

Committee: Council

Date:

Title: "Remote meetings" and changes to the Constitution

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Summary

1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into effect on 4 April 2020. They enable local authorities to meet "remotely", subject to certain requirements. They also enable local authorities to meet requirements for publication of notice of meetings and for inspection of documents by means of the Council's website.
2. Whilst the regulations override certain aspects of the Council's Standing Orders, the purpose of this report is to ensure that there is no conflict between the Council's Constitution (in particular, the Procedure Rules) and the practicalities of calling and holding meetings remotely.

Recommendations

3. That the Council:
 - a. Approves the holding of remote meetings in compliance 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 ("the Regulations") for so long as is reasonably necessary.
 - b. Authorises the Chief Executive to summon remote meetings of the Council, its Executive, committees and working groups.
 - c. Confirms that references in the Council's Constitution to attendance at meetings shall be satisfied by remote attendance in accordance with the Regulations.
 - d. Confirms that references in the Council's Constitution to publication, deposit or inspection of notices, agendas, documents and other information shall be satisfied by publication, deposit or inspection in accordance with the Regulations.
 - e. Amends the Council Procedure Rules as set out in the Appendix to this report as they apply to remote meetings.

- f. Authorises the Chief Executive to develop and implement protocols for the holding of remote meetings, subject to consultation with Group Leaders and the Scrutiny Chair.
- g. Authorises the Chief Executive to take such other steps as, in her view, are reasonably conducive or incidental to facilitating remote meetings.

Financial Implications

- 4. There are no significant financial implications.

Background Papers

- 5. The following papers were referred to by the author in the preparation of this report and are available for inspection as set out below:

The Council's Constitution – available on the Council's website at <https://www.uttlesford.gov.uk/article/5028/Constitution>

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 available at <http://www.legislation.gov.uk/ukxi/2020/392/contents/made>

Impact

- 6.

Communication/Consultation	The need to hold remote meetings means a change to the Council's usual practices, as physical meetings are not possible for the present. However, the measures contained in the Regulations and in this report are intended to ensure transparency, accountability and democratic engagement so far as practical.
Community Safety	None directly relevant.
Equalities	There is an issue around access to computers and to broadband to enable participation. Where possible officers will seek to facilitate participation by members of the public without access to broadband and supporting technology.
Health and Safety	The temporary remote working arrangements are intended to secure the health and safety of councillors, officers and members of the public.

Human Rights/Legal Implications	The Council and its officers will need to ensure that remote meetings are conducted in a manner that is compatible with human rights and other public law requirements and in a manner that respects the rights and legitimate expectations of members of the public,
Sustainability	None directly relevant,
Ward-specific impacts	It is possible that some wards will have poorer access to broadband than others.
Workforce/Workplace	Organising remote meetings will place an increased workload on officers, particularly in Democratic Services.

Situation

7. Members will be familiar with the circumstances requiring a move to remote meetings to keep the work of the Council going.
8. The Regulations have been made to facilitate the holding of remote meetings. We do not know how long the need for remote meetings will last, but the Regulations remain in force until 7 May 2021.
9. Under the legislation that preceded the Regulations, it was not possible to hold meetings remotely. Physical attendance at meetings was needed. There was also an obligation to make reports, agendas and other documents available for public inspection at Council offices.
10. The regulations provide that a meeting may be held remotely provided that the following conditions are met:

A member in remote attendance must be able —

(a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,

(b) 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

(c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

11. A meeting is treated as being “open to the public” if there is “*access to the meeting 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*”.
12. The Regulations also provide that publication on the Council’s website will meet legal requirements for making agendas, reports and other documents available for public inspection.
13. Whilst the regulations override certain aspects of the Council’s Procedure Rules, there are some aspects that are not addressed, and which are not compatible. The Appendix to this report sets these out. The most significant proposed change relates to mode of voting. This report proposes that votes are taken by way of roll-call other than by affirmation of the meeting where there is no dissent. A roll-call vote is similar to a recorded vote other than that ordinarily the way individual members voted will not be recorded in the minutes, It will still be possible to call for a “recorded vote” in the usual way,
14. This is a temporary expedient and the expectation of officers is that meetings will resume in the normal way once circumstances permit.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
That the technology to enable remote meetings fails or is unsatisfactory.	3	3	Officers are trialling the software and contacting members to test it.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix

Recommended changes to Council Procedure Rules

Additional text shown in bold italic. Deletions shown in bold strike-through.

RULE 14 VOTING

14.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present ~~in the room~~ at the time the question was put.

14.2 Chairman's casting vote (Unchanged)

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

14.3 ~~Show of hands~~ *Mode of voting*

Save for voting on budget votes as defined in Rule 14.7 unless a ~~ballot or~~ recorded vote is demanded under Rules 14.4 and 14.5, the Chairman will take the vote by ~~show of hands~~, *a roll-call vote with each member indicating their vote* or if there is no dissent, by the affirmation of the meeting.

14.4 Ballots

~~Voting will not take place by ballot at remote meetings. The vote will take place by ballot if five members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.~~

14.5 Recorded vote

If any member present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. ~~A demand for a recorded vote will override a demand for a ballot.~~

14.6 Right to require individual vote to be recorded (Unchanged)

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

14.7 Voting at budget decision meeting (Unchanged)

RULE 15 MINUTES

15.1 Signing the minutes (Unchanged)

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

15.2 No requirement to sign minutes of previous meeting at extraordinary meeting (Unchanged)

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

15.3 Form of minutes (Unchanged)

Minutes will contain all motions and amendments in the exact form and order the chairman put them.

15.4 Meaning of “next suitable meeting”

The next suitable meeting shall be the next suitable meeting that is not held remotely.

RULE 16 — RECORD OF ATTENDANCE

~~All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.~~

RULE 18 MEMBERS' CONDUCT

18.1 ~~Standing to speak~~ Speaking

When a member speaks at Full Council they must ~~stand and~~ address the meeting through the Chairman. If more than one member ~~stands~~ ***indicates a wish to speak***, the Chairman will ask one to speak. ~~and the others must sit. Other members must remain seated whilst a member is speaking unless they too make a point of order or a point of personal explanation.~~

18.2 Chairman speaking

When the Chairman speaks during a debate, any member speaking at the time must stop ~~and sit down~~. The meeting must be silent.

RULE 19 DISTURBANCE BY PUBLIC

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting ~~room~~.

~~**19.2 Clearance of part of meeting room**~~

~~If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.~~