

~~CONSTITUTION OF THE LONDON BOROUGH OF CROYDON~~

~~Part 4 - PROCEDURE RULES~~

~~PART 4.0 REMOTE MEETINGS PROCEDURE RULES~~

~~These Procedure Rules clarify the Council's temporary legal powers to hold meetings via telephone audio conference, video conference or other electronic means to avoid convening public gatherings during the COVID 19 public health emergency.~~

~~In any instance where these Remote Meetings Procedure Rules conflict with other Procedure Rules or other sections of the Constitution these Procedure Rules prevail until 7 May 2021.~~

~~1A Access to Information~~

~~For all purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to means a document that is:~~

~~(a) "open to inspection" which shall include for these and all other purposes being published on the website of the Council; and~~

~~(b) 'to be published, posted or made available at offices of the Authority' shall include publication on the website of the Council.~~

~~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, 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.~~

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.~~

4A Remote Attendance by Members of the Public

~~(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 4A(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 4A(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.~~

5A Remote Voting

~~Unless a recorded vote is demanded (where this is permitted in the Constitution), [which must be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair,] the method of voting will be at the Chair's discretion and will be by one of the following methods:~~

- ~~(a) by use of the electronic voting system[s] for Remote Voting and voting in the Chamber or where an electronic voting system is not working correctly or is unavailable;~~
- ~~(b) by the affirmation of the meeting if there is no dissent [by assent]; or~~
- ~~(c) 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.~~

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.~~

Part 40 (i) REMOTE MEETINGS PROTOCOL

Introduction and Application of the Remote Meetings Procedure Rules

This Protocol and accompanying Remote Meetings Procedure Rules ('Procedure Rules') set out rules and guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of 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').

This Protocol and Procedure Rules should be read in conjunction with the Council's Standing Orders and Procedure Rules within the Constitution. 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 Council governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, the Regulations take precedence in relation to any remote meeting.

The effect of the Regulations on the Council's Constitution is to insert what are, in effect, a set of rules for the Council when it wishes to hold meetings remotely, either wholly or partially. The Regulations exist only on a temporary basis, having effect between 4 April 2020 and 7 May 2021.

This Protocol and Procedure Rules in no way precludes the Scrutiny and Overview Committee, General Purposes and Audit Committee, Planning Committee and Planning Sub-Committee, Licensing Committee or the Chair of the Licensing Sub-Committee from determining additional or different procedure rules or protocols under provisions in Article 16.2 of the Constitution and/or the Licensing Protocol.

This Protocol is an immediate response to the Regulations and is based on the information available at this point. This document may need to be updated and reviewed in due course.

This Protocol includes the Procedural Rules highlighted in red boxes.

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~~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 join the meeting which will be available on the Council's website~~

~~1.2 Members will be notified of a remote meeting by e-mail and all agenda papers will be available on the Council's website and via the agenda software or other electronic means as appropriate.~~

~~1.3 The 'place' at which the meeting is held may be at a 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.~~

~~2 How will remote access to Meetings be provided?~~

~~2.1 Members and members of the press and public will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely.~~

~~2.2 If this is not possible, attendance may be through an audio link or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.~~

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

~~2.4 It is important to note that the public accessing the meeting by remote means, as described here, is different from the public attending to 'exercise a right to speak'. A technological failure removing the ability for the public to access the meeting by remote means renders the whole meeting incapable of proceeding. A member of the public who attends to exercise their right to speak and is unable to do so will only affect their item and will be dealt with at the discretion of the Chair as set out in Rule 4A(b).~~

~~3 Attendance by Members at Remote Meetings and management of Remote Meetings~~

~~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 public must, in turn, be able to hear (and ideally see) those other Members participating.~~

~~3.2 In addition, a Member must be able to be heard (and ideally seen) 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 committee or cabinet meeting that they can see and hear all participating members (this is unlikely to be practical for a meeting of full council). 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 Council's Constitution 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 fifteen minutes, to allow the connection to be re-established.~~

~~3.7 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to approximately five minutes 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. In certain situations it may be possible to reorder the Agenda to allow the technological issue to be resolved~~

~~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 regulatory 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. A Member who disconnects and re-connects to the meeting due to technological issues is still 'present throughout' as long as any matters discussed during his/her absence are repeated.~~

~~3.11 Etiquette at the meeting is referred to further below.~~

~~3.12 The requirements set out in the Local Government Act 1972 section 85 which provide that "if a member of a local authority fails throughout a period of 6 consecutive months from the date of his last attendance to attend any meeting of the authority he shall unless the failure was due to some reason approved by the authority before the expiry of that period cease to be a member of the authority"~~

continue to apply in relation to all “meetings of the authority” (which covers Committees and Sub-Committees, joint committees, joint boards or other bodies where the functions of the Council are discharged or that were appointed to advise the Council on any matter relating to the discharge of Council functions) including where these meetings are held remotely.

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. If a member of the public exercising a right to speak is not able to access the remote meeting platform they may exercise their right to speak through audio means.

4.2 A process for determining access to the meeting will be conducted, which will 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 will then be sent out in advance.

4.3 Alternatively, where it is not possible to provide a technological solution, standing orders will be produced that replace existing public speaking rights with public participation by receipt of representations in writing only. Submissions, petitions or questions received from the public can then be read out by the Chair or a supporting officer.

4.4 The Democratic Services Officer or meeting facilitator (see below) is able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.

4.5 Wherever possible a breakdown of the technology should not disadvantage the member of the public in remote attendance

5 Meeting Procedures

5.1 A meeting facilitator, who may be the Democratic Services Officer will be enlisted. Their role is 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.

5.2 Individual meeting Chairs will be consulted on how they would best like to manage debate in meetings and how Members should indicate that they wish to speak. The preferred method will be made clear at the start of the meeting. This may include the use of technological solutions where they are available. Chairs will be supported by officers where necessary.

~~5.3 In respect of key committees and at Cabinet meetings, 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 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 in respect of full Council/Authority meetings and other meetings likely to result in a high number of requests to speak. 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 Constitution 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:~~

- ~~• Committee 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.~~
- ~~• Individual meeting Chairs will indicate their preferred method for Members to signify a wish to speak at the start of each meeting. 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:~~

- ~~• a vote by electronic means; or~~
- ~~• an officer calling out the name of each member present with:
 - ~~• members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called;~~
 - ~~• the Democratic Services Officer clearly stating the result of the vote and the Chair then moving onto the next agenda item;~~~~
- ~~• 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 will ask members in turn to signify verbally whether or not they support that request.~~

~~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.~~

~~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 and officer 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 or officer in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would likely be in breach of the Members' or Officers' (as relevant) Code of Conduct responsibilities.~~

~~7.4 The public webcast will be stopped when considering such matters.~~

~~8 Public Access to Meeting Documentation following the meeting~~

~~8.1 Members of the public may access minutes, decision and other relevant background documents through the Council's website. The definition of access to information and available to the public is the same as at Rule 1A of the Procedure Rules.~~