

PROCEDURE RULES FOR VIRTUAL MEETINGS ETC.

INTRODUCTION

As the Summary and Explanation of the Council's Constitution states, some of the processes and procedures followed by the Council in its operation and decision-making are required by law, while others were chosen by the Council.

Owing to the Coronavirus crisis, the legal requirements upon local authorities to hold physical meetings of Councillors, and to permit the Press and public to attend them, were changed with effect from 4th April 2020, by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020¹ (referred to as "**the Regulations**").

Regulation 5(1) defines a "meeting", for the purposes of the relevant legal provisions, to include a meeting of persons not present in the same place, and allows a meeting to be held in "more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers", up to and including 6th May 2021.

Regulations 5(2) and 5(3) define a Councillor as being in attendance at such a meeting at any time if he/she "is able at that time:-

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
- (c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting."

In order to enable the Council's operation and decision-making to continue during the crisis, it is necessary to enable the Council to hold meetings in accordance with the Regulations, and to amend the Council's processes and procedures to bring them in line with the Regulations, and the provision of online-only access to papers by the public.

To prepare the Council to do this, the Chief Executive and the Corporate Director (Law and Governance) established a project team of Officers who carried out research, investigation and experimentation into various commercially-available technology platforms for achieving the expectations of Regulations 5(2) and 5(3). The conclusion of this work was that, at this stage, it is not practicable to arrange for all the Councillors participating to see and be seen by all other Councillors participating, as well as being seen by all members of the public attending the meeting by remote access.

Therefore, the Council is adopting arrangements for all its meetings that enable all Councillors in attendance to hear and be heard by all other Councillors participating, as

¹ S.I. 2020/392.

well as being heard by all members of the public attending the meeting by remote access as defined in the Regulations. This satisfies the Regulations' requirements for a VM.

Since the crisis has resulted in many offices being completely closed, and others being run by skeleton staff only, the Regulations also make provision for a number of local government procedures, required under current legislation to occur in physical form at local authorities' premises, to be carried out online or by remote means. It is important that the Council can use these new procedures in order to continue running its business as effectively as possible during the crisis, when it is not practicable for the Civic Centre reception to remain open to the public.

The Constitution (including all of its Parts, Articles, Appendices, Rules, Codes, Protocols, Schemes, etc.) is therefore amended as set out below. These changes have immediate effect and shall remain in force until the end of 6th May 2021, unless earlier terminated or suspended, or extended, by a further decision.

AMENDMENTS TO THE CONSTITUTION

1. In the Constitution, the terms "**meeting**" and "**proceeding**" and all cognate expressions shall include any meeting which the Regulations include within the meaning of the term "meeting", and such a meeting shall be referred to as a "**Virtual Meeting**" or "**VM**".
2. All the procedures and processes in the Constitution shall apply to VMs as they apply to physical meetings, save as set out below.
3. Those changes to the Constitution so specified below apply generally, and not just in respect of VMs.
4. In the Constitution, the terms "**attend**" and "**be present**" and all cognate expressions shall be interpreted to include:-
 - (i) (in the case of Councillors) attending VMs by means of remote attendance as defined in the Regulations, or
 - (ii) (in the case of members of the Press and public) attending VMs by means of remote access as defined in the Regulations.
5. For the avoidance of doubt, if and for so long as a Member is not able to:-
 - (i) hear and be heard by the other Members in attendance at a VM, and
 - (ii) hear and be heard by any members of the public entitled to attend the VM in order to exercise a right to speak at the VM, and
 - (iii) be heard by other members of the public attending the VM by means of remote access as defined in the Regulations,

that Member is not to be regarded as attending the VM, shall not be counted as present if the number of relevant Members present is counted in order to establish whether a quorum is present, and shall not cast a vote.

6. General Procedure Rules 6 (Notice of and Summons to Meetings) and 8 (Quorum and Adjournment) are amended in respect of all meetings and related papers by the replacement of the words "by post" with the words "by an appropriate method".

7. General Procedure Rule 15.1 (Voting: Majority) is amended in respect of VMs by the deletion of the words “in the room”.
8. In respect of VMs, General Procedure Rule 15.3 (Method of Voting) is deleted.
9. In respect of VMs (including VMs of the Cabinet and all other Committees and Sub-Committees, notwithstanding General Procedure Rule 23: Application to Committees and Sub-Committees), all references to voting in General Procedure Rule 15 (Voting) or otherwise shall be interpreted as referring to the following procedure:-
 - (i) Any Member attending a VM shall cast his/her vote by responding, in a manner which is audible to other Members and members of the public attending the meeting, to a request by the Chairman of the VM, or by the Proper Officer or Officer acting on his behalf, to state that Member’s vote on the motion or matter being decided at that time.
 - (ii) If any Member, when so requested, does not wish to cast a vote, that Member shall respond, in a manner which is audible to other Members and members of the public attending the meeting, stating his/her wish to abstain.
 - (iii) If any Member, when so requested, does not respond stating a vote within a reasonable time and in a manner which is audible to other Members and members of the public attending the meeting, that Member will be regarded as having left the VM, and no vote shall be counted from that Member.
 - (iv) No Member may state his/her vote in advance of being so requested, and any such statement shall be disregarded.
 - (v) The response given by each Member when so requested shall be recorded by the Proper Officer or Officer acting on his behalf.
 - (vi) The Chairman of a VM may state his/her vote, or use his/her second or casting vote, by stating his/her vote in a manner which is audible to other Members and members of the public attending the meeting, without being asked to do so, and the Chairman’s votes so given shall be recorded by the Proper Officer or Officer acting on his behalf.
 - (vii) The Proper Officer or Officer acting on his behalf shall tally the votes so recorded, and either he or the Chairman shall inform the VM, in a manner which is audible to other Members and members of the public attending the meeting, of the result of the vote on the motion or matter being decided at that time.
10. The first sentence of General Procedure Rule 16.1 (Signing the Minutes) is amended such that, when the next suitable meeting is a VM, there is no requirement for the minutes to be signed at that meeting; instead, the Mayor may sign the minutes of the previous meeting at any time after a resolution at a VM that the minutes be signed as a correct record. Signing of any minutes may be carried out by the Mayor by any electronic, virtual or other remote procedure which the law allows and the Proper Officer or Officer acting on his behalf approves.
11. General Procedure Rule 17 (Record of Attendance) is amended in respect of VMs by the replacement of the words “must sign their names on the attendance sheets before the conclusion of every meeting” with the words “must, whenever asked to do so during a meeting, by the Chairman of the meeting or by the Proper Officer or an Officer acting on his behalf, speak in a manner which is audible to other Members and members of

the public attending the meeting, to identify themselves and confirm their presence at the meeting at that time”.

12. General Procedure Rules 19.4 (Member to Leave the Meeting), 20 (Disturbance by the Public) and 21 (Declarations of Interest) are amended in respect of VMs such that all references to persons leaving, withdrawing or being removed from, etc., a meeting room refer to disconnecting or otherwise preventing the persons concerned from being able to be heard or seen by any other person attending the VM. No person shall attempt to be heard or seen by any Member or member of the Press or public attending a VM at a time when any of those Rules apply to him/her. However, a Member to whom General Procedure Rule 21 (Declarations of Interest) applies may maintain contact with the Proper Officer or Officer acting on his behalf, by means other than by being heard or seen by any Member or member of the Press or public attending the VM, in order to be able to recommence attendance at the VM when/if the relevant business or matter has been disposed of and the Member is permitted by that Rule to attend the remainder of the VM, and that Member may thereupon do so if desired.
13. The Access to Information Procedure Rules, including their Appendices, are amended in respect of all meetings and related papers, by the deletion of all requirements to make available details of meetings and copies of agendas, reports, minutes, background papers, notices, registers and other documents at the offices of the Council or otherwise, and their replacement by requirements to make those things available on the Council’s website.
14. The Access to Information Procedure Rules, Appendix 2 (Summary of Rights of the Public to Attend Meetings and to Inspect and Copy Documents under Part V(A) and Part XI of the Local Government Act 1972 (As Amended)), paragraphs 1 and 2 (Access to Meetings) are amended in respect of VMs by the deletion of all requirements to make available to the public physical access to any meeting room, and their replacement by a right to hear by means of remote access Councillors attending the VM by remote attendance.
15. The Access to Information Procedure Rules, Appendix 5 (Procedure/Guidance Note – Filming, Photographing or making an Audio Recording of Proceedings at Meetings) is amended in respect of VMs to remove rights to physically film, photograph or make any audio recording in any physical place where all or part of a VM is taking place, and to transfer such rights instead to the audio (and/or, where provided, any video) broadcast of the VM as heard/seen by a member of the Press or public at a computer or other terminal. The guidance and expectations set out in that Appendix 5 apply to any film, photograph or recording made in respect of a VM or part thereof.
16. All references to the Proper Officer in the Constitution are updated to refer to the Corporate Director (Law and Governance) and Monitoring Officer, and the Member Services Manager (Operational) and/or such other Officer(s) as the Corporate Director may authorise in writing to act on his behalf.