

BASILDON COUNCIL

REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

April 2020

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For further information email: committeeandmemberservices@basildon.gov.uk

Introduction

This Protocol, and accompanying Procedure Rules shown in italics, 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 Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the Regulations').

This Protocol and Procedure Rules should be read in conjunction with the Councils 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 on the Authority's Constitution is to insert what are, in effect, mandatory standing orders for holding meetings remotely, either wholly or partially. The standing orders exist only on a temporary basis, having effect between 4th April 2020 and 7th May 2021.

The standing orders, have an automatic amending effect on an authority's existing rules and can be applied immediately in order to run committee and cabinet meetings remotely. Nonetheless it is good practice, even with express mandatory standing orders, to have a local protocol and procedures rules adopted and in place.

The Protocol also includes guidance and suggestions as to 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 information available at this point. We are learning all the time as practice develops across the country and remote meetings are conducted, and conducted differently, within differing authorities and utilising different technologies. This document will therefore be updated and reproduced in due course.

1. Annual Meeting

- 1.1 Following the now cancelled local elections, holding an Annual Meeting during what would have been the normal 2020/21 municipal year is now a matter of choice.
- 1.2. The Annual Council Meeting is ordinarily on a date set at the previous Annual Council Meeting, through the annual timetable of meetings. The meeting is called accordingly by the proper officer. Group Leaders consider that it is better at this time to delay the meeting.
- 1.3. A meeting has been scheduled to take place on 24 September 2020 but this could be subject to alteration if the situation deems it necessary to do so. Such a decision will be made by the Mayor, in consultation with the Chief Executive, and will also be subject to consultation with all Group Leaders.

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, it is the intention that an Annual Meeting of Council will take place at a time when it can be held at the Council offices and would require only partial remote attendance. The meeting will be called by the Mayor, in consultation with the Chief Executive

2. Notice of Meetings and papers

- 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 will be available on the Council's website at www.basildon.gov.uk, link below:

[Basildon Borough Council Website - Agendas.](#)

- 2.2 Members will be notified of a remote meeting by email and all agenda papers will be emailed to Members and available on the Councils website.
- 2.3 The 'place' at which the meeting is held may be at an Basildon Borough 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.

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.*

3. **Remote access to Meetings**

- 3.1 Members and members of the press and public will be encouraged to use the relevant video conferencing facilities 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 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.
- 3.4 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 Chairman 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 Chairman 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 Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.*

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 Chairman will normally confirm at the outset and at any reconvening of a committee 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 Senior Governance Officer.
- 4.5 The normal quorum requirements for meetings as set out in the Council's 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 Chairman 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 Chairman, 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 Chairman 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 Chairman 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 if they would not have heard all the facts.
- 4.11 Etiquette at the meeting is referred to further below. (6.6)

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 Chairman 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.*

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 Aside from where a specific right to speak at Council or in regulatory or other meetings, public participation and speaking is at the discretion of the relevant Committee Chairman.
- 5.3 Where the Chairman determines that the technological solution does not effectively provide for public participation, arrangements will be made for receipt of representations in writing only. Submissions, petitions or questions received from the public will then be read out by the Chairman or a supporting officer.
- 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 Chairman 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 reestablished 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.*

6. Meeting Procedures

- 6.1 The role of the Senior Governance Officer is 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 Chairman.
- 6.2 The Council 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, it will assist the meeting if those Members who wish to speak on a particular item could indicate their wish to speak to the Chairman and to the Senior Governance 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 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 Chairman 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 Chairman, at the beginning of the meeting, will explain the protocol for member and any public participation and the rules of debate. The Chairman's ruling during the debate will be final.
- 6.6 Members and other attendees and participants are asked to adhere to the following etiquette during remote attendance at a meeting:

- a) Committee members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and the Senior Governance Officer the opportunity to test the equipment
- b) Turn off all noise sources (radio, television, mobile phone) and try to separate yourself from any interruptions by using a separate room from other members of your household
- c) Bear in mind that some meetings may contain confidential information so you must make arrangements to ensure that other members of your household do not overhear
- d) Ensure any smart speakers are turned off (Amazon Echo, Google Home etc). This is because they could turn on or inadvertently record the meeting
- e) 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
- f) Type their name on joining the meeting in full, e.g., "Cllr Joanne Smith" (where the technological solution enables this)
- g) All Members and other participants to have their video turned off and microphones muted when not speaking
- h) If using video, Members can raise their hand to be recognised or to speak. Any Members who have not spoken and who are on audio only, maybe asked by the Chairman if they wish to speak, Members should avail themselves of the remote process for requesting to be heard:
 - i) Only one person may speak at any one time
 - j) Only speak when invited to by the Chairman
- k) 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
- l) 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
- m) Please have an appropriate background ensuring you do not have any personal items in view in order to protect your privacy and that of your home

6.7 Where members of the public are exercising their right to speak or through written submissions at the meeting, the Chairman will as part of their introduction explain the procedure for their participation which will reflect those relevant elements of the above.

6.8 When the Chairman 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 Chairman will progress to making a decision.

- 6.9 The method of voting will be by roll call as follows:
- the Chairman calling out the name of each member present;
 - the Members stating 'for', 'against', or 'abstain' to indicate their vote on the matter being voted upon when their name is called
 - the Chairman clearly stating the result of the vote
- 6.9 Details of how Members voted will be recorded in the minutes of the meeting as per normal practice.

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 Chairman,] the Chairman 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.

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 Senior Governance Officer or 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.

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 Senior Governance 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 be in breach of the Members' Code of Conduct responsibilities.

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.

9.2 Request to access to the list of background papers and other relevant documents should be by email or by post.

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