

**TAVISTOCK TOWN COUNCIL
BUDGET AND POLICY COMMITTEE
TUESDAY 2nd JUNE 2020**

**BRIEFING NOTE
CORONAVIRUS ACT 2020 – CONDUCT OF MEETINGS**

1. BACKGROUND

- 1.1 The Committee will be aware that the Coronavirus Act 2020¹ brought into effect arrangements enabling the holding of Council Meetings by means other than those set out in existing legislation² together with consequential matters.
- 1.2 The three appendices to this report set out the position in more detail and address the matters of chairing guidance, notes on supplementary standing orders and, in particular enabling standing orders. The latter are necessary to provide the agreed framework within which the Act will apply to Council business in areas where existing Standing Orders no longer reflect the current legal position of the Council.

2. ACTIONS

- 2.1 It is recommended that the Committee endorse the three appended reports. Furthermore that in so doing the Council adopt the appendix Remote Meetings Procedures – Amendments to Standing Orders as a basis to apply supplemental to (and in place of, as appropriate) the Tavistock Town Council Standing Orders to meet the statutory requirements for the holding of remote meetings, and this provision last until May 7th, 2021 or the repeal of legislation whichever is the earlier.

**CARL HEARN
TOWN CLERK
MAY/JUNE 2020
TAVISTOCK TOWN COUNCIL**

¹ 'the Act'

² For this sector principally the Local Government Act 1972 and Public Bodies (Admission to Meetings) Act 1960

**REMOTE MEETINGS PROTOCOL AND PROCEDURES -
AMENDMENTS TO STANDING ORDERS¹**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allow local councils to hold remote meetings. The regulations give automatic authority to hold remote meetings and amend standing orders as required.

These regulations remain in force until May 7th, 2021 or earlier if repealed, and require a number of temporary changes to Standing Orders.

General

This Protocol and Procedures should be read in conjunction with Tavistock Town Council's Standing Orders.

The Regulations made under s78 of Coronavirus Act 2020 apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Procedures take precedence in relation to any remote meeting.

1) Annual Meeting

- a) The requirement to hold an Annual Meeting of the Council is to be disregarded and prior to May 7th, 2021 may only take place:
 - i) where called by the Mayor or
 - ii) following a resolution calling for an annual meeting being passed at an ordinary or extra ordinary meeting of the Council.

2) Access to Information

- a) Where a document is required to be 'open to inspection' this shall include published on the website of the council.
- b) Where a document is required to be published and made available at the council's offices, this shall include published on the website of the council.
- c) Where there is a requirement to publish information including public notices, agendas, minutes, background papers and written reports, this shall include published on the website of the council.

¹ Appreciation is expressed to the Cornwall Association of Local Councils upon whose work (on behalf of the Western County Associations of NALC) this report is substantially based.

3) Remote Access to Meetings

- a) The definition of meeting within the Council's standing orders is amended so that
 - i) 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers
 - ii) 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting and interactive streaming
 - iii) where a meeting is accessible to the public through 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 Council becomes aware that its technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.
- c) If public access cannot be restored, to those parts of the meeting lawfully open to the press and public, within a reasonable period, the remaining business shall be deferred to a future meeting.

4) Councillors in Remote Attendance

- a) A councillor in remote attendance is present and counted for the purposes of the quorum when they can:
 - i) hear and where practicable see other members of the council
 - ii) where a right to be heard² applies hear and where practicable see members of the public;
- b) A councillor 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 at 4 a) are not met.
- c) Subject to 4 b) the Chairman may if appropriate
 - i) adjourn the meeting to permit conditions for remote attendance to be re-established
 - ii) count the number of councillors in attendance for the purpose of the quorum

5) Remote attendance by members of the public

- a) A member of the public is in remote attendance when they can :

² In some cases this is a legal right, such as Education Appeals Committees, such prescribed circumstances do not apply in the local council sector.

- i) hear and where practicable see and (where a right to be heard applies³) be heard and where practicable seen by members of the council at the meeting.
- ii) hear and where practicable see and (where a right to be heard applies⁴) be heard and where practicable seen by 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 at 5 a) are not met.
- c) Subject to 5 b) the Chairman may if appropriate
 - i) adjourn the meeting to permit conditions for remote attendance to be re-established
 - ii) vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.
- d) Accordingly, Standing Order No 3 be amended to the effect that any local facility to the public to present to, question, or participate in a meeting of the Council in person shall, until May 7th 2021, be construed as a right to make representation by way of written submission only, same to be submitted to the Proper Officer not less than 24 hours in advance of the day of the scheduled meeting.

6) Remote Voting

Unless a recorded vote is demanded, the Chair will take the vote by:

- a) confirmation of the meeting that there is agreement or
- b) a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.

7) Code of Conduct – councillors excluded from the meeting

Where a councillor is required to leave the room as a requirement of the Council's code of conduct, the means of remote attendance and access will be severed whilst any discussion or vote take place.

8) Exclusion of the press and public

Where the council has resolved to exclude the press and public from any part of the meeting, due to the confidentiality of the business to be discussed then:

- a) The means of remote attendance and access to the meeting by members of the press and public will be severed

³ See above

⁴ See above

b) Each councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.

9) RECOMMENDATION

To resolve to adopt the above supplementary Standing Orders to meet the statutory requirements for the holding of remote meetings, and this last until May 7th, 2021 or the repeal of legislation whichever is the earlier.

**NOTES TO SUPPLEMENTARY STANDING ORDERS¹
ON REMOTE MEETINGS**

As part of the management of the Covid19 pandemic, the government has published regulations to permit remote council meetings. Councillors, the public and press no longer have to be present in a single physical space in order to meet and conduct council business. The regulations remain in place until May 7th, 2021 and this advice builds on the paper prepared by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).

The Coronavirus restrictions mean that there are no physical meetings at present. As restrictions are lifted it is possible that the council may wish to return to physical meetings. These regulations require the council to offer remote access to meetings until May 7th, 2021 or earlier if the government repeals the legislation.

The temporary legislation now requires some changes to Standing Orders and a supplement has been prepared which can be adopted to extend the council's standing orders to accommodate remote meetings for the life of the legislation (Appendix1 refers), without the need for redrafting at a later date. This guidance may seem complicated at times, but this tries to cover the requirements for remote and mixed remote/physical meetings until May 7th, 2021 so that other changes are not needed.

Introduction

- 1) All meetings of the council must be open and accessible to the public with adequate provision for access to the papers for the meeting. The new legislation simply expands on how the council may meet virtually and varies the requirement for an annual meeting.
- 2) Public access to meetings by remote means is different from attendance at a council meeting in order to speak or participate (where that right has been afforded).
 - a) An IT failure which prevents public access to the meeting renders the whole of the meeting incapable of proceeding.

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- b) An IT failure which prevents a member of the public from addressing the council (where that right has been afforded²) will not invalidate the meeting.

1) Annual Meetings

- a) The requirement to hold an annual meeting in May 2020 has been removed, giving local councils the option to continue without an annual council meeting in 2020/21 or to set a date for a meeting later in the year.
- b) Continuing without a meeting means the appointments made in May 2019 will continue until the annual meeting in May 2021.
- c) The regulations do not cover Annual Parish/electors meetings which may be called by the council or by electors. The NALC/SLCC advice is that social distancing principles remain in place and that you should not call the annual electors meeting at this time.
- d) The delegated decisions register should also be kept up to date on the website in between meetings for transparency.

2) How should agendas for meetings and papers be provided?

- a) The regulations do not amend any of the legal requirements for the calling of meetings including the days of notice required for holding a meeting of the council or its committees and sub committees.
- b) The regulations state that the council should use its website for the publication of documents and the calling notice for meetings which must give the date and time and the virtual location of the meeting.
- c) The public notice and summons must now include details of how to join the meeting and links to the associated papers for the meeting.
- d) The summons can be issued to all members of the council by email, and should include :
 - i) links to the agenda and associated documents for the meeting or
 - ii) email versions of documents necessary for the meeting
 - iii) details of how to join the meeting and how to phone into the meeting if necessary.

3) How should remote access be provided?

- a) Councillors, members of the press and public are encouraged to use facilities provided by the council to attend and participate in remote meetings.
- b) The Council should encourage members to spend some time familiarising themselves with the software before the first remote meeting.
- c) It will not always be possible for members and the public to use video conferencing. Alternative methods of attending include webcast, live streaming, audio link or telephone call.
- d) The Council must ensure that the software allows members of the press and public to have access to the meeting.

² The associated draft standing orders make any prior participation by way of written submission til May 2021.

- e) Non-members of committees have the same rights as members of the public and must also be able to access meetings via real time technology if they are attending to observe and participate at the discretion of the chairman.
- f) If the Council's technology fails the Council must allow time for a connection to be re-established. If it is not possible to reconnect the public access, the Chairman will have to consider what other options to take including carrying forward items to the next agenda or referring matters to a committee.
- g) The council will need to identify who will control the IT during the meeting and it may not be practicable for that to be the Chairman or Clerk.

4) Remote access by members of the public

- a) Where ever possible a breakdown in the IT should not disadvantage the public from having remote access to the meeting.
- b) The Council must consider how to manage any public session such as it could vary standing orders to only take written questions submitted in advance from members of the public.

5) Declarations of Interest and the Code of Conduct

Members must act in accordance with the Code of Conduct, making the necessary declarations of interest and 'leaving the meeting' whenever the matter is being discussed. There must be a clear minute of the member leaving and re-joining the meeting.

Depending on the software being used, this may require the councillor to leave the call and then be re-invited once the item has been completed.

It is important that the public see that the member has 'left' and then re-joined.

6) Exclusion of the press and public from meetings

- a) Having passed the resolution to exclude the press and public, it is important to confirm that there are no members of the public present on the IT system.
- b) Members of the council should remember that the 'closed session' applies to confidentiality at home at remote meetings and it is their responsibility to make sure that confidential discussion cannot be overheard by other household members.

CHAIRMANSHIP AND MANAGEMENT OF REMOTE MEETINGS¹

Some Practical Tips

Many members and clerks are daunted at the thought of holding meetings over the internet. The first few meetings will be different but local councils experimenting with the technology are reporting that remote meetings have some positive benefits. Meetings are much shorter and more focussed and there is a shared sense of priorities and meeting expectations.

NALC has published a guide to holding virtual meetings. We have started to compile a set of tips and observations below and hope that you will share your experiences with us so that we can continue to build the guide over the coming weeks.

Managing the IT

Whilst the Chairman and clerk are working hard to deliver the meeting, it is worth identifying someone to manage the IT function. It is helpful to have some assistance to make sure that the participation of councillors and members of the public (if applicable) is managed properly and to spot any connection problems.

This person will be responsible for

- controlling the video, telephone and IT for the remote access and attendance
- ensuring that protocols for the meeting including the order for speaking, voting and exclusion of councillors and/or press and public are followed
- ensuring that everyone present at a remote meeting and eligible is able to hear (and ideally be seen) and in turn be heard (and ideally seen).

Top Tips for meetings

Being Prepared

Your normal council meeting follows a long established order of debate, where councillors and members of the public are very familiar with the format. Whilst the outline remains the same, virtual meetings held over

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the internet create some different issues and it will take time for everyone to cope with the new style.

It is important that your council tries out the technology and learns how to work with virtual participation, the varying internet connection and the mixed media of webcams and phones. Just because everyone can access a meeting does not mean that they will be able to participate in the same way as before and like many things practice will help build confidence.

Much of the council's normal activity will have changed or stopped completely this gives you the chance to have shorter more effective meetings. A clear purpose for the meeting with a sound agenda will help build confidence in the new technology.

At the beginning of the meeting

Whilst the format of the agenda may be familiar, a virtual meeting requires the Chairman to carry out some extra checks at the start of the meeting. These include:

- i) to confirm that all those present are able to hear the proceedings.
- ii) To take a roll call of members present at the meeting
- iii) To confirm the quorum for the meeting based on those members attending remotely.

The Chairman can then outline how he will run the meeting including the protocols for wishing to speak, voting, and viewing documents.

During the meeting

All of the normal rules of debate apply including the number of times a member can speak, the length of any contribution, declarations of interest, the rules for voting and controlling disruptive behaviour.

It is important that the Chairman and Clerk have established how they will communicate during the meeting as it is no longer possible to communicate quietly!

Most IT has a method for adding comments during discussions. This box can be used to ask to speak, but members should not use it to have private conversation during the meeting as it is available for all to see. The 'chat' can be saved and will remain in the public domain so it is much better to use the box simply to record voting, indicate that you wish to speak or move a point of order.

Participants should be reminded to mute themselves to avoid background noise from their home environments but will need to be reminded to unmute in order to speak.

IT issues

Unlike a physical meeting, a remote meeting requires the public to be able to see and/or hear the whole of the meeting. In the event of an apparent failure of the video or telephone conferencing connection, having a separate 'driver' for the IT will help to warn the Chairman of the problem so that they can stop the meeting temporarily. The Chair can then establish

- If the failure prevents the meeting from being open to the public
- if the meeting is still quorate or the failure reduces the number of members present and eligible to vote
- the meeting should be adjourned for up to 5 minutes to determine whether the connection can be quickly re-established or a suitable alternative can be used.

b) In the event of a connection failure the remote member(s) will be deemed to have left the meeting at the point of failure. If the connection is re-established the remote member(s) will be deemed to have returned to the meeting at the point of re-connection.

