

VIRTUAL PUBLIC MEETINGS PROTOCOL

Introduction

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permits local authorities to conduct and make lawful decisions at virtual meetings.

Remote attendance at Council meetings is permitted as long as certain conditions are met. These include that councillors are able to hear and be heard by the other councillors in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting. A visual solution is preferred, but audio is sufficient. This also relates to members of the public attending the meeting also being heard.

The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

A summary of the Regulations is contained in the appendix of this protocol.

Zoom

Zoom is the virtual meeting application preferred by Cranbrook Town Council for hosting remote and virtual meetings. It has functionality for whiteboarding, screen sharing, HD video and audio, and remote screen control features and members of the public do not need to be a member of the Council to join a Zoom meeting.

Setting up the Meeting

Meetings will be set up by the Chair of the meeting. They will send a meeting request via Zoom which can also appear in Outlook calendars. This enables them to “host” the meeting which gives them more functionality than other participants, including the ability to mute and exclude disruptive participants from meetings.

Access to Agendas and Supporting Documents

The Clerk or Deputy Clerk will publish the agenda and supporting documents for Council and Committee meetings on the Council’s website in the usual manner and will notify councillors by email in line with usual practice. Agendas will feature the link to the virtual meeting instead of the physical meeting venue.

External Participants and Members of the Public

Any external participants will receive the meeting request via the link being shared on the agenda instead of the physical meeting venue, they can then use all the functions of Zoom (video / chat) in the meeting.

Joining the Meeting

Councillors are encouraged to join the meeting promptly at least three minutes before the scheduled start time in order to avoid disrupting the meeting.

Any other attendees are invited to use the link published with the meeting agenda or within a calendar invite for the meeting which will say 'Join Zoom Meeting'. This will open the Zoom app on the device automatically or take the attendee to an online screen, both options work in the same way.

Starting the Meeting

At the start of the meeting, the Clerk or Deputy Clerk will check that all required attendees are present by viewing the participant list.

The Chair will ask all councillors, members of the public, media and any other meeting attendants to turn off all microphones unless they are speaking. This prevents background noise, coughing etc which is disruptive during the meeting. Councillors will need to turn their microphones on before speaking and to turn it back off after participating.

Public Participation

Participation by members of the public will continue in line with the Council's Standing Orders 3 (e) - (g). This can include speaking, asking questions and/or making representations. When a member of the public is addressing a meeting, the Chair will invite them to speak at the appropriate time.

Both they and the Clerk or Deputy Clerk will need to ensure their microphone is enabled so the meeting can hear them. If they have video capability on their device, then they should turn this on so the Council or Committee can see them.

The member of public must be directed to switch off their microphone again after they have made their statement or asked any question(s). The Chair has the ability to mute if necessary and the ability to remove a disruptive member of public if necessary and this should be made apparent at the beginning of the meeting.

The Meeting and Debate

For councillors who wish to speak in the debate, they should click on the raise hand facility and await to be asked to unmute and speak by the Chair. Once councillors have spoken, they must mute themselves again to prevent unnecessary background noise.

Meeting Etiquette Reminder

- Mute your microphone when you are not talking.
- Only speak when invited to do so by the Chair.
- If you are not using video then please state your name.
- The only person to keep on their microphone throughout the meeting is the Chair.

Voting

Within the Zoom facility, there is a straightforward mechanism to deal with voting.

When the Chair asks the Council or Committee to vote, those in favour of the proposal should use the "thumbs up" icon, those against should use the "thumbs down" icon. No response will represent an abstention. In order for this to work the Chair of the meeting must ensure this function is turned on before setting up the meeting. For instructions on how to do

this please refer to https://support.zoom.us/hc/en-us/articles/115001286183-Nonverbal-Feedback-During-Meetings#h_6922651d-d279-44bd-b36a-cc2a30696c70.

If a Chair does not wish to use this mechanism, they may choose to ask each councillor to vote in turn. If this is the case, councillors should express their vote verbally and the Clerk or Deputy Clerk will record the outcome of the vote and announce it to the meeting.

Part 2 Reports and Debate

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. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any councillor in remote attendance could be in breach of the Council’s Code of Conduct who fails to disclose that there are other persons present who may be able to see and/or hear the meeting if they are not entitled to do that.

If there are members of the public and press listening to the open part of the meeting, then the Chair will remove those participants from the meeting at the appropriate time. Before this happens, the members of public and press must be made aware why they are being removed from the meeting.

It would be good practice to turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

Interpretation of Standing Orders

Where the Chair is required to interpret the Council’s existing Standing Orders in light of the requirements of remote participation, they shall take advice from the Clerk or Deputy Clerk prior to making a ruling. However, the Chair’s decision shall be final.

Disorderly Conduct by Councillors

In accordance with the Council’s Standing Orders 2 (a) - (c), if a councillor behaves in a disruptive manner, the Chair may move “That the member named be not further heard” which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and if a motion is approved “that the member named do leave the meeting”, then they will be removed as a participant by the Chair.

Disturbance from Members of the Public

In line with the same Standing Orders, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair will mute them or remove them as a participant from the meeting.

After the Meeting

Participants should leave the meeting by clicking on the red “end meeting” button to hang up. The Chair can also end the meeting for all participants.

Meeting minutes will be published on the Council’s website in the usual manner.

Technical Issues

In the event that any meeting participant identifies a failure of the remote participation facility, the Chair should declare a recess while the fault is addressed.

If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate, then it should continue.

Those attending remotely would be aware and accept that the meeting would continue, and a vote would be taken without their attendance.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chair and Clerk shall explore such other means of taking the decision as may be permitted under the full Council resolution detailed in minute 20/50 of the full Council meeting dated 23 March 2020.

Disability

It is also important for authorities to ensure that the needs of any disabled members are taken into account when considering the practicality of a remotely attended meeting.

A Briefing on 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 Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 come into force from 4 April 2020.

The regulations are made by the Secretary of State for Housing, Communities and Local Government, in exercise of the powers conferred by section 78 of the Coronavirus Act 2020(1) and paragraph 36(1)(b) of Schedule 6 to the Police Reform and Social Responsibility Act 2011(2).

The Regulations apply to local authority meetings (and police and crime panel meetings) which are required to be held, or held, before 7 May 2021.

In the Regulations, “the 1972 Act” means the Local Government Act 1972 and “local authority” includes a County Council (and numerous other bodies).

Frequency of Meetings / Annual Meetings

A local authority is permitted to alter the frequency, move or cancel such meetings, without requirement for further notice. In reality this means a meeting can be cancelled, even if the agenda has been published.

When an appointment would otherwise be made at an annual meeting, such an appointment continues until the next annual meeting of the authority or until such time as that authority may determine.

Remote Attendance in Local Authority Meetings

A meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place. The reference to a “place” includes reference to more than one place including electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

A councillor ‘in remote attendance’ can attend the meeting as long as certain conditions are satisfied. These include that the councillor is able to hear and be heard by the other councillors in attendance. Also, being able to hear and be heard any members of the public entitled to attend the meeting. The regulations would prefer a visual solution, but audio is sufficient.

This also relates to members of the public attending the meeting being heard, but preferably seen.

To be clear, the above caveats (in relation to Members of the authority and the public) includes a person who is attending by remote access.

The Regulations clarify that any reference to being “present” at a meeting includes being present through remote attendance and a “place” 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).

Standing Orders

The provision in the Regulation overrides provisions in existing standing orders or rules governing the meeting.

However, a local authority may make other standing orders regarding issues such as voting, councillor and public access to documents; and remote access of public and press to a local authority meeting to enable them to attend or participate. This does not appear necessary as current processes allow this and access to meetings and public participation will continue.

Annual Meeting

Paragraphs 1 and 7 of Schedule 12 to the 1972 Act are disapplied which means the removal of the requirement to hold an annual meeting.

Access of Public and Press

The Regulations clarify that a meeting being “open to the public” includes access to the meeting through remote means (video conferencing, live webcast, interactive streaming). Where a meeting is accessible to the public through such remote means the meeting is deemed open to the public whether or not members of the public are able to attend the meeting in person.