



BRIEFING PAPER

VIRTUAL COUNCIL MEETINGS - PROCESSES AND PROCEDURES

1. BACKGROUND

- 1.1. This paper highlights a number of issues relating to the conduct of Council meetings and business during the coronavirus pandemic, in particular arising from the previous and current requirements for people to stay at home where possible and/or stay alert, the social distancing requirements, and the redeployment of Council and Publica resources to maintain essential services and to provide support to residents and communities.
- 1.2. The paper also reflects the provisions of the Coronavirus Act 2020 ('the Act') and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 ('the Regulations'), insofar as they relate to the holding of meetings - both in terms of when they are required and the ability, in the period to May 2021, for meetings to be held "remotely", i.e. without the previous legislative requirement for members of a local authority to be present at the same place to conduct business.
- 1.3. Officers will take the necessary steps to action the identified way forward, including any required changes to the Council's Procedure Rules; and to publicise those changes.
- 1.4. The way forward identified enables the Council to proceed with virtual meetings without further delay, with risks minimised and the legal requirements satisfied. Whilst the principle has been to retain as many of the existing procedures as possible, some changes are necessary, primarily around public participation and voting.
- 1.5. The proposals reflect the successful experience of other authorities and our own extensive testing. However, they will also be kept under regular review, both in respect of any legislative/guidance changes and also operational experience/lessons learned; as it is acknowledged that improved arrangements may either be available or will evolve or be developed.

2. VIRTUAL MEETINGS

- 2.1. The Regulations allow local authorities to hold meetings remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcasts and live interactive streaming.
- 2.2. The Regulations are quite clear that the requirements for a remote meeting are that the participants are all able to hear each other and be heard (and, if practicable see each other and be seen). Any public and press 'in attendance' should also be able to hear (and if practicable see) the participants at the meeting.
- 2.3. In recent weeks, the Council's ICT team has been reviewing, and then developing and testing a platform for virtual meetings and the preferred platform is Cisco Webex. Those who have participated in the testing were of the view this technology is easy to follow and could be deployed for all of the Council's meetings, provided all officers (who need to be present at such meetings) and Members are given proper training. As a result, virtual meetings will be held on the Cisco Webex platform.
- 2.4. Subsequent testing has involved Members, including those who are in locations where it is known that broadband connectivity is an issue. Drop-in sessions were offered to all Members to enable practice of joining via webex and an opportunity to raise any initial problems or concerns with Officers. Virtual 'mock' committee meetings with Members of the Planning and Licensing Committees have also been held; and the Cabinet have been meeting virtually. Further training is also available.

- 2.5. This technology also enables “live streaming” of the meeting so the public and press can hear (and in some cases) see what is being said during the debate, thereby ensuring transparency and openness in the decision-making process. The ‘live streaming’ will be published on the Council’s Facebook business page (with a 10 second delay from actual happening to what is seen to be being streamed). The streamed video will display all speakers and contributors to the Meeting. It is therefore imperative that Members are mindful of their conduct both in terms of visual and sound aspects, as all contributions will be displayed, even when some Members may not be speaking or contributing to a debate.
- 2.6. Officers from the Communications Team can monitor comments made on the Council’s Facebook page whilst the meeting is being live-streamed and can, if necessary, remove any comments that are deemed offensive. **It is, however, important to note that any comments made should not impact on the Member debate, as those making comments are not part of the formal meeting arrangements. In addition, Members participating in the debate should not engage by responding to any comments made.**
- 2.7. **The ‘Six-Month’ Rule** - attendance at a virtual meeting satisfies the legal requirement insofar as attendance at meetings is concerned, thereby avoiding any required vacation of office due to non-attendance at meetings over a six-month period. If necessary, continued absence over an extended period can be approved at a virtual meeting.

3. PRACTICAL ARRANGEMENTS

- 3.1. **Hosting** - whilst all aspects could be undertaken remotely, it is considered that it would be preferable (at least in the early days) for meetings to be hosted at the Council offices by a small cell comprising the meeting Chair; two members of the democratic services team (one to assist with meeting operation, and the other to minute proceedings); and a lead adviser from the Council’s statutory officer team or legal team (dependent on the meeting). It may also be beneficial to have an ICT representative on site - but he/she would be available throughout the meeting in any event.
- 3.2. By adopting this hosting approach, any presentations can also be handled centrally by the hosting cell - rather than leaving this to a potential array of officers joining in remotely. This approach will therefore be followed.
- 3.3. **Notice of/Summons to/Business at the Meeting** - these arrangements will remain as before, with advance notice being required.
- 3.4. The summons and papers may be sent by post or by electronic means, as desired by each councillor. However, in the process of testing, Members and Officers have recognised the benefit in having ‘hard’ copy papers available, so as not to require the alternating between two virtual screens when Members are in virtual attendance at meeting. We will therefore send ‘hard’ copies to the committee etc. members as appropriate.
- 3.5. **Availability of Documents for the Public** - Agendas and reports and associated papers which are available for the public will be published on the Council’s website in accordance with the usual notice requirements.
- 3.6. When the Council offices at Trinity Road, Cirencester are again open to the public, agendas and reports and associated papers will also be available for inspection at those offices.
- 3.7. **Access to Virtual Meetings** - Members of the public and the press will be able to access virtual meetings via through streaming on the Council’s Facebook page. Following advice from IT Officers and other sources, it has been recommended that public access should not be permitted/obtained through the same webex format as that of Members - this is firstly to ensure that public interruptions and deliberate/accidental disturbances are avoided; and secondly, to avoid the risk of any recipient of a webex meeting invitation being able to forward this on infinitely, which could result in mass public participation (possibly further challenging any connection issues) and a lack of control by officers as to who and when any member of the public could speak or cause disturbance during the meeting. Members of the public and the press will not be able to access those parts of any meeting where the meeting has resolved to exclude them by reason of the consideration of exempt or confidential information (see below).

- 3.8. **Moving or cancelling virtual meetings** - virtual meetings may be moved or cancelled without notice in the normal way.
- 3.9. **Immediate Business as Usual or Meetings based on Decisions Required** - from initial research undertaken, including with other Gloucestershire authorities, it would appear that most Councils are taking a measured and phased approach to meetings, dealing with business that is time critical where Member decisions might be preferable (rather than using the emergency delegated powers of officers).
- 3.10. This approach has been supported, and Officers are currently drawing together an updated work programme across all of the Member groups, to establish what decisions are required and by when.
- 3.11. That said, our normal monthly Planning and Licensing Committee meetings are being reinstated, to ensure that business can be scheduled with certainty. If there is no business any month, the meeting can be cancelled (as was previously the case). The first such meeting has been scheduled for 10 June 2020.
- 3.12. Meetings of the Cabinet are also being reinstated, with an initial meeting scheduled for 1 June 2020. The first virtual meeting will be of the Overview and Scrutiny Committee, albeit with a reduced agenda, on 28 May 2020.
- 3.13. An amended schedule of meetings will be produced.
- 3.14. Notwithstanding the above, it must also be acknowledged that, for the time being, demands on the Council are such that many staff who would potentially contribute to meetings are very heavily engaged in other matters relating to the current pandemic, and many have been redeployed from their usual roles. In this context it is also important to recognise that it may be some while before overall "business as usual" is fully in place again, with the initial move to recovery and the potential that any second or further peaks in the virus will require flexibility to move back into, and then out again from, response mode.
- 3.15. **Public Participation** - public speaking applies at Planning and Licensing Committee meetings and at meetings of Licensing Sub-Committees; and there is also public participation through formal questions and petitions.
- 3.16. Insofar as meetings of the **Planning and Licensing Committee** are concerned, three possible options have been considered:
- (i) To continue to operate public speaking as now, with participants dialling in and addressing the meeting for the specified period of time;
 - (ii) To require the submission of statements in advance, which will then be read out by an officer; with the author then being able to dial in and hear his/her submission;
 - (iii) To move to a system of written submissions only.
- 3.17. Each of the above options carries different levels of benefit and risk in terms of ease of administration, minimising technological risks, and minimising disruption - whilst still maintaining that right of participation.
- 3.18. Option (i) represents a continuation of the existing arrangements, so does not involve any change from a participant's perspective. The challenges and risks are more around technology, connectivity, participant numbers and participant capability (ICT), and the potential impact on remote meeting management. For each application, there are usually four speakers (sometimes more if supporter and/or objector slots are shared) - which increases the risk. Given the quasi-judicial nature of the meeting, it is vital that nothing occurs that affects the validity of either the meeting as a whole or the consideration and determination of an individual application - and a failure in the public participation section on any application could impact on this (albeit that one would hope that a speaker does not leave critical information and arguments to a public speaking slot). To mitigate the risks of this option, we could ask that written copies of all submissions are produced in advance of the meeting, so that the comments could still be read out in the event of any technical or participant issues during the meeting. The risks set out in paragraph 4.7 would however remain if the same webex access applied to Members/Officers and the public.

- 3.19. Option (ii) seeks to mitigate the risks associated with Option (i), whilst still allowing for statements to be read out by an officer - effectively creating 'virtual' public participation. Those who submit statements can also listen to meeting proceedings, including his/her submission.
- 3.20. Option (iii) carries least risk in terms of technology and meeting management, and still enables the principles of public participation to be followed. However, this approach is reliant on Members having read all submissions made (although a submission deadline could be introduced to ensure that this could be achieved). With this approach, it is almost inevitable that points from all submissions will not be referred to in any ensuing debate, which could give rise to the perception (at least) that one or more submissions have not been adequately considered.
- 3.21. Option (ii) was the recommended option from Officers in relation to public participation within meetings and met with agreement from those Members consulted, including the Chairs of Planning & Licensing and Overview & Scrutiny Committees. This option is therefore being implemented, at least initially.
- 3.22. With this move to the submission of written statements, submissions will be limited to a maximum number of words (based on average speaking speeds), rather than time-based.
- 3.23. Any solution in relation to Licensing Sub-Committees will need to reflect any extant legislative requirements.
- 3.24. With regard to **formal questions**, the existing arrangements could remain, although the following alternative approaches have also been considered:
- (i) The submission and normal response requirements remain as existing, but that any supplementary questions are dealt with in writing outside of the meeting but with answers provided incorporated into the Minutes of the meeting.
 - (ii) To dispense with formal questions (public and/or member) for the time being.
- 3.25. Both of the above options seek to address, to varying degrees, the challenges and risks identified with public participation (see paragraph 4.18 above) - i.e. technology, connectivity, numbers of questions and participant capability (ICT), and the potential impact on remote meeting management.
- 3.26. Option (i) was supported by Officers, having considered the relevant legal aspects, and does not reduce the overall rights of anyone submitting a question. This approach also met with agreement from those Members consulted. This option is therefore being implemented, at least initially.
- 3.27. With regard to **petitions**, it is considered that these could still be accepted but with any ensuing debate being based on a written report incorporating a written submission from the lead petitioner. This option is therefore being implemented, at least initially.
- 3.28. **Motions at Council Meetings** - there is no reason as to why formal Motions cannot continue to be dealt with at Council meetings. However, other critical demands on staff resources may mean that there could be a delay in the consideration of any motion referred to Cabinet or a Committee for consideration (and possible report back).
- 3.29. **Voting** - the usual provisions will apply in respect of ordinary and recorded votes etc. Any matter will be decided by a majority of those in attendance, physically or virtually. Until such time as electronic voting has been trialled successfully, voting will be by roll-call. Voting by roll-call would also be necessary if all Members do not log in by Webex (i.e. if some dial in by telephone, as they will not be able to vote electronically).
- 3.30. The Chair or an Officer from the host cell will record the outcome of voting and announce the decision to the meeting.
- 3.31. **Confidential Business** - Cisco Webex allows for the exclusion of 'attendees' from any meeting, either to a 'lobby' or from the meeting fully. This has been trialled successfully and is considered by Officers an appropriate method of ensuring any Members who are unable to take part in any decision or part of a meeting remain absent for the required duration. The Officer hosting the meeting is able to quickly place and return any Member from the lobby requiring no

input from the Member in this regard. Whilst in the lobby, Members can neither hear nor see any part of the Meeting.

- 3.32. Where the public has been excluded, each Member in remote attendance must also ensure that there are no other persons present who are not entitled to be (either hearing or seeing) for the consideration of such items, and/or recording the proceedings.
- 3.33. **Declarations of Interest** - Members will still be required to declare relevant interests; and any member with a Disclosable Pecuniary Interest requiring withdrawal from the meeting will be excluded by the host to the 'lobby' area for the duration of that item. This has been trialled successfully and is considered an appropriate method of ensuring any Members who are unable to take part in any decision or part of a meeting remain absent for the required duration. The Officer hosting the meeting is able to quickly place and return any Member from the lobby requiring no input from the Member in this regard.
- 3.34. **Quorum and Technical Failings** - the quorum for any virtual meeting shall be the same as for a 'standard' meeting.
- 3.35. In the event of any apparent failure of the technology being used for a virtual meeting, the Chair shall determine whether the meeting is still quorate. Where a meeting remains quorate, the business of the meeting will continue. If it is not quorate the Chair will adjourn the meeting for such period as deemed necessary to seek to resolve the technical issues.
- 3.36. Should any aspect of a councillor's remote attendance/participation fail, the Chair may call a short adjournment to determine whether a connection can quickly be re-established - but this could depend upon the stage reached in the debate on any item and whether the quorum is affected. If the connection is not restored, the meeting should continue to deal with the business, providing the meeting remains quorate.
- 3.37. Where a meeting is open to the public, and the live streaming of the meeting fails, the meeting shall either be adjourned until such time as it is re-established, or closed and the remaining business transacted at a later date.
- 3.38. **The Constitution** - the Constitution will be updated to reflect any changes agreed. Given that the changes are as a result of Regulations, they most probably fall within existing standard delegation arrangements - but, from a belt and braces perspective, the urgency provisions were used to agree the process and procedural changes.

4. **SUMMARY**

- 4.1. The agreed way forward enables the Council to proceed with virtual meetings without further delay, with risks minimised and the legal requirements satisfied.
- 4.2. The principle has been to retain as many of the existing procedures as possible, but some changes have proved necessary, primarily around public participation (including formal questions) and voting. However, the principles and extent of public participation have not been diminished, just the methods.
- 4.3. As previously stated, the arrangements will be kept under review in the light of operational experience. Subject to there being no major issues requiring immediate attention, the first review will be carried out after the Planning and Licensing Committee Meeting in June.

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