

URGENCY ITEMS - MINUTE OF DECISION

Delegation arrangements for dealing with matters of urgency

Paragraph 7.2.1 of the Council's Constitution provides that Chief Officers may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal Council Procedures. They shall, where practicable, first consult with the Leader and Chairman (or in their absence the Vice Chairman) and the Opposition Spokesperson of the appropriate committee (Constitution incorporating a scheme of delegation approved by the Council on 14th May 2013)

Given the current emergency in respect of the Covid-19 pandemic and the decision taken to suspend committee meetings while social distancing measures continue, the urgency decision provision under Paragraph 7.2.1 of the Council's Constitution has been widened to extend the consultation to include the Leaders of all the political groups on the Council.

Subject: Remote Committee Meetings – Amendments to the Council's Constitution

Appropriate Committee: Full Council

Details of Item (including reason(s) for use of urgency procedure):

The urgency procedure has been used due to the Covid-19 pandemic. The Council's Monitoring Officer has delegated authority under the Council's Constitution to make minor variations to the Constitution which are required to remove any inconsistency or ambiguity or reflect legislative change. The urgency procedure has been used for transparency and for the avoidance of doubt.

Regulations made under the Coronavirus Act 2020 (2020/392) make provision for local authority meetings held before 7 May 2021 to be conducted remotely. This is to enable committee meetings to be held while social distancing measures are in effect. The Regulations have an automatic amending effect on local authorities' existing meeting procedure rules; nonetheless it is considered good practice to formally adopt the provisions.

New Procedure Rule – Remote Meetings Held by Virtue of the Coronavirus Act 2020

A new procedure rule, setting out the requirements for remote meetings, is attached at **Appendix A**.

The content is based on the protocol and model procedure rules published by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).

The new procedure rule is based on the information available at this time. As practice develops the rule may need to be updated.

Decision

That the Council's Constitution is amended to include the Procedure Rule attached at Appendix A to this urgency decision.

That it is noted the Monitoring Officer may make minor amendments to the Procedure Rule as practice develops.

Remote Meeting Protocol

To accompany the new Procedure Rule, a Remote Meeting Protocol is attached at **Appendix B**. This Protocol provides guidance regarding meeting preparation and etiquette, to ensure meetings are properly conducted and run smoothly. The Protocol will be incorporated into Part 4 of the Council's Constitution, Codes and Protocols.

The Protocol is based on experience to date and information available at this time. As practice develops it may need to be updated.

Decision

That the Council's Constitution is amended to include the Remote Meeting Protocol attached at Appendix B to this urgency decision.

That it is noted the Monitoring Officer may make minor amendments to the Protocol as practice develops.

Members Consulted

Councillor David Lloyd
Councillor Paul Peacock
Councillor Gill Dawn
Councillor Peter Harris
Councillor Rob Crowe, Chairman of the Council

Signed 

Date: 15 July 2020

Karen White
Director - Governance & Organisational Development and Monitoring Officer

RULE NO.38 – REMOTE MEETINGS HELD BY VIRTUE OF THE CORONAVIRUS ACT 2020

- 38.1 Wherever there is a conflict between this Rule and another Council Procedure Rule this Rule takes precedence in relation to any remote meeting. This Rule will have effect until 7th May 2021 subject to any amendments to legislation. This Rule should be read in conjunction with the Remote Meeting Protocol.
- 38.2 The requirement to hold an Annual Meeting is to be disregarded prior to 7th May 2021.
- 38.3 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:
- (i) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
 - (ii) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.
- 38.4 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.
- 38.5 If the Chairman 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 Chairman 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 Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 38.6 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.

38.7 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 38.6 above are not met. In such circumstance the Chairman 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 38.6 above to be re-established; or
- (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.
- (iii) In relation to meetings of Planning Committee, the provisions of paragraph 14 of the Protocol for Members on Dealing with Planning Matters shall apply; any Member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.

38.8 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.

38.9 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 38.8 above are not met. In such circumstance the Chairman may, as he or she deems appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 38.8 above to be re-established;
- (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.

38.10 Unless a recorded vote is demanded, the Chairman will take the vote

- (i) through the use of an electronic voting system and voting in the Chamber or;
- (ii) by the affirmation of the meeting if there is no dissent; or
- (iii) the Chairman will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

38.11 Where a Member is required to leave the meeting for any reason such as having a disclosable pecuniary interest, the Member will be required to disable their microphone and video whilst any discussion or vote takes place in respect of the item or items of business.

NEWARK & SHERWOOD DISTRICT COUNCIL
Remote Meeting Protocol
May 2020

Introduction

This document has been prepared to assist Members when attending remote or virtual committee or council meetings.

These meetings are held 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' or 'Coronavirus Act 2020'.

Members should refer to *Council Procedure Rule No. 38 of the Constitution – Remote Meetings Held by Virtue of the Coronavirus Act 2020* when reading this protocol.

Remote Meeting Software

Remote meetings will be undertaken using Microsoft Teams. The ICT or Democratic Services Business Units are available to give advice on using Microsoft Teams. You must ensure for a remote meeting, that your camera is switched on and you know how to mute and unmute your microphone.

ICT and Democratic Services will be able to offer assistance at any time prior to the meeting so please ensure you have understood how to access the meeting before the day of the scheduled event.

ICT will 'open' the remote meeting at least 30 minutes before the formal start time of the meeting, to ensure that everyone is logged into the meeting and are confident in using the software.

The Chairman of the meeting will give Members a one minute warning prior to the start of the meeting, which for public meetings will be streamed live on the Council's social media channels.

Identity Presentation

You must ensure that your 'identity presentation' on Microsoft Teams clearly identifies you as a Councillor, for example Councillor Brian Smith, as you will be taking part in the formal decision making process. Consistent identification helps the general public, who may be watching the webcast of the meeting, identify you as a Councillor.

When you 'join' the meeting and are prompted to enter your name please record in this manner, as per the example above, i.e. Councillor *followed by your name*.

Surroundings

Consider where you are planning to 'access' the meeting from. The environment should be quiet with no interruptions, for example by other people in your household. There should be a plain background free from any political artwork or slogans. We recommend setting the background to

a blurred effect, which ICT and Democratic Services can provide instruction on. Do not use any pre-set virtual backgrounds that are available on Teams as this can affect the quality of the overall image.

You may wish to use headphones to reduce the background noise from within your household. Headphones can also improve the sound quality. If you are not able to use headphones please familiarise yourself with how to adjust the volume levels on your device.

Appearance

You will be able to see yourself as you appear to others in the meeting or to those viewing the live stream. You should ensure that you can be seen clearly without glare from windows etc. Please remember that public meetings will be livestreamed as required by the legislation so wear appropriate clothing.

Eating and Drinking

It would not be appropriate to eat during a traditional Committee meeting so this convention should be observed for a remote meeting. However, please ensure that you have a drink available during the meeting.

If you need to take a short break from the remote meeting please remember to switch your camera off and ensure your microphone is muted. Switch your camera back on when you return. For meetings of the Planning Committee, Members will need to be mindful of the provision of Paragraph 14 of the Protocol for Members on Dealing with Planning Matters which requires that any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.

Behaviour

As a councillor you are bound by the Member Code of Conduct, and this form of meeting doesn't change that requirement. Your actions, as a representative of the Council, could be observed by a public audience who are not visible to you and may be recorded by some, so please maintain the standards of behaviour required by the Code of Conduct at all times. The Council will also maintain a formal recording of the meeting, which will be available following the meeting.

Speaking During a Remote Meeting

Please indicate your wish to speak at a meeting, but wait until the Chairman has indicated that you may speak. It is very difficult for the public, and other Members and Officers listening, to hear what is being said when people talk over each other. The meeting should not be interrupted unless it is your turn to engage in the process when invited by the Chairman.

To reduce background noise and feedback, you should mute your microphone, and only unmute when you wish to speak or vote.

Disclosable Pecuniary Interests

If you have a disclosable pecuniary interest in an item which prevents you from participating in the debate and the voting, Members are requested to turn off their cameras and mute their microphones while the particular item is being discussed.

Voting

Voting in a remote meeting will be managed by the Chairman or the Democratic Services Officer in attendance, usually by taking the vote from each Member on the Committee in alphabetical order.

Exclusion of the Press and Public

When a Committee resolves to exclude the press and public by virtue of Schedule 12A of the Local Government Act 1972, Members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.

What Happens if Something Goes Wrong?

If your connection drops away from the event, you can resume by going back to the original invitation to the meeting and click to re-join. All remote meetings will also have the option to 'dial in' if for any reason you cannot access through Microsoft Teams. Please keep the meeting link and the dial-in instructions readily available in case you need to refer back to these.

Please do not attend Castle House in person. Facilities are not currently available for you to join a remote meeting from Castle House.

For meetings of the Planning Committee, Members will need to be mindful of the provision of Paragraph 14 of the Protocol for Members on Dealing with Planning Matters which requires that any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. This will apply if a Member does temporarily lose connection to the meeting.

If you have issues with your laptop/iPad please contact ICT before the day of the meeting where possible.

Appropriate images will be presented on the livestream broadcast should a remote meeting need to be adjourned for any reason such as a failure in the technology. Members of the public viewing the livestream will be given suitable messages such as the ones pictured in the screenshots below.

Planning Committee

The meeting is about to start



Planning Committee

The meeting is temporarily adjourned and will recommence soon

