

		COUNCIL POLICY	
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CHAPTER:			
SECTION:			
SUBJECT:	Speaking at Public Hearings		
AUTHORIZED BY:	Council		
EFFECTIVE DATE:	March 2014	REVISION DATE:	May 2016

A. BACKGROUND

The City's Land Use Procedures Bylaw, 2016, specifies a number of situations where Council must hold a public hearing before making a decision. Section 27 of that bylaw indicates that a public hearing is required before Council adopts a bylaw to:

- (a) amend the Zoning Regulation Bylaw
- (b) amend the Official Community Plan
- (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract, or
- (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Section 465(2) of the *Local Government Act* makes it clear that, at a public hearing, Council must afford all persons who believe that their interest in property is affected by a proposal a reasonable opportunity to be heard, or to present written submissions, respecting the matter that is the subject of a public hearing.

Under Section 29 of the Land Use Procedures Bylaw, 2016, Council may provide an opportunity for public comment before passing a resolution to issue:

- (a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*
- (b) a development permit with variances
- (c) a heritage alteration permit with variances, or
- (d) a temporary commercial or industrial use permit.

While public hearings and opportunities for public comment are most frequently used for land use applications, similar public feedback opportunities are used to assist Council in making a variety of other types of decisions. These include:

- adopting a bylaw that closes, reopens or removes the dedication of a highway (see section 40 of the *Community Charter*), and
- providing comments and recommendations to the General Manager of the Liquor Control and Licensing Branch on certain types of liquor licence applications (see section 11.1 of the *Liquor Control and Licensing Act*).

B. PURPOSE

The purpose of this policy is to ensure both:

- that members of the public are afforded a reasonable opportunity to be heard at public hearings and other opportunities for public comment, and
- that public hearings and other opportunities for public comment are conducted in an efficient, timely and respectful manner.

DEFINITIONS

In this policy:

public hearing includes

- (a) a public hearing on a matter described in section 27 of the Land Use Procedures Bylaw, 2016
- (b) an opportunity for public comment held pursuant to section 29 of the Land Use Procedures Bylaw, 2016
- (c) a public hearing held pursuant to section 11.1(2)(c)(ii) of the *Liquor Control and Licensing Act* in respect of a liquor licence application
- (d) an opportunity provided pursuant to section 40 of the *Community Charter* for persons who consider they are affected by a bylaw that closes, reopens or removes the dedication of a highway to make representations to Council, and
- (e) any other public hearing or opportunity for public comment included under agenda item "E. Public and Statutory Hearings" on a regular Victoria City Council meeting agenda.

C. POLICY STATEMENTS

1. At the beginning of each public hearing, the chair of the hearing will inform speakers of the maximum speaking time permitted and the expectations for personal conduct during the hearing.
2. Generally, time limits for speakers at a public hearing are as follows:
 - an applicant is permitted a maximum of fifteen (15) minutes at the start of the hearing to outline their proposal
 - the chair of the appropriate Community Association Land Use Committee (CALUC), or the chair's designate, is permitted a maximum of ten (10) minutes to express the views of the community association, and
 - each member of the public is permitted a maximum of five (5) minutes to speak to the hearing.
3. An applicant or CALUC chair or designate that speaks in that role at a public hearing may not also speak as a member of the public.
4. At the time that a public hearing is set, if Council believes that the subject matter of the hearing is complex or has generated a great deal of community interest, Council may resolve to grant additional time to each speaker as follows:
 - an applicant is permitted a maximum of thirty (30) minutes at the start of the hearing to outline their proposal

- the chair of the appropriate Community Association Land Use Committee (CALUC), or the chair's designate, is permitted a maximum of twenty (20) minutes to express the views of the community association, and
 - each member of the public is permitted a maximum of ten (10) minutes to speak to the hearing.
5. When the permitted time for speaking expires, the person speaking must yield to the next speaker by taking their seat in the gallery.
 6. At the end of the public hearing, the presiding member may invite the applicant to come forward to answer questions from Council members.

D. PROCEDURES

1. The chair of the public hearing may use the following language to introduce the hearing:

"Welcome to the Victoria City Council meeting of (date).

Before we commence our meeting, I'd like to advise those in attendance of Council's expectations about personal conduct at this meeting. The City of Victoria is a respectful workplace, which means that each person is expected to treat others in a respectful and courteous manner. Council asks that each person in the audience refrains from interjecting while others speak or applauding following any person's remarks. For those of you who wish to address Council we ask that you:

- Address your remarks to the Chair and Council and not to any person in the audience.
- Speak to the matter before Council.
- Respect the remarks made by others.

Council has adopted the following policies that govern speakers at public hearings:

1. An applicant is permitted a maximum of 15 minutes at the start of the hearing to outline their proposal.
2. The chair of the appropriate Community Association Land Use Committee, or the chair's designate, is permitted a maximum of ten (10) minutes to express the views of the community association.
3. Each member of the public is permitted a maximum of 5 minutes to speak to the hearing.
4. When the permitted time for speaking expires, the person speaking must yield to the next speaker by taking their seat in the gallery."

E. REFERENCES

Community Charter, SBC. 2003, c. 26

Liquor Control and Licensing Act, RSBC 1996, c.27

Local Government Act, RSBC 2015, c.1

City of Victoria Land Use Procedures Bylaw, 2016, No. 16-011

F. REVISION HISTORY

Version 1.0 – March 2014

Version 2.0 – May 2016