



LITTLEHAMPTON TOWN COUNCIL

REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

INTRODUCTION

This document is produced as an addendum to the Town Council's Standing Orders and in response to the Regulations made under section 78 of the Coronavirus Act 2020 (Regulation No.392 ('the Regulations')).

This Protocol and accompanying Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Town Council, and its various Committees and Sub-Committees, Working Groups and Panels, held under the provisions of the Regulations.

This Protocol and Procedure Rules should be read in conjunction with the Town Council's Standing Orders. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Town Council governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.

The effect of the Regulations on the Town Council's Standing Orders is to insert what are, in effect, mandatory standing orders for meetings held remotely, either wholly or partially. These guidelines include the procedural guidance, highlighted in red boxes. These regulations exist only on a temporary basis, having effect between 4th April 2020 and 7th May 2021.

The interpretation of the procedural guidance contained in this addendum rests with the Chair of any given meeting of the Council, and its various Committees and Sub-Committees, in consultation with the Clerk or his representative at that meeting. Should this result in the need to update these rules, authority has been delegated to the Town Clerk, in consultation with the Mayor to make changes between meetings. These will be reported back to Council.

During this period unless it is otherwise decided by the meeting and for clearly stated reasons, details of meetings will not be recorded or placed on the website other than in the manner currently prescribed, that is the written minutes. This may be reviewed should the Town Council develop the capability to do this at a later date and providing it is consistent with current practice.

INDEX OF CONTENTS

CONTENT	PAGE NUMBERS
Section 1 - How will notice of Meetings and papers be provided (Access to information)	3
Section 2 - How will remote access to Meetings be provided (Remote Access to Meetings)	4 - 5
Section 3 - Management of Remote Meetings for Members (Members remote attendance)	6 - 7
Section 4 - Remote Attendance of the Public	8 - 9
Section 5 - Meeting Procedures & Remote Voting (5A)	10 - 11
Section 6 – Declaration of Interests & Members excluded from the meeting (6A)	12
Section 7 - Exclusion of Public and Press	12
Section 8 - Public Access to Meeting Documentation following the meeting	12

1. How will notice of Meetings and papers be provided?

1.1 The proper officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to view the meeting which will be available on the Town Council's website:

<https://www.littlehampton-tc.gov.uk/committee-meetings>

1.2 Members will be notified of a remote meeting by email and all agenda papers will be available on the Town Council's website and circulated to **all Members** during this period unless a Member requests otherwise.

1.3 The 'place' at which the meeting is held may be at a Town Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.

1A Access to Information

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:

(a) "open to inspection" shall for these and all other purposes as being published on the website of the council; and

(b) to be published, posted, or made available at offices of the Authority will be published on the website of the Authority.

2. How will remote access to Meetings be provided?

2.1 Meetings will be held using the Microsoft “Live Events” software or another system as agreed by the Town Clerk in consultation with the Chair of the meeting.

2.2 Facilities will be provided to allow Councillors and members of the press and public to attend meetings through webcasting, an audio link or by electronic means as referred to in the Regulations.

2.3 Remote access for members of the public and Members who are not attending to participate in the meeting together with press facilities, will be provided through webcasting, live audio streaming, or other means.

2.4 If the Town Council’s technology fails for a wholly remote meeting the meeting is no longer open to the public. The meeting will be adjourned for a short period of time to see if the fault can be repaired and if not, the meeting will be stopped and re-arranged. The Town Council is not responsible for technology issues experienced by a member of the press or public.

2.5 It is important to note that the public accessing the meeting by remote means is different from the public attending to exercise a right to speak. Some Council functions undertaken at meetings are quasi-judicial but the option to have public questions is a custom that has been adopted by Councils to encourage public participation.

2.6 A member of the public who attends to exercise their right to speak and is unable to do so renders only their item incapable of proceeding (This is set out paragraph 4 below). There are very few circumstances where it is considered likely that the Town Council would be undertaking a quasi-judicial meeting.

2A Remote Access to Meetings

a) 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; and

(b) If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision by the Town Council, then the Chair 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 Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

3. Management of Remote Meetings for Members

3.1 Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and ideally seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating.

3.2 In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.

3.3 The Chair will normally confirm at the outset and at any reconvening of a meeting that they can see and hear all participating members by reference to a register. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

3.4 The attendance of those members at the meeting will be recorded by the Democratic Services Officer.

3.5 The normal quorum requirements for meetings as set out in the Town Council's Standing Orders will also apply to a remote meeting.

3.6 In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate:

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.

3.7 Should any aspect of an individual's remote participation fail, and providing the meeting remains quorate, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.

3.8 In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.

3.9 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

3.10 If a connection to a Member is lost during a meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

3.11 If a connection to the Town Clerk or Deputy Town Clerk and Responsible Financial Officer is lost during a meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time and they become unable to re-join a meeting, they can nominate a representative who will continue to Clerk the meeting and the meeting will proceed.

3.12 Etiquette at the meeting is referred to further below.

3A Members in Remote Attendance

(a) 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.

(b) 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 (a) above are not met. In such circumstance the Chair 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 (a) above to be re- established;

(ii) count the number of Members in attendance for the purposes of the quorum; or

(iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

4. Remote Attendance of the Public

4.1 Any member of the public participating in a meeting remotely in exercise of their right to speak at Council or in regulatory or other meetings must meet the same criteria as members of the Council. Members of the public attending a meeting remotely must, likewise, when they are speaking be able to be heard (and ideally be seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating be so heard and, where practicable, be seen by any other members of the public attending the meeting.

4.2 The process for determining access to the meeting (Section 2) is recommended to be conducted, which should include requiring advance notification from members of the public wishing to attend remotely. For those items of business, an invitation to participate in the remote technology can then be sent out in advance.

4.3. The Town Council will not be providing at this stage a public forum and the remote meeting submissions, petitions or questions received from the public will be read out by the Chair or a supporting officer.

4.4 During this period, and to enable the Council to answer as many questions as possible at the meeting, the submission should not exceed 200 words. The Clerk, in consultation with the Chair of the meeting, reserves the right to summarise written questions. All written questions and responses will be made available on the Town Council web site alongside the meeting minutes.

4A Remote Attendance by Members of the Public exercising a right to speak

(a) 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.

(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 contained in Standing Order 5A(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:

(i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 5A(a) 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.

5. Meeting Procedures

5.1 The Authority will endeavour to put in place a technological solution that will enable Members participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak. If this is not possible the Chair of the meeting will call on them by name.

5.2 A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, is encouraged to be enlisted. Their role will be to control the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement, and connections on the instruction of the Chair.

5.3 It will assist the meeting if those Members who wish to speak on a particular item could indicate their wish to speak to the Chair / Clerk and to the Democratic Services Officer in advance of the start of the meeting where possible. Political groups are also encouraged to co-ordinate this activity wherever possible. This is particularly important if Members are unable to participate via video conference.

5.4 The Chair will follow the rules set out in the Town Council's Standing Orders when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

5.5 The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.

5.6 Members are asked to adhere to the following etiquette during remote attendance at a meeting:

- Members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and the meetings facilitator or Democratic Services Officers the opportunity to test the equipment
- Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- Type their name on joining the meeting in full, e.g., "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
- All Members to have their video turned off and microphones muted when not talking.
- Rather than raising one's hand or rising to be recognised or to speak, Members should avail themselves of the remote process for requesting to be heard: [e.g., where available]
 - Members are to use any chat facility to indicate to the chair that they wish to speak. Members will unmute their microphone and turn their cameras on when the Chair invites them to speak. **The chat facility must not be used for private conversations** between councillors.
- Only speak when invited to by the Chair

- Only one person may speak at any one time
- Turn on the microphone and also the video-feed (if available or unless speaking to a diagram, presentation slide or drawing), then state your name before you make a comment
- When referring to a specific report, page, or slide, mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.

5.7 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will as part of their introduction explain the procedure for their participation which will reflect those relevant elements of the above. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.

5.8 When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed the Chair will progress to making a decision. Unless a Recorded Vote is called, the method of voting will be at the Chair's discretion and will be by one of the following methods:

- 1) An officer calling out the name of each member present with:
 - a. members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called;
 - b. the Democratic Services Officer clearly stating the result of the vote and the Chair then moving onto the next agenda item; or
- 2) By the general assent of the meeting.

5.9 Details of how Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair / Clerk will ask members in turn to indicate verbally whether or not they support the recommendation.

5A Remote Voting

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair,] the Chair will take the vote ...

(a) by the affirmation of the meeting if there is no dissent [by assent]; or

(b) the Chair 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.

6. Declaration of Interests

6.1 Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer or meeting facilitator, who will invite the relevant Member by link, email, or telephone, to re-join the meeting at the appropriate time.

6A Members excluded from the meeting

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

7. Exclusion of Public and Press

7.1 There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

7.2 Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

7.3 Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled is likely to be in breach of the Members’ Code of Conduct and to have transgressed the law, potentially leading to legal proceedings.

8. Public Access to Meeting Documentation following the meeting

8.1 Members of the public may access minutes, decision, and other relevant documents through the Council’s website. The definition of access to information and available to the public is the same as at Rule 2A above. Requests for access to the list of background papers and other relevant documents should be by email or by post.