



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.

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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