



REPORT of MONITORING OFFICER

to
COVID-19 INTERIM MEASURES GROUP
13 MAY 2020

AMENDMENT OF RULES OF PROCEDURE FOR COUNCIL AND COMMITTEES AND PROTOCOL ON PUBLIC PARTICIPATION

1. PURPOSE OF THE REPORT

- 1.1 To enable remote meetings to take place by amendments to the Rules of Procedure for Council and Committees and the Protocol on Public Participation.

2. RECOMMENDATIONS

- (i) that the amendments shown in **APPENDIX 1** to the Rules of Procedure for Council and Committees and the Protocol on Public Participation at Council and Committee meetings shall be made.
- (ii) that the Remote Meeting Protocol as a procedural document (**APPENDIX 2**) be adopted;
- (iii) that the virtual meetings schedule at **APPENDIX 3** be adopted, and resolve that this replaces the existing committees schedule until a decision is made to reinstate Committees fully.
- (iv) that that the Council recommences remote Area Planning Committee meetings, as soon as practicably possible and the virtual meetings schedule be updated accordingly.
- (v) that public speaking at Committee meetings of the Council, starting with Planning Committees, is reinstated as soon as practicably possible.

3. SUMMARY OF KEY ISSUES

- 3.1 The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 came into effect on 4 April 2020. These enable the District Council to resume transaction of business by Council and Committee meetings remotely using technology. Microsoft Teams has been introduced recently and is available to officers and members. A protocol for use of the technology and how to conduct a remote meeting will be produced later.

- 3.2 The Rules of Procedure for Council and Committees, which form part of the Constitution, require amendment to be compatible with the 2020 Regulations. Notably Rule 13 has been changed to allow voting to take place electronically or by roll call. A vote by a show of hands would not be possible for those members unable to use their cameras. In Rule 8 I have added a new rule 8 (18) making it clear that the Chairman can mute microphones whenever s/he feels appropriate. Furthermore, to avoid complications with the technological challenges there should be no spoken public participation at remote meetings. Public participation will be in writing and there will be no obligation on the Chairman for any written view to be read out because there may be too many especially in relation to planning applications. This should not be confused with removing the statutory right of the public to remotely attend meetings. This right is preserved by the 2020 Regulations and the amendment to the Protocol is limited only to public participation at meetings.
- 3.3 To identify more detail within how the virtual committee meetings will run, a procedural document has been put together, and is presented in **APPENDIX 2**. This is in line with what other Councils are doing and guidance from central government. It gives the detail of how virtual meetings will work, specific to the technology we have at Maldon District Council.

4. CONCLUSION

- 4.1 The constitutional amendments set out in **APPENDIX 1** allow the Council to benefit from the new Regulations in the spirit of flexibility introduced by the Government but also take account of the challenges.
- 4.2 Further operational guidance and protocols for members are outlined in **APPENDIX 2**, which is designed to sit alongside the constitution of Maldon District Council.
- 4.3 A schedule of meetings has been attached within **APPENDIX 3** and this schedule although currently drafted to October, will replace the existing committee schedule whilst the virtual committee meetings are in place as agreed by the Interim Measures Group.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Enables democracy to be seen to take place.

6. IMPLICATIONS

- (i) **Impact on Customers** – Enables the elected representatives to participate in the democratic process and for the public to observe democracy.
- (i) **Impact on Equalities** – None.
- (ii) **Impact on Risk** – None.
- (iii) **Impact on Resources (financial)** – None.

- (iv) **Impact on Resources (human)** – None.
- (v) **Impact on the Environment** –None.
- (vi) **Impact on Strengthening Communities** – Enables the elected representatives to participate in the democratic process and for the public to observe democracy.

Background Papers:

The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020

Enquiries to: Simon Quelch, Monitoring Officer, (Tel 01621 854477).

AMENDMENTS TO PROCEDURE RULES FOR COUNCIL AND COMMITTEES

Rule 4 – Notices of Motion

- (1) Notice of every motion, other than a motion which under Rule 5 may be moved without notice, shall be given in writing and signed or sent by email from a Maldon District Council Member email address, by the Member intending to move the motion and by a seconder and shall reach the Programmes, Performance and Governance Manager before 10.30 a.m. on the Wednesday in the week preceding the week in which the Council meeting is held.

Rule 8 – Rules of Debate for Council Meetings

Motions and Amendments:

- (1) A motion or amendment shall not be discussed apart from the opening speech of the proposer unless it has been proposed and seconded, and unless notice has already been given in accordance with Rule 4 it shall, if required by the Chairman, be put into writing and handed to the Chairman, unless in a remote meeting, before it is further discussed or put to the meeting.

Only one Member to stand at a time:

- (3) A Member when speaking shall stand and address the Chairman. If two or more Members rise, the Chairman shall call on one to speak; the other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation. This sub-rule shall not apply in a remote meeting.

Points of Order

- (14) A Member may rise, -on a point of order or in personal explanation and shall be entitled to be heard forthwith. In a remote meeting a member may indicate he wishes to raise a point of order or give a personal explanation by stating he wishes to do so and shall likewise be heard forthwith.
 - (a) A point of order shall relate only to an alleged breach of a Rule of Procedure or statutory provision and the Member shall specify the Rule of Procedure or statutory provision and the way in which he considers it has been broken.
 - (b) A personal explanation shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the present debate.

Respect for Chairman:

- (16) Whenever the Chairman rises during a debate a Member then standing shall resume his seat and the Council shall be silent. In a remote meeting when the Chairman declares that he requires silence then any member speaking at that moment shall immediately become silent

Application to Committees and Sub-Committees: Remote Meetings:

(18) In a remote meeting the Chairman shall have in his absolute discretion the right to temporarily mute the microphone of any member at any time for the sake of the proper and efficient running of the meeting and the transaction of business

Rule 11 – Disturbance by the Public

If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him. If he continues the interruption the Chairman shall order his removal from the Council Chamber or in the case of a remote meeting require that s/he can no longer have access to the meeting. In case of general disturbance in any part of the Chamber open to the public the Chairman shall order that part to be cleared.

Rule 13 - VotingMeetings:

(1) Any item of business will be decided by a simple majority of those Members voting and present ~~in the room~~ at the time the question was put. If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced he / she shall not vote on the matter. In the case of a remote meeting the following shall apply:

(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 reestablished;
- (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.

(2) If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

(3) (i) The mode of voting at meetings of the Council, Committees and Sub-Committees shall be by a show of hands, or if there is no dissent, by affirmation of the meeting: Provided that on the requisition of any Member of the Council made before the vote is taken and supported by one other Member who signifies his support the voting on any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave his vote. The name of any Member present and not voting shall also be recorded.

(ii) In a remote meeting the Chairman will call for a vote by the use of an electronic voting system for remote voting or by roll-call and the number of votes for or against or abstentions will be recorded unless there is no dissent in which case it will be by general affirmation of the meeting.

(4) Where any Member requests it immediately after a vote ~~by a show of hands is taken~~, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Rule 14 – Record of Attendances

Every Member of the Council attending a meeting of the Council, or of any of its Committees of which he is a Member, shall sign his name in the attendance book or sheet provided for that purpose or in a remote meeting his name shall be recorded.

Rule 15 – Disclosure of Interests

If a Member has a Discloseable Pecuniary, Other Registrable Pecuniary or Non-pecuniary Interest as defined by the Council's Code of Member Conduct then that interest must be disclosed and where that interest is a Disclosable or Other Registrable Pecuniary one as defined in the Code the Member shall not only disclose it but then withdraw from the meeting (in a remote meeting this will require the remote access to be severed for the particular Member and then reconnected on the conclusion of that item of the agenda) while the business to be transacted is under consideration (unless formal dispensation has been granted).

AMENDMENT TO PROTOCOL ON PUBLIC QUESTION TIME AND PARTICIPATION
AT COUNCIL AND COMMITTEE MEETINGS

In relation to Council meetings:

A period of two minutes will be allowed for the reading of each question (by the questioner if present but not in the case of remote meeting) and the response.

At the end of the document the following shall be added:

“Remote Meetings

In relation to meetings of the Strategy and Resources, Performance, Governance and Audit, Licensing, Overview and Scrutiny, District Planning and Area Planning Committees that are held remotely the references to expressing a view can be done only in writing providing it is received by the Programmes and Performance and Governance Manager by noon on the working day preceding the meeting. No written view shall take longer than 2 minutes to be read nor is there any obligation on the Chairman to allow the reading of any or all of them”

Please note - This is a working document, that will be updated as additional technology updates became available



MALDON DISTRICT COUNCIL

Remote Meeting Protocol

May 2020

1. INTRODUCTION AND APPLICATION OF THE REMOTE MEETINGS PROCEDURE RULES

- 1.1. This Protocol and accompanying Procedure Rules provide the means 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 Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').
- 1.2. This Protocol and Procedure Rules should be read in conjunction with the Council Standing Orders and Procedure Rules within the Council's 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 Authority governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.
- 1.3. Meetings of the Council / Committees will take place using the Microsoft Teams software platform. Committee Services will prepare a detailed briefing note for the Chairman to manage the meeting electronically.

2. NOTICE OF MEETING AND PAPERS

- 2.1 A revised committee schedule will be issued, in accordance with the decision made by the COVID-19 Interim Measures Group on 29 April 2020, that Council and the District Planning Committee meetings be reinstated monthly.
- 2.1. The Regulations enable the Council to hold meetings without all, or any, of the members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 2.2. 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 www.maldon.gov.uk.
- 2.3. Members will be notified of a remote meeting by email and all agenda papers will be available on the Council's website and via the Modern.Gov app as relevant or other electronic means as appropriate.
- 2.4. The "place" at which the meeting may be held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address or a conference call telephone number or could be a number of these combined.

3. REMOTE ACCESS TO MEETINGS

- 3.1. Councillors 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.
- 3.2. If this is not possible, attendance may be through an audio link to view or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.
- 3.3. 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 others means.
- 3.4. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful. In this case, the chair would postpone the meeting, until technology issues are resolved.

4. MANAGEMENT OF REMOTE MEETINGS FOR MEMBERS

- 4.1. 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.
- 4.2. The Chairman will normally confirm at the outset and at any reconvening of a Committee meeting that they can see and hear all participating Members. Due to the number of Councillors present at a Council meeting, Members roll-called, and asked to switch their video on, and a brief pause given while the Chairman and Committee services collect this information. 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.
- 4.3. The attendance of those Members at the meeting will be recorded by the Committee Services Officer.
- 4.4. The quorum requirements for remote meetings will be as set out in the Council's Constitution.
- 4.5. In the event of any apparent failure of the video, telephone or conferencing connection, the Chairman 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 Chairman, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.
- 4.6. Should any aspect of an individual's remote participation fail, the Chairman may call a short adjournment of up to 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 shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.

- 4.7. 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.
- 4.8. If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 4.9. If a connection to a Member is lost during a regulatory meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, 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.
- 4.10. Etiquette at the meeting is referred to further below.

5. PUBLIC PARTICIPATION

- 5.1. Public participation will continue, whereby members of the public are required to complete a Microsoft Form for the chair to review and read at the meeting. The form can be accessed at https://forms.office.com/Pages/ResponsePage.aspx?id=VH_RilQmuUumwvI0YlcqFJCd4KzoXBdDs1brNZU39TJUNkY5QzBXOVFSQzdBUIZIUk1VSjAxTjVRRy4u. This is in line with government advice.
- 5.2. In being able to access the meetings live, the public will still be given access to view the meetings.

6. MEETING PROCEDURES

- 6.1. A meeting facilitator, (who may be the Committee Services Officer but preferably this will be a separate additional officer), is ~~encouraged to be~~ enlisted; whose role it will be to control the video, telephone or conferencing technology employed for remote access and attendance and to administer Member interaction, engagement and connections on the instruction of the Chairman.
- 6.2. The Authority will endeavour to put in place a technological solution that will enable councillors 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.
- ~~6.3. In respect of Council and Committee 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 Chairman and to the Committee Services Officer in advance of the start of the meeting where possible. Political groups are also~~

~~encouraged to co-ordinate this activity where possible in respect of Council and other meetings likely to result in a high number of requests to speak. This is particularly important if councillors are unable to participate via video conference.~~

6.4.6.3. The Chairman 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.

6.5.6.4. The Chairman, at the beginning of the meeting, will explain the protocol for Member and public participation and the rules of debate. The Chairman's ruling during the debate will be final.

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

- Committee Members are asked to join-connect to the meeting no later than fifteen minutes before the start to allow themselves and Committee Services the opportunity to test the equipment
- Any camera (video feed) should where possible show a non-descript background ~~or, where possible, a virtual background~~ and Members should be careful to not allow exempt, ~~or~~ confidential papers or any inappropriate material or images to be seen in the video-feed.
- Members should type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
- At the start of the meeting, the Chairman ~~will~~may carry out a roll call of all Members present. Confirmation will be given by each Member switching their video on and unmuting their microphone to confirm they are present and turning video off and muting once confirmed.
- 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 Chairman that they wish to speak. Members will unmute their microphone and turn their cameras on when the Chairman invites them to speak. The chat facility must not be used for private conversations between councillors.
- Only speak when invited to by the Chairman.
- 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.

- The Chairman may also request Committee Services to mute or turn off cameras for attendees to assist with the smooth running of the meeting.
- All Members and Officers are reminded to disable smart speakers, for example Google assistant and Alexa during the meeting. This will avoid potential disruptions and background noise.
- Any Member returning after a disconnection is asked not to interrupt when returning to announce their return. Members can use the chat function to confirm this, if required.

6.7.6.6. When the Chairman 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 he/she will progress to a decision. Unless a Recorded Vote is called, the method of voting will be at the Chairman's discretion and will be by one of the following methods:

- The Chairman or an officer will call out the name of each Member present in alphabetical order with:
 - Members should unmute their microphone and state 'for', 'against', or 'abstain' to indicate their vote when their name is called, muting their microphone once their vote has been given;
 - the Committee Services Officer clearly stating the result of the vote and the Chairman then moving onto the next agenda item; or
- by the general assent of the meeting; or
- A Vote by electronic means.

6.8.6.7. Details of how Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chairman will ask Members in turn to signify verbally whether or not they support that request (in accordance with the Council's Procedure rules).

7. DECLARATION OF INTERESTS

- 7.1. 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 Committee Services Officer who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

8. EXCLUSION OF PUBLIC AND PRESS

- 8.1. 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 Committee 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.

- 8.2. 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.
- 8.3. Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Members' Code of Conduct responsibilities.

9. PUBLIC ACCESS TO MEETING DOCUMENTATION FOLLOWING THE MEETING

- 9.1. Members of the public may access minutes and other relevant documents through the Council's website. Requests for access to the list of background papers and other relevant documents should be by email or by post.

10. PETITIONS

- 10.1. During the Covid-19 crisis it will not be possible to accept paper petitions. An electronic petition will be acceptable provided it meets the requirements as set out in the Council's Petition Scheme. Should the Petition meet the criteria for presentation at a Council / Committee meeting, the member of the public submitting the petition will be invited to submit a speech in writing as there will be no opportunity to present the petition in person.

11. COUNCIL / COMMITTEE FORWARD PLAN / DECISIONS

- 11.1. The COVID-19 Interim Measures Group will consider the Forward Plans for all Committees and identify which key operational issues require referral to the Council. These operational issues will be graded, and determined according to the following:
- High importance – needs to be considered by the Council at the next meeting;
 - Medium importance – will be considered by the Council, but at a later date to be determined;
 - Low importance / no decision required – will not be taken to the Council, will either uploaded to the Modern.Gov document library or removed from the Forward Plan.
- 11.2. Monitoring or information items will not be considered and made available through the document library facility within Modern.Gov.

PLEASE NOTE: In line with the Regulations, this protocol is designed to provide a guide to remote formal meetings of the Council / its Committees during the COVID-19 crisis. This has been agreed by the COVID-19 Interim Measures Group and will be kept under regular review.

SCHEDULE OF REMOTE MEETINGS MAY – OCTOBER 2020

KEY:

CAC..... Central Area Planning Committee
COVID-19..... COVID-19 Interim Measures Group

DP District Planning Committee
NW North Western Area Planning Committee

SE South Eastern Area Planning Committee

Monday	4	6	8	3	13	2	17	1	21	6
Tuesday	5		9		14		18		22	
Wednesday	6		10		15		19		23	
Thursday	7		11		16 COUNCIL		20		24 DP (if required)	
Friday	8 BANK HOLIDAY (VE DAY)		12		17		21		25	
Monday	11	0	15	4	20	3	24	2	28	1
Tuesday	12		16		21		25		29	
Wednesday	13 COVID-19		17		22		26		30	
Thursday	14		18		23		27 DP (if required)		1 COUNCIL	
Friday	15		19		24		28		2	
Monday	18	0	22	5	27	4	31 BANK HOLIDAY	3	5	2
Tuesday	19		23 COUNCIL		28		1		6	
Wednesday	20 COVID-19 (NW & SE)		24		29		2		7	
Thursday	21		25 DP (if required)		30 DP (if required)		3 COUNCIL		8 DP	
Friday	22		26		31		4		9	
Monday	25 BANK HOLIDAY	1	29	6	3	5	7	4	12	3
Tuesday	26		30		4		8		13	
Wednesday	27		1		5		9		14	
Thursday	28 COVID-19 (CAC) if required COUNCIL		2		6 COUNCIL		10 DP		15	
Friday	29		3		7		11		16	
Monday	1	2	6	1	10	6	14	5	19	4
Tuesday	2		7		11		15		20	
Wednesday	3 DP		8		12		16		21	
Thursday	4		9 DP		13 DP		17		22 DP (if required)	
Friday	5		10		14		18		23	

No MDC Meetings (except planning)	MDC Council meetings	Bank Holiday	LGA Conference	School Holidays
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