



Council

Extraordinary Meeting

Town Hall
Wallasey

10 July, 2020

Dear Councillor

You are hereby summoned to attend a virtual extraordinary meeting of the Council to be held at **6.00 p.m. on Monday, 20 July 2020**, to take into consideration and determine upon the following subjects :

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

Contact Officer: Andrew Mossop
Tel: 0151 691 8501
e-mail: andrewmossop@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

AGENDA

1. DECLARATIONS OF INTEREST

Members of the Council are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest, in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

2. CIVIC MAYOR'S ANNOUNCEMENTS

To receive the Civic Mayor's announcements and any apologies for absence.

3. MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL

To consider any recommendations which require the approval or consideration of the Council.

A. SIX MONTH ATTENDANCE RULE S85 (1) OF THE LOCAL GOVERNMENT ACT 1972 (Pages 1 - 4)

B. REMOTE MEETINGS – PROCEDURE RULES (Pages 5 - 20)

4. A STATEMENT BY COUNCILLOR BURGESS-JOYCE



Director of Law and Governance

Audio/Visual Recording of Meetings

Everyone is welcome to record meetings of the Council and its Committees using non-disruptive methods. For particular meetings we may identify a 'designated area' for you to record from. If you have any questions about this please contact Committee and Civic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.



COUNCIL

20 JULY 2020

REPORT TITLE:	SIX MONTH ATTENDANCE RULE S85 (1) OF THE LOCAL GOVERNMENT ACT 1972
REPORT OF:	THE DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

Section 85(1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, unless permission for the absence is granted by the Authority in advance, in order to avoid being disqualified as a Councillor. Without advance permission to be absent, loss of office is automatic and permission cannot be granted retrospectively.

The Coronavirus emergency has resulted in the cancellation of a number of committees and meetings and, without prior permission to be absent, several Members will shortly fall foul of this six month rule.

The report discusses that, due to social distancing and other safeguards, Members will be able to attend meetings remotely for so long as the Regulations under the Coronavirus Act 2020 allow, but that the nature of these meetings and other issues concerning Coronavirus emergency introduces some concerns.

Accordingly, as a safeguard, this report proposes that all Members are given permission to be absent from Council meetings for the period of the emergency.

RECOMMENDATION/S

It is recommended that:

The absence of any Members from all Council and Committee Meetings be authorised and approved for the period that the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are in force or until the Annual Meeting of Council 2021, whichever is the sooner, pursuant to Section 85 of the Local Government Act 1972

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Coronavirus emergency has resulted in the cancellation of a number committees and meetings and, without prior permission to be absent, several Members will fall foul of this six month rule on 2nd September 2020. Whilst Regulations made under the Coronavirus Act 2020 have temporarily allowed for meetings to take place remotely, this does not suit all situations and there is a danger of technological and practical failure of meetings. Accordingly, as a safeguard, this report proposes that all Members are given permission to be absent from Council meetings for the period that the relevant provisions of the Coronavirus Act 2020 are in force

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The proposal in this report is made to avoid Members being disqualified from office for non-attendance during the Coronavirus Pandemic and, therefore, no other option has been considered. Agreeing to the waiver over a different time period than that recommended and discussed in paragraph 3.5 below is an option that Members may wish to consider.

3.0 BACKGROUND INFORMATION

- 3.1 Section 85(1) of the Local Government Act 1972 ('Vacation of office by failure to attend meetings') requires that, if a member of a local authority fails to attend any meeting of the authority throughout a period of six consecutive months from the date of their last attendance at a meeting, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- 3.2 Attendance in an official capacity at a relevant meeting of the Council is defined as attendance at Cabinet, a Committee or a Sub-Committee of the Council or at any meeting of a joint Committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a meeting of the Council.
- 3.3 The Government has issued directives in response to the Covid-19 pandemic. One such directive relates to social distancing and this makes it extremely difficult to hold Council and Committee meetings in the normal manner Members are used to. Since the beginning of the Coronavirus emergency, Council and Committee meetings have for the most part been cancelled. All Members of the Council attended the Council meeting of 2nd March 2020. Few Members, therefore, will have been able to have met the six month rule before the Annual Meeting scheduled for the 28th September 2020.
- 3.4 The Government has recognised the situation this places local authorities in and, as part of the Coronavirus Act 2020, Section 78 conferred powers for the Secretary of State for Housing, Communities and Local Government to make appropriate Regulations. Accordingly, the Secretary of State has made the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Under these

Regulations, 'attendance' now includes remote attendance at a meeting, but only for a time-limited period.

3.5 Some meetings deemed necessary for the administration of the Council's business have been held in a remote manner, including this one. For the safety of the public, Members and officers, as meetings increasingly take place again it is intended that meetings will all be held in this manner, and that that will continue to be the case for so long as the Coronavirus emergency and the accompanying legislative provisions are in place. This will, by its nature, perhaps exclude some Members from attending meetings that they might otherwise have attended.

3.6 Whilst meetings will be held more regularly throughout the remainder of the municipal year, remotely or otherwise, it should also be recognised that several Members may be required to self-isolate, some for long periods, due to illness. Equally, some Members may be unable to attend remote meetings for technological reasons. It is therefore proposed that dispensations be granted for all Members until after the elections in 2021 when the provisions concerning remote meetings contained in the 2020 Regulations come to an end.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no significant financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 If the recommendation set out in this report is not approved some Members may become disqualified. Approval of continuing absence is allowed under Section 85 (1) of the Local Government Act 1972.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 If the Council does not approve the recommendation set out in this report some Members may become automatically disqualified. This will mean that some electors will be under-represented as there cannot be any by elections before May 2021.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Political Group Leaders have been consulted on the proposal to approve a period of absence from meetings by Councillors pursuant to section 85 of the Local Government Act 1972.

9.0 EQUALITY IMPLICATIONS

9.1 Any Equality Implications are addressed in section 1.1 of the report and the recommendation.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no environment and climate change implications arising from this report.

REPORT AUTHOR: **Steve Fox**
Head of Democratic and Member Services
Telephone: 0151 691 8145
Email: stevefox@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

Coronavirus Act 2020

[The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

Lawyers in Local Government and the Association of Democratic Services Officers (ADSO):
Remote Meetings Regulations

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



COUNCIL

20 JULY 2020

REPORT TITLE:	REMOTE MEETINGS – PROCEDURE RULES
REPORT OF:	THE DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report informs of proposed changes necessary for the effective running of remote meetings during the restrictions brought about by the Coronavirus Pandemic.

Following the Government’s guidance to limit the spread of Coronavirus and restrictions around gatherings of more than two people, the Government has introduced new legislation enabling Council’s to conduct their meetings remotely. The Regulations came into force on 4 April 2020 and apply to local authority meetings (and Police and Crime Panel meetings) which are required to be held, or held, before 7 May 2021.

Furthermore, the Regulations make provision for authorities to make changes to their standing orders, at a remote meeting convened under this new power, to enable them to deal with the practicalities of holding remote meetings. Such practicalities include voting, member and public access to documents and remote access of public and press.

In response, a Remote Meetings Protocol and Procedure document has been produced for the conduct of remote meetings by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers. Meetings will continue to be webcast and can be watched from the relevant meeting page on the Council’s website.

Appendix 1 to the report contains the draft Procedure Rules for Remote Meetings.

RECOMMENDATION/S:

That the Council adopts the draft Remote Meetings Procedural Rules attached to the report as Appendix 1 for use until 6 May 2021, if it continues to be necessary because of Coronavirus.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To provide the means and guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees that are held in public, under the provisions of the Regulations.
- 1.2 The Remote Meeting Procedural Rules are aimed at helping the Council to redeploy its resources to deal with the Covid-19 Pandemic and ensure that essential business continues whilst upholding democratic principles and protecting the health and safety of Members, Officers and the public, in line with official public health guidance.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the current standing order remains unchanged. This will not address the issue that conducting a meeting in contravention of standing orders may invalidate the decisions made by the authority.

That the standing order is amended in some other way.

3.0 BACKGROUND INFORMATION

- 3.1 The Coronavirus Act 2020 passed on 25 March 2020 and subsequent regulations have made it possible for Councils to hold remote Committee meetings. It is proposed that these be held by exception and determined based on a matter of urgency. The Council's Calendar of Meetings, available on the Council's website will provide information on meetings that are going ahead remotely. Details of how members of the public will be able to attend these meetings remotely will also be publicised in this way.
- 3.2 The Regulations enable the Council to hold meetings without all, or any, of the Members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 3.3 The "place" at which the meeting may be 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.
- 3.4 In order for Members to be able to attend meetings of the Council remotely, they need not be physically present, provided they are able to hear and be heard (and where practicable, see and be seen) by other Councillors and members of the public attending remotely or in person.
- 3.5 When adopted, these Remote Meeting Procedural Rules will take precedence over the Council Procedure Rules – Standing Orders at Part 4A of the Council's Constitution in relation to the governance of remote meetings.

3.6 In line with the Regulations, these Remote Procedural Rules have been designed to provide a guide to virtual meetings involving Members, Officers and the public during the Coronavirus Pandemic.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no significant financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011), 'Local authority constitution' requires that:

- (1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains —
 - (a) a copy of the authority's standing orders for the time being
 - (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
 - (c) such information as the Secretary of State may direct, and
 - (d) such other information (if any) as the authority considers appropriate

5.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 confer the statutory power to hold a remote meeting without the need to effect any immediate amendment to an authority's constitution in order to have that meeting. The Regulations also make provision for authorities to make changes to their standing orders, at a remote meeting convened under this new power, to enable them to deal with the practicalities of holding remote meetings.

5.3 It should be noted that it remains the case that conducting a meeting in contravention of standing orders may invalidate the decisions made by an authority. It is therefore important to use the power to make standing orders to cover the practicalities for the new, remote way of meeting.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 No additional Committee Officers are required to be in attendance during remote meetings but there would be an expectation that an IT Officer would be available at every remote meeting to assist Members of the Council, if it became necessary. The Committee Officer who webcasts the meeting would also facilitate the remote (Microsoft Teams) meeting at the same time.

6.2 There may be a need to hold practice meetings with Members of the Council, its Committees and Sub-Committees before their first remote meeting is held.

7.0 RELEVANT RISKS

7.1 Conducting a meeting in contravention of standing orders may invalidate the decisions made by an authority and leave the Council open to legal challenge. Ensuring the Council has appropriate governance arrangements in place is therefore an important risk mitigation measure. The Council's Constitution is a fundamental part of these governance arrangements.

7.2 It is imperative that the officer who webcasts a meeting has a good high-speed internet connection to ensure that the webcast is broadcasted smoothly.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Political Group Leaders have been consulted on the proposals to hold remote meetings and to adopt Remote Meeting Procedure Rules.

9.0 EQUALITY IMPLICATIONS

9.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

9.2 It is anticipated that the new procedure rules may be of benefit for those with disabilities, in allowing Members, Officers and the public to attend a meeting remotely. This also allows for greater opportunity to foster good relations between those who have a protected characteristic and those who do not.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The Flexibility of Meetings Regulations 2020 changes have been introduced because of the Coronavirus Pandemic, and therefore, the Council has little choice but to follow the requirements. It is, however, anticipated that these changes will allow the Council to take steps to reduce the impact on the environment – by removing the requirement to physically travel to and attend meetings.

REPORT AUTHOR: **Steve Fox**
Head of Democratic and Member Services
Telephone: 0151 691 8145
Email: stevefox@wirral.gov.uk

APPENDICES

Appendix 1 – Draft Remote Meeting Procedural Rules

BACKGROUND PAPERS

The Association of Democratic Services Officers/Lawyers in Local Government Guidance note on Regulations No.392 April 2020.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

Introduction and Application of the Remote Meetings Procedure Rules

This Protocol and accompanying Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the Regulations.

This Protocol and Procedure Rules should be read in conjunction with the Authority's Standing Orders and Procedure Rules within the 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 Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.

The effect of the Regulations is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially. These have therefore written these up as new standing orders and they included alongside the procedural guidance contained in this Protocol, highlighted in boxes below, together with a cross reference to Part 4A of the Constitution, which contains the Council Standing Orders as they stand, and as are proposed to come into effect as Part 4(1) of the Draft Constitution after the Annual Meeting scheduled for September 2020. The Regulations, and thus the standing orders contained within this Protocol, exist only on a temporary basis, having effect between 4th April 2020 and 7th May 2021.

The Protocol is based on interpretation and guidance provided by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) and includes current best practice in establishing procedures for remote attendance as they have so far been collated.

The Protocol is an immediate response to the Regulations and is based on the best information available. Best practice continues to develop across the country as remote meetings are conducted, and conducted differently, within differing authorities and utilising different technologies. This LLG and ADSO guidance behind this document will therefore be updated and reproduced in due course.

1. Annual Meeting

- 1.1 Following the cancelled local elections in May 2020, holding an Annual Meeting during what would have been the normal 2020/21 municipal year is now a matter of choice.
- 1.2. Whether to continue to hold an Annual Meeting is a political decision, although usually called under the auspices of the Mayor by the proper officer. This may still be the case or it may be that the leading politicians may have decided that it is better at this time to delay the meeting for several months or perhaps entirely this year and re-insert the meeting in the calendar after the delayed elections have been held next May. If the latter, there is still the possibility that some Members will call for an earlier Annual Meeting and this prospect should be recognised and catered for through the possibility of a vote at an ordinary or extraordinary meeting.
- 1.3 It should be noted that, where an Annual Meeting is delayed, all appointments from the 2019 Annual Meeting continue.

1A No Requirement to Hold an Annual Meeting

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council may only take place:

- (a) where called by the Chair; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

Amends current Council Standing Order 5A(1) and 1.1 (Annual Meeting) of the Draft

2. How will notice of Meetings and papers be provided?

- 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 join the meeting which needs be available on the Authority's website.
- 2.2 Members will be notified of a remote meeting by email and all agenda papers will be available on the Authority's website and via the agenda software or other electronic means as appropriate.
- 2.3 The 'place' at which the meeting is held may be at an Authority 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.

2A Access to Information

For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
- (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

Amends Draft Council Standing Order 6 (notice and summons to meeting) and Access to Information Procedure Rule 5 (access to agenda and reports before the meeting), etc.

3. How will remote access to Meetings be provided?

- 3.1 Members and members of the press and public will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely.
- 3.2 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.
- 3.3 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, live audio streaming, or others means.
- 3.4 If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful and therefore the meeting will adjourn and reconvene at such a time that the meeting can be webcast.
- 3.5 It is important to note that the public accessing the meeting by remote means, as described here, 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 renders the whole meeting incapable of proceeding (as described above). A member of the public who attends to exercise their right to speak and is unable to do so renders only their item incapable of proceeding (This is set out paragraph 5 below).

3A Remote Access to Meetings

- (a) For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:

- (i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and
- (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and
- (b) If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**Amends Draft Council Standing Order 6 (notice and summons to meeting) and
Current and Draft Access to Information Procedure Rule 3 (rights to
attend meetings)**

4. Management of Remote Meetings for Members

- 4.1 Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and ideally seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members 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 committee or cabinet meeting that they can see and hear all participating members (this is unlikely to be practical for a meeting of full council). Any Member 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 members at the meeting will be recorded by the Democratic Services Officer.
- 4.5 The normal quorum requirements for meetings as set out in the Authority’s Constitution will also apply to a remote meeting.

Appendix 1

- 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, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.
- 4.7 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.
- 4.8 In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.
- 4.9 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 4.10 If a connection to a Member is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.
- 4.11 Etiquette at the meeting is referred to further below.

4A Members in Remote Attendance

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
 - (ii) 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
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

Amends current Council Standing Order 4 and Draft 8 (quorum)

5. Remote Attendance of the Public

- 5.1 Any member of the public participating in a meeting remotely in exercise of their right to speak at Council or in regulatory or other meetings must meet the same criteria as members of the Council. Members of the public attending a meeting remotely must, likewise, when they are speaking be able to be heard (and ideally be seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- 5.2 A process for determining access to the meeting is recommended to be conducted, which should include requiring advance notification from members of the public wishing to attend remotely. For those items of business, an invitation to participate in the remote technology can then be sent out in advance.
- 5.3 Alternatively, for those authorities unable to provide a technological solution, standing orders will need to be produced that replace existing public speaking rights with public participation by receipt of representations in writing only. Submissions, petitions or questions received from the public can then be read out by the Chair or a supporting officer.
- 5.4 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.
- 5.5 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible.

5A Remote Attendance by Members of the Public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Standing Order 5A(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 5A(a) above to be re-established;
 - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

**Amends Current and Draft Council Standing Order 10 (questions by the public),
Amends any scheme for public participation in respect of planning, licensing and other committees and
Model Executive Procedure Rule 2.2**

6 Meeting Procedures

- 6.1 A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, is encouraged to be enlisted. Their role will be to 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.

Appendix 1

- 6.2 The Authority will endeavour to put in place a technological solution that will enable Members 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 In respect of key committees and at Cabinet meetings, it will assist the meeting if those Members 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 also encouraged to co-ordinate this activity wherever possible in respect of full Council/Authority meetings and other meetings likely to result in a high number of requests to speak. This is particularly important if Members 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 in the normal way.
- 6.5 The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.
- 6.6 Members are asked to adhere to the following etiquette during remote attendance at a meeting:
- Committee members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and the meetings facilitator or Democratic Services Officers the opportunity to test the equipment
 - Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
 - Type their name on joining the meeting in full, e.g., "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
 - All Members to have their video turned off and microphones muted when not talking.
 - Rather than raising one's hand or rising to be recognised or to speak, Members should avail themselves of the remote process for requesting to be heard:
 - [e.g., where available]
 - Members are to use any chat facility to indicate to the chair that they wish to speak. Members will unmute their microphone and turn their cameras on when the Chair invites them to speak. **The chat facility must not be used for private conversations** between councillors.
 - Only speak when invited to by the Chair
 - Only one person may speak at any one time

Appendix 1

- Turn on the microphone and also the video-feed (if available or unless speaking to a diagram, presentation slide or drawing), then state your name before you make a comment
 - When referring to a specific report, page, or slide, mention the report, page, or slide so that all members 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 which will reflect those relevant elements of the above. 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 making 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 member present with:
 - members 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 Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask members in turn to signify verbally whether or not they support that request.

6A Remote Voting

Unless a recorded vote is demanded, which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair, the Chair will take the vote ...

- (a) ,by use of the electronic voting system[s] for Remote Voting and voting in the Chamber or where an electronic voting system is not working correctly or unavailable ...];
- (b) by the affirmation of the meeting if there is no dissent (by assent); or
- (c) the Chair will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

Amends Current Council Standing Order 18 and Draft 17 (voting)

7. Declaration of Interests

- 7.1 Any Member 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 of meeting facilitator, who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

7A Members excluded from the meeting

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

Amends Current Council Standing Order 15 and Draft 20 (Member Conduct) and where authorities have made a standing order pursuant to s.31(10) of the Localism Act (interests at meetings).

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 Member in remote attendance must ensure and verbally declare 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 Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would, in our view and as stated in the Welsh Government’s statutory guidance¹, be in breach of the Members’ Code of Conduct responsibilities.

¹ Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011: Remote attendance at council meetings

9. Public Access to Meeting Documentation following the meeting

- 9.1 Members of the public may access minutes, decision and other relevant documents through the Council's website. The definition of access to information and available to the public is the same as at Rule 2A above. Requests for access to the list of background papers and other relevant documents should be by email or by post.
-

This page is intentionally left blank