

Non-Executive Report of the:  <b>General Purposes Committee</b>  Tuesday, 16 June 2020	
<b>Report of:</b> Asmat Hussain, Corporate Director, Governance and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Virtual Committee Meetings</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

### **Executive Summary**

This report provides the General Purposes Committee with an update on the Council's response to the requirement to operate Council meetings 'virtually' through online meeting tools during the current pandemic crisis.

The report also asks the Committee to agree a set of Virtual Meeting procedures for the Council's constitution.

### **Recommendations:**

The General Purposes Committee is recommended to:

1. Endorse the Council's response to the requirement to hold Committee meetings 'virtually'.
2. Agree the proposed Virtual Meetings procedures set out at Appendix 1 to this report for inclusion in the Council's Constitution.

### **1. REASONS FOR THE DECISIONS**

- 1.1 Sound Council governance arrangements must continue and decision-making meet constitutional requirements to ensure good governance even in pandemic periods.
- 1.2 The General Purposes Committee has responsibility for oversight of the Council's Constitution and, in the absence of a meeting of Council, is the appropriate body to consider these amendments to the Constitution.
- 1.3 Formal Member endorsement of the Council's new procedures is important in providing confidence in the Council's decision-making arrangements.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Members can propose amendments to the procedures set out. They could also decide not to agree any procedures, however that is not recommended as clear procedures are seen as important in providing confidence in how the Council operates its formal decision-making bodies.

## **3. DETAILS OF THE REPORT**

- 3.1 Despite operating in a pandemic setting, the Council's formal decision-making and delegation rules and procedures still apply. Procedures in place must meet existing governance requirements or else governance changes must be formally agreed and published.
- 3.2 Physical committee meetings are not currently possible and so the government enacted a new Statutory Instrument (The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Policy and Crime Panel Meetings)(England and Wales) Regulations 2020) (referred to as 'the regulations' in this report) (see below) to allow meetings to take place virtually.
- 3.3 The Regulations set out specific requirements for virtual meetings (for example that the public must be able to view a live stream of the meeting) and also state that they override any existing Council Standing Orders which would conflict with the new requirements.

### Experience of Virtual Meetings

- 3.4 When the pandemic initially hit the Council decided the appropriate course of action was to pause all meetings and formal Member-level decision making until such time as it could be conducted effectively.
- 3.5 The exception was decisions which were required urgently, usually in response to the pandemic which the Mayor took as Individual Mayoral Decisions, webcast for transparency.
- 3.6 Following publication of the above mentioned regulations allowing virtual meetings to take place, the Council worked to test and introduce virtual meetings software solutions. These were first operated for a Licensing Sub-Committee on 28 April 2020 and rolled out from there.
- 3.7 The Council has now successfully held a number of virtual Committee meetings including for:
- Audit Committee
  - Cabinet
  - Development Committee
  - Licensing Sub-Committee
  - Overview and Scrutiny Committee

- Strategic Development Committee

- 3.8 These included a wide range of officers, Members and public participants. The support of Members in particular has been extremely valuable in testing and feedback for the new ways of working.
- 3.9 There have been challenges to face in making these changes but feedback from participants has been that they have been able to follow the discussions, participate as required and consider that their decision-making has been sound.
- 3.10 The intention through June and July is to operate a full range of meetings to allow decision making and scrutiny to continue in an effective and efficient manner. However, where a meeting has a light agenda, consideration will be given in consultation with officers and Members to postponing the meeting until such time as it proves necessary.
- 3.11 It is also proposed that the Council's Annual Meeting will be postponed until at least September so that at least some Members will be able to be physically present and so to better manage a meeting with a large number of participants. This also will allow the new Speaker to be inducted with due ceremony.
- 3.12 The intention at present is that all meetings up to the end of July will be held virtually or partly virtually.

#### Procedures

- 3.13 The regulation changes were written in such a way as to automatically override any Council Procedure Rules that would unnecessarily restrict the operation of virtual meetings whilst also setting out clear minimum requirements for such meetings. Legally therefore, decision making taken on that basis is entirely sound.
- 3.14 However, best practice would indicate that the Council should adopt procedure rules into its constitution to govern how it intends to operate such meetings. This report therefore proposes draft procedure rules for consideration and agreement. These are set out at Appendix 1.
- 3.15 A significant change to the constitution such as this would normally be presented to Council for agreement, but in the absence of Council, the General Purposes Committee is asked to use its powers to agree to the adoption of the procedure rules and for their inclusion in the Constitution.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 Access to decision making committee meetings is an important aspect of the Council's governance and democratic engagement. Many Members of the public will benefit from the new ability to engage with meetings without having to physically attend at the Town Hall.

- 4.2 To date all participants have been able to participate to date but officers are aware that some residents may find it challenging to participate in virtual meetings especially if they do not have the necessary equipment or are not confident using online software.
- 4.3 A variety of options are available and will be used to support residents including offering test meetings to check connections, looking at audio access via home telephones, and the ability to submit written statements amongst others.

## **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Having agreed procedures for holding virtual meetings reduces the risk of challenge to the Council's decision making and also supports the best value requirements in terms of having prompt and transparent decision making.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no specific financial implications from the endorsement of the proposed Virtual Meetings procedures.

6.2 Any increased cost due to the increase in webcasting Council meetings will be managed within the existing budget resource.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 The [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) came into force on 4<sup>th</sup> April 2020 as a result of the lockdown to ensure council business could be continued. Reg.5(1) ensures that meeting locations includes electronic, digital and virtual locations. The set of procedure rules for virtual meetings follows *Reg.5(6)* of these regulations, allowing a local authority to make any rules governing remote attendance of meetings. There is no single model for virtual meetings prescribed by legislation. However any procedure rules agreed must still strike a fair balance

between openness and orderly conduct. *S.100A Local Government Act 1972* still applies (local authority meetings to be open to the public).

- 7.2 Under Reg.5(3) of the new Regulations, participants of a meeting must be heard. It is advisable that they are seen. However this is not essential (in the event the participant has technical issues).
- 7.3 In terms of the *Equality Act 2010*, consideration must be given to ensure that the procedure rules for virtual meetings do not negatively impact those with protected characteristics (particular consideration to age and disability) and do not make it more difficult to attend a meeting virtually.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 – Proposed Virtual Committee Meeting Procedure Rules

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None.

### **Officer contact details for documents:**

N/A

# 26a Council Procedure Rules – ‘Virtual Meeting’ Addendum

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### Introduction

- 25.1 The [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) make provision for remote attendance at, and remote access to, council meetings **held on or before 7 May 2021**.
- 25.2 The regulations enable the council to hold meetings without all, or any, of the members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing or a combination of the above.
- 25.3 The ‘place’ at which the meeting is held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address, or a conference call telephone number.
- 25.4 In order for members to be able to attend meetings of the council remotely, they need not be physically present, but must be able to hear and be heard (and, where possible, see and be seen by) other councillors and members of the public attending remotely or in person.
- 25.5 The procedure rules in this Constitution apply to remote meetings in the same way as they do for other meetings of the council except where they conflict, in which case this procedure rule takes precedence over other procedure rules in relation to the governance of remote meetings.
- 25.6 Where there is conflict with previous Regulations or with the Council’s Procedure Rules, the new Regulations take precedence.

### Circulation of Papers and Access to Information

- 26.1 Standard Access to Information rules set out in Section 27 of the Constitution apply to ‘virtual’ meetings including around publication of agendas and reports and access to meetings, except that:

- 26.2 Meeting locations/arrangements may need to be altered after the agenda has been published including but not limited to; use of different online meetings tools, delays to meeting start times, changes of location for any 'physical' or 'virtual' element of the meeting.
- 26.3 Paper copies of agendas and notices will not be provided at the Town Hall. Electronic papers will be made available on the Council's website.
- 26.4 Physical access may not be possible to meetings and details of web viewing will be provided as an alternative.
- 26.5 Where possible, any late changes made to meeting details will be advertised on the Council's website including (where relevant) being published as part of an updated agenda. However, Council Procedure Rule 8.2 is disapplied to allow meetings to begin a short time after their published start time in the event of technical or other difficulties.
- 26.6 Urgency procedures as set out in the Constitution (for example to set up Committee meetings with less than 5 days' notice) still apply.

#### Calendar of Meetings

- 26.7 Where changes are required to agreed meeting dates these must be agreed by the Monitoring Officer (or other relevant officer) under delegated authority.
- 26.8 Expected meeting start times may vary from those set out in the Calendar of Meetings but the revised start time will be published.

#### **Executive Decision Making**

- 27.1 Existing requirements in relation to Executive Decisions, including to;
- To publish a Forward Plan of Key Decisions,
  - To adhere to urgency provisions of notification/approval processes with the Chair of Overview and Scrutiny,
  - To operate the Call-in Process,

remain in force.

#### **Meeting Participation and Attendance**

- 28.1 Virtual meetings will usually only involve:
- 28.2 The Councillors, Co-optees and Independent members serving on the Committee;
- 28.3 The Council officers supporting the Committee; and
- 28.4 Other Councillors or members of the public (including applicants) who have the Chair's explicit advance permission to speak.

- 28.5 Note - It will not usually be possible to arrange for additional speaking or participation rights for those making a late request and previous deadlines for registering to speak may be brought forward where this is necessary. Revised deadlines will be published. In particular, it is unlikely that new requests to participate can be accepted during, or shortly before, a meeting.
- 28.6 Where a meeting currently allows public participation, this will extend to virtual meetings. The exact arrangements may vary from previous practice. Each Committee may publish its own public engagement protocols and these will be set out in the agenda. The Committee must provide reasonable adjustments to allow public participation and make allowances for those who are not able to access digital meetings.
- 28.7 Where a member of the public sets out in advance of the meeting that they are not able to participate through audio or video tools they will be offered the opportunity of making a written submission. It may also be possible for them to be represented by their Ward Councillor.
- 28.8 Members will be counted as 'present' for attendance purposes if they can hear all other participants and they can be heard by all other participants.
- 28.9 Where a Member declares a Disclosable Pecuniary Interest they must leave the virtual meeting completely for the duration of the item concerned. Members must also refrain from using the chat function or communicating with the meeting participants during the relevant items.

#### Admission of the Press and Public

- 28.10 All meetings which would normally be open to the public will be broadcast for public access.
- 28.11 This will be through any suitable means but will normally be through the Council's existing webcasting portal.
- 28.12 Paragraph 26.1 sets out how meetings will be publicised.

#### **At the meeting**

- 29.1 All participants are expected to log in to the meeting in advance of the start time as required by the Democratic Services Officer.
- 29.2 The meeting only begins when the Chair formally opens the meeting.
- 29.3 The Chair will introduce themselves and every participant (for the benefit of other attendees and those watching from home) and set out expected meeting etiquette, including that:
- a) All participants microphones must be muted when not speaking.
  - b) Where necessary participants may switch off their cameras when not speaking to save bandwidth.
  - c) How to indicate a wish to speak.



- d) Only speak when invited to do so by the Chair.
- e) When speaking state their full name before making a comment
- f) If referring to a specific page of the agenda pack, mention the page number.

29.4 In terms of general meeting protocols, the Chair must set these out (for example in terms of public participation) and in particular should explain how these vary from existing protocols.

29.5 At some meetings the 'Chat' function may prove useful to participants. However, this does not form part of the formal record of the meeting and is not, on its own, a method for taking decisions.

### **Voting**

30.1 Before a vote takes place the Chair will set out the recommendations/decisions being voted on.

30.2 The Chair will then conduct a roll-call vote whereby they read out each Member's name and they indicate their vote (for, against, abstain).

30.3 Other voting methods may be used at the Chair's discretion including using a 'show of hands' vote where all Members can be visible on screen at the same time.

30.4 The Democratic Services Officer will record the votes and confirm the vote result to the Chair.

30.5 A Chair's casting vote is available if required.

### **Technical and Other Issues**

31.1 Virtual meetings rely on stable ICT infrastructure linked to every participant.

31.2 Should a participant experience technical difficulties they must alert the Chair/Democratic Services Officer as quickly as possible.

31.3 The Chair and Democratic Services Officer must also monitor the attendance of key participants.

31.4 Where it becomes apparent a key participant (as defined in paragraph 31.6) is no longer connected the meeting will be adjourned until such time as they are able to re-connect.

31.5 Where re-connection is not possible the Chair will determine whether it is possible to continue with the item/meeting and where necessary defer an item to later or adjourn a meeting to a future date.

31.6 A key participant is defined as a participant whose continuing contribution to the meeting is vital to allow a decision to be made. For example, an applicant or objector at a Strategic Development Committee meeting before they have made their submission.

- 31.7 Normal quoracy rules apply to virtual meetings and if disconnections cause Member attendance to drop below quorum levels then the Chair will also adjourn the meeting.
- 31.8 Where the live webcast stream for public viewing is interrupted, a meeting must be temporarily adjourned whilst this is fixed, or adjourned to another date if this is not possible.
- 31.9 Should a participant need to leave the meeting for any reason this must be made clear to those participating. Where possible the meeting will continue and the participant may re-join at a later time.
- 31.10 The Chair, following consultation with the Democratic Services Officer, may adjourn a virtual meeting for any reason should they consider that it is not appropriate to proceed.

### **Standards and Code of Conduct**

- 32.1 The provisions of the Member and Officers' Code of Conduct apply to virtual meetings of the Council in the same way as they do to physical meetings of the Council.