0

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BACKGROUND

This protocol has been developed to provide a mechanism for facilitating Physical/Hybrid hearings. Nothing in this protocol derogates from the Commissioner's duty to determine all issues that arise in a case in accordance with normal principles. Every hearing will be planned and conducted in a manner designed to secure every party's right to a fair hearing. Every location attended by the participants in a Physical/Hybrid hearing forms part of and is an extension of the hearing. All participants must conduct themselves accordingly. The method by which all hearings are conducted will be a matter for the appointed Commissioner. This process will require frontloading and parties will have to be engaged early on.

We endeavour to continue with our work while being mindful of the risk of COVID-19 as well as ensuring all parties, including the Commission workforce are kept safe. During the pandemic the Commission has facilitated Remote Hearings, and will continue to do so. To facilitate those parties who did not avail of the Remote Hearing option, the Commission has introduced Physical/Hybrid Hearings, which involve some parties attending in person while others provide evidence via video link. For the short term, all Physical/Hybrid Hearings will be conducted in 4th Floor, 92, Ann Street, Belfast BT13HH.

The following measures will apply within Ann Street when a Physical/Hybrid Hearing is being facilitated. All measures are based on information available at the time of writing and are subject to review. This document should be read in conjunction with the publication 'PACWAC Temporary Response Measures to COVID 19'.

For the purposes of attendance at a Physical/Hybrid Hearing there are four categories of person and different measures will apply to each:

- The Administrator – this will be a member of PACWAC administrative staff who will manage the hearing from an administrative perspective;
- The Commissioner – this will be the appointed Commissioner who will be present and conduct the hearing;
- Participants – these will be the nominated speakers for each party who have submitted a statement of case;
- Observers – these will be individuals who wish to observe proceedings.

It is expected that the party who requested the Physical/Hybrid Hearing will attend Ann Street. The Commission will consider requests from other parties to give their evidence via video link, should they so wish. This means that the numbers present in Ann Street can be kept to a minimum.

The hearing room in Ann Street, is equipped with a large screen so that all present can see and hear the speaker giving evidence. A camera and microphones are in the hearing room so that the proceedings can be seen and heard by all parties.

As outlined in our 'PACWAC COVID19 Temporary Response Measures' document, parties who have submitted a statement of case will need to provide the names of those they wish to attend as participants. Parties are expected to keep the number of physical attendees to a minimum – it would be preferable that parties are represented by a single person.

It is intended to facilitate observers at Physical/Hybrid Hearings, subject to room capacity and in compliance with COVID guidelines. Details of the hearing will be published on our website and individual observers must register their interest in attending a particular hearing with the PACWAC admin team via email (info@pacni.gov.uk), clearly stating the appeal reference number. This should be completed at least 24 hours in advance of the scheduled hearing time. The individual will be entered onto the attendee list. Once capacity is reached the attendee list will be closed. Given the circumstances, only those who have been formally registered as a participant or an observer may gain admission into Ann Street. Where observer numbers exceed the capacity of the room, we will facilitate attendance of additional observers remotely.

Once the arrangements for a hearing have been fixed, any request for a postponement by the appellant will be granted only in the most compelling circumstances. The administrative team should be informed and notification of a substitute hearing date will be made by the Commission.

ATTENDANCE AT ANN STREET

Up to date information and advice in relation to COVID-19 is available on the Public Health Agency's (PHA) website <https://www.publichealth.hscni.net/covid-19-coronavirus> .

To help prevent the spread of COVID-19 everyone should be trying to follow social distancing measures as much as possible in line with the above public health guidance. If you have symptoms of a respiratory infection including COVID-19 you should stay at home and not attend Ann Street. If you experience symptoms prior to a hearing contact should be made with our admin team (preferably via email to info@pacni.gov.uk address) as soon possible clearly stating the appeal reference number and date of the hearing. There are a number of possible courses of action, which may be selected:

- The hearing will proceed with the person giving evidence via video link
- The hearing will proceed with a nominated representative attending Ann Street on the person's behalf;

- The hearing will proceed with a nominated representative giving evidence via video link;
- The person may opt for a hearing, which relies solely on previous written submissions;
- A postponement may be required.

ARRIVING AT ANN STREET

- A visitor's pass will be issued on arrival at ground floor reception. Attendees will be met by a member of PACWAC Staff.
- Entrance to Ann Street will be available **15 minutes** before the scheduled start time.
- The hearing room is located on the fourth floor.
- Hand sanitiser is available at the reception at Ann Street and in the hearing room.
- All parties should be in their seats **5 minutes** before the start time of the hearing.

THE HEARING ROOM

The hearing rooms may be conjoined to create a larger hearing space when necessary. The hearing rooms are mechanically ventilated and will be laid out so that physical distancing measures can be maintained. Attendees should observe these arrangements and under no circumstances should seating be altered. The procedure for managing numbers attending the hearing is set out in our external guidance document. No one will be able to attend a hearing without previously being registered as a participant or an observer.

The Commissioner and administrator will be in the hearing room. The number of speaking participants at the table (excluding the Commissioner) may be limited to no more than six participants at any one time. Depending on the number of attendees this may mean that parties may have to organise themselves on the basis of:

- 2 speakers (max) for the Appellant
- 2 speakers (max) for the Council
- 2 speakers (max) for the Third Parties

Where there is capacity in the room additional members of any party's team may be able to remain in the hearing room. The maximum number of people permitted in the hearing room at any one time is nineteen; or 32 if the hearing room has been conjoined to facilitate a larger hearing. This does not include the Commissioner(s) and any PACWAC Administrator(s).

Parties should also consider how they will communicate with each other during the course of the hearing. If this is to be through messaging via personal mobile devices they should be on mute at all times.

To maintain social distancing within the room, users must ensure all paper/documents have been exchanged with parties in advance of the hearing. No hard copy documentation will be accepted by the Commission and no party should attempt to hand anything in during the course of the hearing.

The hearing room will be cleaned prior to the hearing taking place. The hearing room is equipped with a mechanical ventilation system in the form of an Air Handling Unit (AHU). The unit is confirmed as drawing in fresh air.

GIVING EVIDENCE VIA VIDEO LINK

Individuals who choose to provide evidence via video link should make this known to the PACWAC administrative team, when returning the hearing attendance form. Individuals choosing this option will have to provide e mail details to enable joining instructions to be sent to them. You are reminded that whichever location from which you provide evidence is considered part of and an extension of the hearing.

The hearing will not be recorded by PACWAC and it is not permitted for any other party to record or broadcast the event. Thus no-one is permitted to make any video, audio, 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.

Every individual should preferably test that their equipment supports the relevant technical mechanism in advance of the scheduled date and advise PACWAC of any technical problems. Where an individual is to give evidence remotely a member of the PACWAC administrative team will log into the hearing around twenty minutes before the start. Anyone giving evidence via video link will be expected to be logged in fifteen minutes before the start time of the hearing. The Administrator will check that you can hear and be heard. Once the hearing starts the Administrator will lock the session. The Administrator will be present for the duration of the hearing to monitor the process from a technical perspective.

If problems arise with connections please try joining the meeting again using the same instructions. If this doesn't work, contact the Administrator by email or telephone using the contact details provided in the Joining Instructions. They will attempt to help with re-joining the Hearing.

Some audio equipment, especially speakers, have been known to cause issues with feedback. We therefore recommend participants use earphones or headphones with a microphone in order to enhance the quality of communication. Further guidance can be found in our remote hearings protocol.

LEAVING THE HEARING ROOM

When proceedings conclude, all parties will be asked to leave via the designated exit door and will be advised to leave the building immediately. Please ensure you do not leave anything behind.

Visitor's passes should be returned to the box provided at the ground floor reception.

SUPPLEMENTARY INFORMATION

Attendees should adhere to social distancing guidelines at all times.

Where an attendee needs to exit the Inquiry Room at an undesignated time, they will be escorted by a PACWAC member of staff.

Public toilets are available in the lobby area.

UK GDPR

Please be advised that if information is provided to the Commission in regards to a medical condition to justify a course of action in relation to our COVID-19 response this information will be treated in a sensitive manner and in line with UK GDPR principles.

We will continue to keep this guide under review and will update our response as necessary.

Thank you for your co-operation.

Appendix 1

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

Privacy Notice Addendum

Use of video and audio conferencing technology to facilitate giving of evidence via video link

This use of video and audio conferencing technology to facilitate giving of evidence via video link has been introduced to reduce the health and safety risk to individuals during the current Covid-19 pandemic and to ensure that their fundamental right to access justice is preserved. The personal data we collect from you to facilitate giving of evidence via video link will include your name, email address or telephone number. The technology is used to facilitate hearings only, it is not used to record or store images and information associated with the proceedings. Once the hearing starts the Administrator will lock the session.