

## **Appendix 7 – Meeting Procedure Rule 40 and Article 15 – Protocol for the establishment and running of virtual meetings during the Covid-19 Response Period**

### **1. Introduction**

- 1.1. These Procedure Rules provide the means and guidance for the conduct of remote meetings of the Council and its committees, held under the provisions of 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 ('the Regulations').
- 1.2. The Procedure Rules should be read in conjunction with the Standing Orders and Procedure Rules within the Council's Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Council governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.
- 1.3. The effect of the Regulations on the Council's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially.

### **2. Notice of Meetings**

- 2.1. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the Agenda, together with details of how to view the meeting via the following web site (<https://democracy.bcpccouncil.gov.uk/>)
- 2.2. Councillors will be notified of a remote meeting by email and all agenda papers will be available on the Council's website.
- 2.3. The 'place' at which the meeting is held may be a Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.

### **3. Access to Meetings**

- 3.1. Councillors will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.

- 3.2. Remote access for members of the public and members who are not attending to participate in the meeting together with press facilities, will be provided through webcasting.
- 3.3. It is important to note that the public accessing the meeting by remote means, as described in 3.2, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means may render the meeting incapable of proceeding.

#### **4. Management of Remote Participation**

- 4.1. Any Councillor participating in a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by all other Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Councillors participating.
- 4.2. In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 4.3. The Chair will normally confirm at the outset and at any reconvening of a meeting that they can see and hear all participating members (this is unlikely to be practical for a meeting of the full council). Any Councillor participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.
- 4.4. The attendance of those Councillors at the meeting will be recorded by the Democratic Services Officer.
- 4.5. The normal quorum requirements for meetings as set out in the Constitution will also apply to a remote meeting.
- 4.6. In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate:
  - if it is, then the business of the meeting will continue; or
  - if there is no quorum, then the meeting shall adjourn for a period specified by the Chair to allow the connection to be re-established.
- 4.7. If the meeting was due to determine an urgent matter or one which is time limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the Monitoring Officer and where appropriate/possible the relevant cabinet member, shall explore such other means of taking the decision as may be permitted by the Council's constitution.
- 4.8. Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative (this is unlikely to be practical for a meeting of the full council). If the

connection is not restored within that time, the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.

- 4.9. In the event of connection failure, the Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillor(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s) of business. If the connection is successfully re-established, then the Councillor(s) will be deemed to have returned at the point of re-establishment.
- 4.10. Etiquette at the meeting is referred to further below.

## **5. Remote Attendance by the Public**

- 5.1. Any member of the public who has been given permission by the Chair to address a meeting in accordance with the Constitution Rules of Procedure must meet the same criteria as Councillors. Members of the public attending a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating.
- 5.2. Access to the meeting will be determined in accordance with the Meeting Procedure Rules set out elsewhere in this constitution. In such instances, an invitation to participate in the remote technology will be sent out.
- 5.3. Members of the public who have been given permission by the Chair to address a meeting may read out their question or written statement, of which prior notice will have been given, when invited to do so by the Chair.
- 5.4. As an alternative, members of the public who wish to address the meeting may submit a written statement that can be read out by the Chair at the appropriate time.
- 5.5. The Democratic Services Officer or meeting facilitator (see below) should be able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.
- 5.6. A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible.

## **6. Meeting Procedures**

- 6.1. A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, will control the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and member interaction, engagement and connections on the instruction of the Chair.

- 6.2. The Council will endeavour to put in place a technological solution that will enable Councillors participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak.
- 6.3. It will greatly assist the meeting if those Councillors who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Democratic Services Officer in advance of the start of the meeting where possible. Political groups are encouraged to co-ordinate this activity where possible, particularly in respect of Council and other meetings likely to result in a high number of requests to speak. This is particularly important if Councillors are unable to participate via video conference.
- 6.4. The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches.
- 6.5. At the beginning of the meeting, the Chair will explain the protocol for Councillor and public participation and the rules of debate. The Chair's ruling during the debate will be final.
- 6.6. Councillors are asked to adhere to the following etiquette during remote attendance at a meeting:
- Members of the committee or body in question are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services the opportunity to test the equipment and verify identity.
  - Any camera (video feed) should show a non-descript background or a virtual background and Councillors should be careful to not allow exempt or confidential papers to be seen in the video-feed.
  - Councillors must take care to type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
  - All Councillors must have their microphones muted when not talking.
  - Rather than raising one's hand or rising to be recognised or to speak, Councillors should avail themselves of the remote process for requesting to be heard.
  - Councillors will only speak when invited to by the Chair.
  - Only one person may speak at any one time.
  - Councillors should turn on the microphone and also the video-feed (if available) then state their name before speaking.

- When referring to a specific report, page, or slide, mention the report, page, or slide so that all Councillors have a clear understanding of what is being discussed at all times.
- 6.7. Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will, as part of their introduction, explain the procedure for their participation. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.
- 6.8. When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed the Chair will progress to a decision. Unless a Recorded Vote is called, the method of voting will be at the Chair's discretion and will be by one of the following methods:
- a vote by electronic means; or
  - an officer calling out the name of each Councillor present with:
    - Councillors stating 'for', 'against', or 'abstain' to indicate their vote when their name is called
    - the Democratic Services Officer clearly stating the result of the vote and the Chair then moving onto the next agenda item
  - by the general assent of the meeting.
- 6.9. Details of how Councillors voted will not be minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask Councillors in turn to signify verbally whether or not they support that request.

## **7. Declarations of Interest**

- 7.1. Any Councillor participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer who will invite the relevant Councillor by link, email or telephone, to re-join the meeting at the appropriate time.

## **8. Exclusion of Public and Press**

- 8.1. There are times when council meetings are not open to the public, when confidential, or "exempt" issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

- 8.2. Each Councillor in remote attendance must ensure and confirm that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.
- 8.3. Any Councillor in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Authority's Code of Conduct.

## **9. Public Access to Meeting Documentation following the meeting**

- 9.1. Members of the public may access minutes, decisions and other relevant documents through the following website <https://democracy.bcpccouncil.gov.uk>. Requests for access to the list of background papers and other relevant documents should be by email to the relevant officers.