

Report of the County Solicitor: Chief Officer for Legal, Communications and Human Resources.

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation

The Committee is asked to note the contents 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 meetings regulations and in line with good practice formally adopt the Regulation's and also endorse the Meetings Protocol.

1. Introduction

1.1 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 4th April 2020.

1.2 The Regulations were 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).

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

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

1.5 The section below outlines the various requirements of the regulations as well as the permissions they allow.

2. Regulations

Frequency of Meetings / Annual Meetings

2.1 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.

2.2 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

2.3 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 such as electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

2.4 A Member ‘in remote attendance’ can attend the meeting as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members 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.

2.5 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.

2.6 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, as outlined above.

Standing Orders

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

2.8 However, a local authority may make other standing orders regarding issues such as voting, member 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 doesn’t appear necessary as current processes allow this and access to meetings and public participation will continue.

2.9 The meetings protocol that has been created had the aim of staying true, and as close to possible, as current Standing Orders.

Annual Meeting

2.10 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, albeit, as Members will know, this Council conducted its AGM business at a meeting of the Council on 23 July 2020.

Access to Information

2.11 The requirement for a paper copy of an agenda to be displayed in the Council’s offices has been removed, so publishing solely to the website is acceptable.

Access of Public and Press

2.12 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.

2.13 As the Protocol states, Members of the public and press can be invited into the meeting to participate under public participation or can view the meeting via a live stream, with the link published on the agenda page for the meeting.

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

2.14 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have also been amended to reflect the new arrangements in terms of access to documents and meetings, but still retains the need for publication of key decisions, general exception, cases of special urgency etc.

2.15 The provisions in relation to the inspection and supply / copy of documents have been disapplied, but the Authority would still need to make any background papers available for inspection through other means (for example the website).

Formal Meetings Protocol

2.16 A formal meetings protocol was prepared, but the key matter was that the Protocol was as close to current processes, standing orders and public participation as possible, therefore ensuring accessibility was at the forefront of thinking.

2.17 A copy of the Protocol is attached at Appendix 1 to the Report.

3. Conclusion / Summary

3.1 Members will be aware that this Council undertook its first remote meeting on the 8th April (Cabinet), which was just 5 days after the Regulations were published. The Council continues to learn and the technology advances all the time, so the experience of remote meetings will continually improve. The Local Government Association took an interest and published us as one of their first [case studies](#) on their Remote Council Meetings Guidance webpages.

4. Financial considerations

4.1 There are clearly savings to be made from holding remote meetings. Early indications show a saving of £16,246 when compared to 20/21 Quarter 1 Base Budget for the period April to June. This figure however, doesn't include refreshments (teas and coffees) at meetings, however a full financial assessment will be carried out for the future Report.

5. Risk management considerations

5.1 No unmanageable risks have been identified.

6. Equality, Environmental Impact and Public Health Considerations.

6.1 No equality or public health implications have been identified, although the impact on climate change and the environment impact will be considered more fully as part of the future work, as clearly there are benefits.

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Electoral Divisions: All

Local Government Act 1972: List of Background Papers:

None

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Devon County Council Formal Meetings Protocol - Using Microsoft Teams

1. Introduction

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). 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 precis of the Regulations is contained in Appendix 1 of this protocol.

2. Microsoft Teams

Teams is the system recommended for hosting remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of an organisation (or have a Teams account) to join a Teams meeting.

3. Access to documents

Democratic Services will publish the agenda and reports for committee meetings on the Council's website and will notify councillors by email in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting. If any other Member wishes to have a paper copy, they must notify the Democratic Services Officer before the agenda is published, so they can arrange to post direct with the printers.

Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

4. Setting up the Meeting

This will be done by the Democratic Services Officers They will send a meeting request via Microsoft Teams and will also appear in the participants Outlook calendar. This effectively enables them to be the 'organiser' and gives them slightly more functionality than other participants. This will be used to support the Chair of the meeting.

Meetings will be held at the time notified in the agenda but may be held in more than one place and may include electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

Meetings are also live streamed and the link to view any meeting can be found on the agenda page for the meeting on the website. Those meetings that were previously webcast will still be recorded and uploaded to the [public-i microsite](#) after the meeting for future viewing.

5. Including external participants

Everyone employed by the Council has Microsoft Teams on their laptop/device linked to their email account and therefore they can join a meeting.

For external users, they can also use the Teams app, by downloading it to their laptop, smartphone or tablet.

External participants can be sent the meeting request via email and if a participant is included in this way, they can use all the functions of Teams (video / chat) in the meeting. This might be useful for external presenters at Committee meetings, for example NHS / CCG Officers.

Alternatively, someone can be added to a meeting as a voice call. This can be done at the appropriate time in the meeting by the Democratic Services Officer (ensuring the international dialling code is included when dialling).

There is also provision for a conference call number and ID to be given to external people who are calling in, which is another mechanism for them to join the meeting. Again, this will be done by the Democratic Services Officer as part of the meeting administration.

The public will need to be invited to the meeting if they are participating in some way in line with the public participation rules.

6. Joining the Meeting

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

Attendees should use the link within the calendar invite for the meeting which will say 'Join Microsoft Teams Meeting', which will open the Microsoft Teams app on the laptop/tablet automatically.

See here for a [step by step guide](#) to joining the meeting.

7. Starting the Meeting

At the start of the meeting, the Democratic Services Officer will check all required attendees are present (viewing the participant list).

The Democratic Services Officer will also have details of any Members of the public attending under the public participation scheme. They will be notified via the meeting information on the website that they will need to contact the Democratic Services Officer to obtain the link or code for the meeting.

The Democratic Services Officers will start the meeting with a short briefing on meeting etiquette (the meeting agenda will reflect this). They will 'share their screen' with a pictorial presentation of microphone and video icons to demonstrate the relevant controls. This briefing will include asking Members and Officers to **turn off all unnecessary microphones**, unless they are speaking. This prevents background noise, coughing etc which is intrusive and disruptive during the meeting. The Democratic Services Officer will also keep a watch on this and will be able to turn off participant mics when they are not in use. The Chair can also do this, but the Democratic Services Officer will fulfil this function. Members would then need to turn their microphones back on when they wish to speak.

The Democratic Services Officers (as part of this briefing) will also ask all participants to **turn off all unnecessary video**. It cannot be stressed enough how important it is to turn off the video (unless you are the Chair or speaking). This helps with call quality and avoids anyone being filmed/recorded without realising. The Chair should keep their video on at all times. There is no facility for the Democratic Services Officer to turn off other participants video (like you can with microphones) or even see who has their video turned on, so it is even more important that participants are aware of this.

Formal Committee meetings will be recorded. Participants must only turn on their mic and video **when they speak**. This is good practice for all meetings, but especially important because the meeting is recorded. The recording is not like a webcast, because what is being recorded can be different to what you see on screen, even as a meeting organiser. So, participants could be being filmed, even if they are not speaking, simply by virtue of having their video switched on. It might be helpful for Members to think in terms of switching the video and mic on and off at the appropriate times, just like it would be in the DAW room.

8. Quorum

The number of Councillors required to be present for a quorum for a meeting shall be as set out in the Constitution. However, for the purposes of determining whether a quorum of Councillors is present at a meeting the Chair shall include all those Councillors in remote attendance.

9. Interests

A Councillor who would ordinarily be required to leave the room during the consideration of an item of business due to the Councillor having a disclosable pecuniary interest or to having such other interest as the Council's Code of Conduct may require the Councillor to do so, shall be deemed to have done so if the Councillor disconnects their remote access and remains disconnected until such time as the Democratic Services Officer and / or Chair invites the Councillor to re-join the meeting.

10. Notice to Speak - Members

The Council's Standing Orders relating to Member speaking at meetings will continue.

Members must give notice to speak within the required timescales (24 hours notice) to ensure the meeting request is sent to them in advance.

Any notifications to speak that is out of time means you will not be permitted to speak at the meeting. You can of course still listen to the debate.

11. Public Participation

Members of the public can listen to or observe the proceedings of any Committee by clicking on the live stream link which will be posted on the agenda page for the meeting on the website.

Participation in meetings by members of the public will continue in line with the Council's public participation scheme

<https://www.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/part-1-can-i-attend-a-meeting/>

This can include speaking and / or asking formal questions and / or making representations at various Committee in line with the scheme. They are asked to contact the Democratic Services Officer so they can be sent the link direct into to the meeting or be dialled in at the appropriate time.

When a member of the public is addressing a meeting, in line with the public participation scheme, they will be invited to speak at the appropriate time.

Both they and the Democratic Services Officer will need to ensure their microphone is enabled so the meeting can hear them. If they have video capability on their laptop / device, then they should turn this on so the Committee can see them.

It must be switched off again after they have made their statement or asked their supplementary question (Council and Cabinet meetings only).

As stated earlier, for those who do not have access to the internet / teams, the Democratic Services Officer can dial the member of the public into the meeting using either a mobile or landline phone number.

In the absence of either access to a PC, Mobile or landline, Members of the public can participate in those meetings where they would have made verbal representations by submitting their representation in writing. Those submissions, petitions or questions can then be read out by the Chair or the Democratic Services Officer.

The Democratic Services Officer will mute the member of the public once they have spoken.

12. The Meeting and Debate

Councillors who are not Members of the Committee who wish to speak on a particular agenda item must indicate their wish to speak to the Democratic Services Officer in advance of the meeting, within the required timescales in line with section 8.

For Members of the Committee who wish to speak in the debate, they should click on the meeting chat facility and simply write their name or use the 'raised hand' function on the toolbar which allows participants to virtually 'raise a hand' i.e. signalling that they wish to speak,. The Chair will then be aware you wish to speak and can take the requests in the appropriate order.

It is important that the chat function is used solely for this purpose, or for amendments or to raise a point of order, otherwise it is very distracting if other questions/conversations are happening within the chat, simultaneous to the meeting.

When referring to reports or making specific comments, Councillors should refer to the report and page number so that all Members of the Committee have a clear understanding of what is being discussed at all times.

If the debate appears to be coming to an end, the Chair may ask if any other Member wishes to speak before concluding the debate.

When you speak, remember to switch on your mic and video, refer to any relevant page numbers and speak clearly.

13. Meeting Etiquette Reminder

- Behave like you would do in a formal committee setting.
- Switch off other applications so that you are focussed during the meeting, do not take phone calls during meetings and never attempt to attend more than one online meeting or event at any one time.
- Do not have Members of your household in the same room as you.
- Any video feed should show a non-descript background (e.g. using the 'blur' function)
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Only speak when invited to do so by the Chair.
- Speak clearly (if you are not using video then please state your name)
- If you're referring to a specific page, mention the page number.

- Switch off your video and microphone after you have spoken.
- The only person on video will be the Chair and the one other person speaking.
- Members should upload their photographs to 'Teams' for easy identification of persons in the meeting space.

14. Voting

The chat function can be used to ask the Committee to take a vote. When it comes to taking the vote, the Democratic Services Officer will type in the chat'All those in favour' or in the case of Cabinet 'Are the Cabinet in Agreement'. Those entitled to vote in the meeting should type 'yes' (in favour of the Motion), 'no' (against the Motion) or 'abstain'. The Clerk will announce whether the motion has been carried or lost.

If the Chair does not wish to use the chat function, they will ask each Member of the Committee to vote in turn. Councillors should (after being asked by the Democratic Services Officer) to express their vote verbally and the Democratic Services Officer will record the outcome of votes and announce these to the meeting.

Details of how Members voted will not be minuted unless a Recorded Vote is called for (and agreed) or that a Member requests their vote to be recorded in line with existing Standing Order (32(4)).

In line with Standing Order 32(3), in the case of an equality of votes the Chair or person presiding at any meeting of the Council, Cabinet or Committee will have a second or casting vote.

* see section 20 in the case of regulatory meetings.

15. 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 who fails to disclose that there are fact persons present, such as those who may be able to see and/or hear the meeting, who are not entitled could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, remove the participant 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.

If the agenda comprises of both public items and part 2, the Clerk may set up a separate meeting to consider the part 2 item, so there is no danger of a previous participant inadvertently re-joining the meeting.

As the meeting moves into Part 2, the Chair should ask each Member in remote attendance to 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.

16. 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 Democratic Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

17. Disorderly Conduct by Members

In line with Standing Order 18, if a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member 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, after following the guidance in Standing Order 18, if a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Democratic Services Officer.

18. Disturbance from Members of the Public

In line with Standing Order 19, 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 ask the Democratic Services Officer to remove them as a participant from the meeting.

19. After the meeting

At the conclusion of the meeting, the recording of the meeting will be uploaded to the public i webcasting site. It will not be live at the time of the meeting, but will be available a few hours after the meeting, allowing time for staff to add agenda points and any other relevant information.

Please ensure you leave the meeting by clicking on the red phone button to hangup.

The Clerk can also end the meeting and will do so, if participants fail to leave the meeting properly.

20. Technical issues

In the event that the Chair or Democratic Services Officer 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.

However, 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.

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. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at the next ordinary meeting or at a time and date fixed by the Chair if the remaining business is time critical.

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 Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer shall explore such other means of taking the decision as may be permitted by the Council's constitution.

21. Equality

It is also important for authorities to ensure that the needs of any Members with a disability are taken into account when considering the practicality of a remotely attended meeting, taking any reasonable adjustments into account.