

Item

## VIRTUAL COUNCIL MEETINGS-CONVENTIONS



**To:**

Joint Development Control Committee    27/05/2020

**Report by:**

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**Wards affected:**

All

### 1. Introduction

- 1.1 The report proposes conventions on how the JDCC meetings will operate in a virtual way arising from the provisions in the Coronavirus Act 2020 and associated Regulations. It is recommended that these are reviewed by the end of July 2020.

### 2. Recommendations

- 2.1 The JDCC is recommended:
- (i) To adopt the conventions for virtual meetings used by Cambridge City Council which is the administering authority for the JDCC.
  - (ii) To agree that the conventions are reviewed by the JDCC by the end of July 2020.

### 3. Background

- 3.1 Following on from the Coronavirus Act 2020, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020. These regulations make provision for remote attendance at, and remote access to, council meetings held on or before 7 May 2021. **The Regulations override**

**any existing procedure rules or standing orders or other rules that local authorities have relating to the governance of meetings.** The main effects of the regulations are as follows:

- Regulation 4 (1) empowers local authorities to alter the frequency of meetings, move or cancel meetings without notice. It should be noted however that there is no change to the requirement to publish notice of a meeting 5 working days prior to a meeting.
- Regulation 5 provides that local authority meetings may take place through digital means. A meeting summons does not need to specify a physical location and a meeting may take place entirely online or by conference call, subject to certain conditions set out below.
- Councillors may participate in meetings remotely. There is no requirement for a quorum of councillors to be present in the meeting room because the regulations make it clear that a councillor “attends” the meeting if they are able to participate remotely. The following conditions must be met for a councillor to be defined as participating remotely:
  - o The councillor must be able to hear and, where possible, see other councillors attending the meeting. The councillor must also be heard and, where possible, seen by those other councillors;
  - o The councillor must be able to hear and, where possible, see members of the public who are attending the meeting to exercise their right to speak. The councillor must also be heard and, where possible, seen by those members of the public; and
  - o The councillor must be heard and, where possible, seen by other members of the public who are attending the meeting (remotely).

Regulation 5 also empowers local authorities to make standing order or rules governing remote attendance, which may include provision for:

- o voting;
- o member and public access to documents; and
- o remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.

This means that councils can hold meetings regardless of any existing restrictions and to match facilities to suit their circumstances.

- Regulation 6 allows a notice of a meeting to be published on the Council's website as though it were published at the offices. The publication, posting or making available of agendas, reports and supporting information may be via the Council's website instead of at the offices or via post.

#### **4. Proposed conventions**

- 4.1 Cambridge City Council is the administering authority for the JDCC and the convention has been since establishment in 2007 to use that authority's committee procedures and then the JDCC amend them as appropriate (which the JDCC can do without requiring separate approval of the constituent councils). As preparation was required to be done for the 27 May meeting, the presumption has been that the city council's conventions for virtual meetings will apply for this meeting. The JDCC can amend the conventions, although it is recommended that the JDCC review and amend if necessary after they have been in place for a period of time, ie to the end of July. This would tie-in with a requirement to review the Joint Committee in its entirety as a result of the County Council proposal to withdraw from it.
- 4.2 The Council is to hold virtual meetings using the Microsoft Teams function which is the 3C ICT solution for South Cambridgeshire DC and Cambridge City Council (and exempt reports for Cambridgeshire County Council) and the conventions have been drafted taking these technical capabilities into account. They have also been drafted to reflect an expressed preference by Members for both live video and audio public participation in council meetings.

#### **4. Implications**

##### **(a) Financial Implications**

##### **(b) Staffing Implications**

Running virtual meetings will require more democratic service officers (initially 3 per meeting) as there is more than one role to perform.

##### **(c) Equality and Poverty Implications**

An EQIA has been undertaken.

##### **(d) Environmental Implications**

There will be less travel to the Guildhall or another meeting place. There should be less printed matter in the long term.

**(e) Procurement Implications**

None

**(f) Community Safety Implications**

None

**5. Consultation and communication considerations**

Any changes to the JDCC Standing Orders should not be done without consultation with the Assistant Director of Planning (Delivery) and the City Council's Monitoring Officer to ensure good governance.

**6. Background papers**

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

**7. Appendices**

None

**8. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact Gary Clift, Democratic Services Manager, tel: 01223 - 457011, email: [gary.clift@cambridge.gov.uk](mailto:gary.clift@cambridge.gov.uk).

## **Interim proposals for Cambridge City Council conventions for virtual meetings in accordance with the [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)**

### **1.1 Access to documents**

- (i) Democratic Services will publish the agenda and reports for committee meetings on the Council's website and will notify councillors by email. Papers will not be available for inspection at the Council's offices. Printed copies will not normally be circulated to councillors [an exception will be made for Planning Committee councillors (who wish paper copies) and any other councillor with specific requirements].
- (ii) Before the meeting, any document to be referred to during the meeting should be shared with participants and published (where appropriate) in advance on the council's website, and ensure that every page and slide is numbered, wherever possible.

### **1.2 General etiquette about councillors joining and participating in a remote meeting**

- (i) Councillors are encouraged to join the meeting 15 minutes before the scheduled start time in order to avoid disrupting or delaying the official start of the meeting. If a councillor needs to leave the meeting at any point, then they must draw that to the Chair's attention.
- (ii) Apologies for absence should be submitted in advance and the councillor should advise Democratic Services if an Alternate will be attending.
- (ii) Councillors should leave their cameras on (as long as bandwidth for streaming permits)
- (iv) The Chair will introduce the meeting and will check which councillors are present by roll-call. The Chair will remind councillors to mute their microphones when not speaking. This is done in order to reduce feedback and background noise. Democratic Services Officers may use this mute function as well.

### **1.3 Protocol for councillors speaking at meetings**

- (i) The Chair will determine who may speak, as well as the order, frequency and priority of speakers. (Through Teams this may be that councillors may use the 'chat' message function to indicate a wish to speak). The Chair may instruct the Democratic Service Officer to assist them in carrying out any of these functions. The Chair's ruling at any meeting on how this will be managed shall be final.
- (ii) Councillors will speak when invited to do so by the Chair with only one person to speak at a time.
- (ii) When referring to reports or making specific comments, councillors should refer to the report and page number so that all councillors have a clear understanding of what is being discussed at all times.
- (iii) Ward Councillors and Parish Councillors (latter re. JDCC) will be able to speak (e.g. speaking on behalf of constituents) at a virtual meeting with the permission of the Chair which should be gained in advance.
- (iv) Any councillor with a disclosable pecuniary interest or other declarable interest which would usually require them to leave the room, must leave the remote meeting and the officer will confirm they have left and will invite them back to re-join at the appropriate time.

#### **1.4 Voting**

- (i) Where a vote is required, the Chair will ask each councillor to vote in turn. Councillors should express their vote verbally, either for, against or abstain.
- (ii) The Democratic Services Officer will announce the outcome of the vote to the meeting. Names will not be recorded in the Minutes, unless requested under Council Procedure Rules (32 and 46)

#### **1.5 Public participation at virtual committee meetings**

The following conventions will supplement public speaking rights in Part 4b of Council Procedure Rules in the context of a virtual council or committee meeting of Cambridge City Council

- (i) The public who wish to observe/hear the proceedings of a committee are able to do so by a live stream. The public who wish to speak will contact democratic services by noon two working days before the meeting and will be provided with a link to participate in the meeting.
- (ii) The public participating will be able to be heard (and ideally be seen) by other participants and will be able to hear (and ideally see) other participants.

- (iii) Representations should be submitted in writing as well. This is as a back-up in case of a technical failure preventing the video or audio representation at the meeting being made. If a public speaker loses connection, the officer will attempt to bring the speaker back into the meeting, they will try to: a) invite the speaker back to the Teams platform; b) if unsuccessful then telephone the speaker (if provided with a number); c) or read out any written submission (sent in advance) on the speaker's behalf. If a speaker is unable to either join, or re-join a meeting, the Chair may still permit the meeting to determine the business to be transacted.
- (iv) Once the public contribution has ended, they will be muted by the officer/Chair.
- (v) The Chair's decision on how this process operates will be final.

## **1.6 Disruption**

While the Council welcomes input from the public, it is important for the integrity and orderly management of the meeting that the public who join the meeting follow the direction of the Chair.

The Chair will warn a member of the public if they are disrupting proceedings. If the member of the public ignores the Chair's warning then they will be muted and/or removed from the (virtual) meeting. The Chair's action taken in relation to disruption is final.

## **1.7 Dealing with exempt items of business**

- (i) There are times when council meetings are not open to the public, when confidential, or "exempt" information – as defined in Schedule 12A of the Local Government Act 1972 – is under consideration. The Chair and Democratic Services Officer must ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings or parts of meetings.
- (ii) Any councillor in remote attendance who fails to disclose that there are other persons present, such as those who may be able to see and/or hear the meeting, who are not so entitled will be in breach of the Council's Code of Conduct.

## **1.8 Dealing with technical difficulties**

- (i) In the event that the Chair or Democratic Services Officer identifies a technical failure of the virtual meeting, the Chair may need to declare an adjournment while the fault is addressed.
- (ii) If it is not possible to address the fault and the meeting is inquorate, the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate,

the meeting will continue. Those Councillors affected and attending remotely would be aware and have to accept that the meeting would continue and a vote would be taken without their attendance.

- (iii) If it is not possible for general public access to the virtual meeting because of a technical failure by the Council, the meeting cannot proceed.
- (iv) If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the relevant Executive Councillor/Chair and spokes shall explore such other means of taking the decision as may be permitted by the Council's constitution.

## **1.9 Interpretation of Conventions and Council Procedure Rules**

Where the Chair is required to interpret the Council's existing practices in light of the requirements of remote participation which are provided for under the Regulations, they shall take advice from a senior legal officer or senior democratic officer prior to making a ruling. The Chair's decision in all cases shall be final.

## **2.0 Review**

These conventions will be reviewed as soon as practicable by the Civic Affairs Committee after one month from the first virtual meeting as agreed by Full Council on 28 May 2020.