

# **VIRTUAL MEETINGS PROCEDURE RULES (“VMPR”)**

**May 2020**

## **Introduction and Application of the VMPR**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”) make provision for remote attendance at, and remote access to, meetings held on or before 7 May 2021.

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 Procedure Rules of the Council which govern meetings. This means that, wherever there is a conflict, these Virtual Meetings Procedure Rules (VMPR) take precedence in relation to any virtual meeting.

The effect of the Regulations on the Council’s Constitution is to insert what are, in effect, mandatory standing orders for those Councils that wish to hold meetings remotely, either wholly or partially.

The Regulations, and therefore the standing orders, have an automatic amending effect on the Council’s existing Procedure Rules and can be applied immediately in order to run meetings remotely.

These interim Procedure Rules have been introduced as consequential changes, being changes required as a consequence of changes in the Law, in accordance with the Monitoring Officer’s delegation set out in Article 15.02(a) the Council’s Constitution, namely:

*“Approval. Changes to the Constitution, other than minor and consequential changes that may be made by the Monitoring Officer, will only be approved by the full Council after consideration of the proposal by the Constitution Working Group”*

These interim Procedure Rules exist only on a temporary basis and will remain in force until 7th May 2021.

## **RULE 1 - VIRTUAL MEETINGS**

### **Virtual meetings generally**

- 1.1 A virtual meeting is a meeting of full Council, Cabinet, a Committee or Sub-Committee of the Council held by remote access and where remote attendance by Members of the Council and the public is by way of video or telephone conferencing.

- 1.2 The Regulations enable the Council to hold meetings without all, or any, of the Members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing.
- 1.3 In order for Members to be able to attend meetings remotely, they need not be physically present, provided they are able to hear and be heard and, where possible, see and be seen by other Councillors and members of the public attending remotely or in person.

### **Holding virtual meetings**

- 1.4 The Council, Cabinet and all Committees, Sub-Committees of the Council may hold all such virtual meetings that are deemed necessary and where such meetings are held these Rules of Procedure shall apply.

## **RULE 2 - AMENDMENTS TO EXISTING PROCEDURE RULES**

- 2.1 The existing provisions in the Rules of Procedure in Part 4 of the Constitution apply to virtual meetings in the same way as they do for other meetings, except where they conflict, in which case these Procedure Rules take precedence over other Procedure Rules in relation to the governance of virtual meetings.
- 2.2 Some of the existing provisions in the Rules of Procedure listed in the table at **Appendix 1** to these Rules shall be suspended or amended where necessary in respect of their application to virtual meetings.
- 2.2 In addition, other procedures, rules and/or guidance applicable to other Committees or Sub-Committees of the Council may be produced, suspended or amended where necessary to facilitate the application of the Regulations.
- 2.3 For the avoidance of doubt, where there is any inconsistency between these Rules and existing provisions in or outside the Council's Constitution relating to the conduct of Council meetings, these Rules shall take precedence.

## **RULE 3 – ACCESS TO INFORMATION**

### **Notice of Meetings and Agenda**

- 3.1 The Proper Officer will give the requisite notice to the public of the date and time of the virtual meeting and the agenda in the normal way in accordance with the Council's existing Access to Information Procedure Rules.
- 3.2 The Proper Officer will give the details of how to join the meeting which will be available on the agenda page for the meeting, published on the Council's website.
- 3.3 Members will be notified of a virtual meeting by email via the modern.gov.uk agenda software in the normal way and all agenda papers will be available on

the Council's website.

3.4 The 'place' at which the meeting is held may be at 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, or could be a number of these combined. The meeting may also be held in a meeting room with a proportion of the membership and any participating public additionally attending remotely.

3.5 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 Council shall include publication on the website of the Council.

#### **RULE 4 REMOTE ACCESS TO VIRTUAL MEETINGS**

4.1 (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.

(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.

4.2 Members and members of the public and the press will be encouraged to use the Council's video conferencing platform, or such other system as may be used by for such purposes from time to time, to attend a virtual meeting. A link to the meeting will be published on the Council's website.

## **RULE 5 – MEMBERS IN REMOTE ATTENDANCE AT VIRTUAL MEETINGS**

- 5.1 (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 and continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.
- 5.2 The attendance of those Members attending a virtual meeting of which they are a Member will be recorded by the Democratic Services Officer (DSO) following a rollcall of names at the start of the meeting by the Chair.
- 5.3 The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to virtual meetings.
- 5.4 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 short period specified by the Chair, to allow the connection to be re-established.
- 5.5 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 items.

- 5.6 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 5.7 If a connection to a Member is lost during a regulatory meeting (including Planning or Licensing), the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, as determined by the Chair, 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.

## **RULE 6 – REMOTE ATTENDANCE BY MEMBERS OF THE PUBLIC**

- 6.1 (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 (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 (a) above to be re-established; or

(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.

- 6.2 Where it is considered that attendance by a member of the public in order to exercise a right to speak, in accordance with 6.1, is not practicable then alternative ways for such public participation will be employed. This may include public participation by way of written representations or by representation/comments being read out at the meeting by a neutral Officer of the Council

## **RULE 7 – VIRTUAL MEETINGS PROCEDURE**

- 7.1 The Council will facilitate remote attendance and access to its virtual meetings through use of an appropriate video conferencing platform, or such other system as may be used for such purposes from time to time.
- 7.2 Before the meeting, all participants shall be made aware of the following recommended etiquette for virtual meetings:
- (a) Join the meeting at least 30 minutes in advance of the start time to enable a prompt start and avoid unnecessary interruptions
  - (b) Mute microphones when not talking
  - (c) Switch off cameras when not speaking (to save bandwidth)
  - (d) Indicate a wish to speak by using the chat function
  - (e) The chat facility must not be used for private conversations between councillors
  - (f) Only speak when invited to by the Chair
  - (g) Anyone speaking should state their name before making a comment
  - (h) If referring to a specific page or slide, mention the page or slide number
  - (i) Members should be careful to not allow exempt or confidential papers to be seen on camera in the video-feed.
- 7.3 The Chair or the DSO may, where the video conferencing platform permits:
- (a) Pause (adjourn) the meeting by taking down the stream (live feed) from public viewing and then resume it when needed
  - (b) Switch on each active participant's microphone when they are invited to speak and switch them off afterwards
  - (c) Mute someone speaking at any time
  - (d) Mute everyone speaking except themselves at any time

(e) Switch some active participants and the observers off, so they are paused and have neither 'live' visual or audio feed whilst the meeting deliberates in private or an officer present gives the committee advice (following the meeting having moved exclusion of the press and public). By taking down the live feed content from the public and just displaying a holding slide, decision makers may hold a separate virtual meeting. The live stream can then be resumed when needed.

- 7.4 The meeting facilitator or 'producer' will control the video conferencing platform technology to enable remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chair.
- 7.5 It will assist the co-ordination of the virtual meeting, if those Members who wish to speak on a topic or a particular agenda item could indicate their wish to speak in advance of the meeting, where possible. Political groups are also encouraged to co-ordinate this activity wherever possible and particularly at meetings likely to result in a high number of requests to speak.
- 7.6 The Chair will follow the rules set out in the Constitution or in line with other relevant procedures, rules or guidance 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.
- 7.8 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 and Members of the Council must adhere to these Procedure Rules otherwise they may be excluded from the meeting following appropriate warnings by the Chair.

## **RULE 8 – REMOTE VOTING**

- 8.1 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 either:
- (a) by use the electronic voting system in whatever video conferencing platform utilised, where appropriate.
  - (b) by the affirmation of the meeting if there is no dissent; or
  - (c) the Chair or DSO to the meeting will take the vote by rollcall and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.
- 8.2 At the conclusion of the voting, the Chair shall announce the result of the vote and announce whether the motion has been passed or lost.

- 8.3 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.

## **RULE 9 – DECLARATIONS OF INTERESTS AND MEMBERS EXCLUDED FROM THE MEETING**

- 9.1 Any Member participating in a virtual 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 virtual meeting. Their departure will be confirmed by the DSO to the meeting, who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.
- 9.2 Where a Member is required to leave the virtual 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.
- 9.3 Any Member who is aware of any disclosable pecuniary interest, or other declarable interest, in advance of a virtual meeting, should advise the DSO to the meeting prior to the commencement of the meeting. This does not remove the requirement to declare such an interest at the appropriate time.

## **RULE 10 – EXCLUSION OF THE PUBLIC AND PRESS**

- 10.1 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. The DSO to the meeting 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.
- 10.2 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.

## **RULE 11 – PUBLIC ACCESS TO MEETING DOCUMENTATION FOLLOWING THE VIRTUAL MEETING**

11. Members of the public may access minutes, decisions 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 Procedure Rule 3 above.

## **RULE 12 – REVIEW**

12. These Rules will be kept under regular review and updated as necessary by the Monitoring Officer following learning as practice develops and virtual meetings are conducted.



## Appendix 1

Provision		Amendment/suspension
<b>Council Rules of Procedure Rules (CPR)</b>		
CPR 1.	Mayor and Deputy Mayor of the Council/ Appt to Committees etc	<p>To be suspended in its entirety so far as it deals with matter to be addresses at the Annual Meeting of Council.</p> <p>The new Regulations allow the requirement to hold an Annual Meeting to be disregarded. Where an Annual Meeting is cancelled or delayed, all appointments from the 2019 Annual Meeting continue.</p>
CPR 4.2	Duration of the Meeting	<p>Replace '<i>...the Mayor will stand and the member speaking must immediately sit down</i>'</p> <p>with '<i>...the Mayor will indicate that the meeting has reached its allotted time and the Member speaking must immediately fall silent</i>'</p>
CPR 14.3	Voting	To be suspended and replaced with VMPR 8.
CPR 16A	Member to Leave the Room	Replace all references to ' <i>room</i> ' with ' <i>meeting</i> ' and delete ' <i>...where the meeting is held...</i> '
CPR 18.1	Standing to Speak	Suspended
CPR 18.2	Mayor Standing	Replace ' <i>Standing</i> ' and ' <i>stand</i> ' with ' <i>Speaking</i> '

		and ' <i>speaks</i> ' and delete ' <i>...and sit down.</i> '
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This table is intended to capture both the existing Procedure Rules which are inconsistent with the Regulations for the purpose of clarity and ease of reference and those that are being amended at the Council's discretion in order to facilitate virtual meetings. It should be noted that any Procedure Rules that have not been referenced in this table, but that are nonetheless inconsistent with the Regulations, will be disapplied by virtue of Regulation 5(5).