

## Decision under Delegated Powers

### Remote Meetings Procedure Rules

#### Officer Requesting Decision

Karen Widdowson, Democratic Services Manager and Deputy Monitoring Officer

#### Officer Making the Decision

Chief Executive

#### Recommendation

That the Remote Meetings Procedure Rules as attached be approved to enable the Council to operate remote meetings immediately.

#### Reason

To enact the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 that came into effect on 4th April 2020.

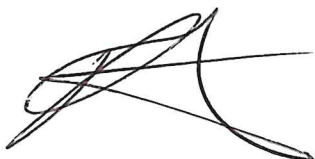
#### Authority for Decision

The Head of Strategic Support has delegated authority to make minor amendments to the Constitution. However, on this occasion due to the nature of the changes it is considered that the Remote Meetings Procedure Rules be approved under the emergency provisions set out below:

Delegation of Council functions - Section 8.2 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.

#### Decision and Date



15/4/20.

## **Background**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 came into effect on 4th April 2020.

Of note is that the Regulations allow council committee meetings to be held virtually for a temporary period up to 7 May 2021.

Therefore, in order to facilitate remote meetings at Charnwood Borough Council, the attached remote meetings procedure rules have been drawn up to provide the rules for the conduct of any meeting which the Council has determined will be suitable for remote conferencing of the Council and its various Committees and Sub-Committees.

Guidance notes for members and members of the public taking part in remote meetings have also been produced and are based on the attached procedure rules.

## **Consultation with the Mayor**

The Mayor has been consulted on the attached procedure rules and on this occasion the two Group Leaders and Independent Councillors have also been consulted. Their suggestions/ amendments are reflected in the attached.

## ***Consultation with Chief Executive and relevant Strategic Director(s)***

Consultation has been effectively concluded via the Council's COVID-19 organisational response to the pandemic. The Chief Executive and all Directors have concluded that the recommendations of this report are both necessary and urgent

## **Comments from HR**

Not applicable

## **Financial Implications**

Not applicable.

## **Risk Management**

None identified.

Key Decision: No

*Date included on Forward Plan* N/A

Background Papers:

<http://www.legislation.gov.uk/uksi/2020/392/contents/made>

## **REMOTE MEETINGS PROCEDURE RULES**

This document sets out the rules for the conduct of any meeting which the Council has determined will be suitable for remote conferencing of the Council and its various Committees and Sub-Committees.

Members may be able to participate by means of conferencing if so, agreed by the Chair of the meeting in accordance with arrangements agreed from time to time by the Council. Attendance by conferencing will be with the agreement of the Chair and process for arranging attendance as set out in these Procedure Rules must be complied with.

### **How will notice of Meetings be provided?**

The Proper Officer will give notice to the public of the time of the meeting and shall provide details of how the meeting shall be open to the public which shall be through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming.

### **Application of the Meetings Procedure Rules**

These rules should be read in conjunction with the Meeting Procedure rules set out in Chapters 9 to 15 of the Constitution. In addition, these rules should be read in conjunction with the Members Planning Code of Good Practice set out in Chapter 24 of the Constitution.

### **Quorum**

Any Member so authorised to participate by remote conferencing shall be regarded as present for the purposes of determining a quorum.

In the event of any failure of remote conferencing link the Clerk controlling the meeting will immediately determine if the meeting is still quorate, if it is then the business of the meeting will continue, if there is no quorum then the meeting will only in such circumstances, adjourn for a period specified by the Chair to allow the connection to be re-established.

### **Types of Remote Link**

Members should try to establish video conferencing capability however by exception, they may attend by audio/telephone only.

### **Record of Attendance**

The Chair will confirm at the outset and at any reconvening of the meeting that they can see and hear all participating Members. Any Member participating by remote link must also confirm at the outset and at any reconvening of the meeting that he/she can see and hear the proceedings and the other attendees.

The Clerk will record attendance on behalf of Members.



## **Declaration of Interests**

Any Member participating by remote link who declares an interest in any item of business in terms which requires them to leave the room must also leave the remote conference. The departure will be confirmed by the Clerk and at the appropriate time after the item has been considered will re-invite the member back into the meeting.

## **Disruption to remote conferencing**

Should any aspect of the conference link fail, the Chair may call a short adjournment of up to five minutes to determine whether the link can quickly be re-established. Efforts should continue to re-establish the link, but the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate.

In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item.

If the link is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

The Clerk or Legal Adviser in the case of the Plans Committee will check in with the Member to determine whether the member who lost their link has sufficiently taken part in proceedings to enable them to take part in the further discussion and voting thereon in.

## **Notification of Right to Speak**

The Chair shall state at the beginning of the meeting how Members should notify them that they wish to speak considering whether video or audio/telephone conferencing is being used.

## **Voting**

A remote Member participating in a vote will cast his/her vote as if participating in a recorded vote. The simplest way to record a vote is for the Clerk to undertake a roll-call of all present committee members in alphabetical order and ask them to state their vote. The Chair will be asked to cast their vote last in case of a tie in voting and that they are required to cast a second vote.

The Clerk or Legal Adviser in the case of Plans Committee will also check the voting (as it occurs) and then verbally confirm the totals of yes/no/abstain of the vote.

## **Deputations**

It is common practice for members of the public who wish to speak at a meeting to give advance notice and the questions on notice procedures set out in the meeting procedures of the Constitution shall continue to be followed.

In respect of the Plans Committee, the established procedures for councillors to speak and public speaking rights shall continue as set out in Chapter 12 (Section 12.12) of the Constitution.

For a remote meeting those wishing to speak will be added as participants rather than as observers to the meeting. In advance of the meeting participants will be sent joining instructions and informed of the meeting etiquette and directly invited to speak by the Chair.

### **Exclusion of Public**

If a remote Member wishes to participate in discussion of a confidential/exempt item they must verify that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made, by any person. The members of staff present will ensure that no recording is taking place.

