

MEDWAY COUNCIL REMOTE 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 make provision for remote attendance at, and remote access to Council meetings held on or before 7 May 2021. Therefore, this Protocol applies to meetings taking place during the 2020/2021 municipal year following publication of this Protocol.
- 1.2 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.
- 1.3 The Council will use Microsoft Teams when livestreaming meetings.
- 1.4 In order for Members to be able to attend meetings remotely, they need not be physically present, provided they are able to hear and be heard (and where practicable, see and be seen) by other Councillors and members of the public attending remotely or in person.
- 1.5 This protocol is designed to provide a guide to virtual formal Council, Cabinet and Committee or Sub Committee meetings involving Members, officers and the public during the Covid-19 pandemic. It has been agreed by the Council's Chief Executive and the Leader of the Council following consultation with the Leader of the Labour and Co-operative Group. It will be kept under regular review.
- 1.6 The guidance in this Protocol should be read in conjunction with the Council's Constitution and in particular the Council Rules in Chapter 4 of the Constitution. The Mayor or Chairman will interpret the Council Rules and other parts of the Constitution taking into account the guidance in this protocol relating to the governance of remote meetings for the period set out in paragraph 1.1 above.
- 1.7 The ruling of the Mayor or the Chairman as to the application of the Constitution and this Protocol at meetings held virtually shall not be challenged at the meeting.

2. Notice of meetings and access to documents

- 2.1 The Council will publish on its website a public notice of the time of the meeting, and the agenda, together with details of how to join the meeting remotely.

- 2.2 Members will be required to use Microsoft Teams to attend a meeting remotely.
- 2.3 Members will be notified of a remote meeting by email and all agenda papers will be available on the website and via the modern.gov app. Members who currently receive hard copy agendas will continue to do so.
- 2.4 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 with a proportion of the membership and any participating public additionally attending remotely.

3. Quorum and Substitutes

- 3.1 The normal quorum requirements for meetings as set out in the Constitution will also apply to a remote meeting.
- 3.2 To ensure Members have access to the virtual meeting, formal notification of substitutes must be made to Democratic Services at least 24 hours prior to the start of the meeting, as far as is practicable. If notification is received later than that it may not be possible to facilitate remote attendance. The notification must be sent to democratic.services@medway.gov.uk
- 3.3 Members not part of the Committee wishing to speak must email Democratic Services 24 hours ahead of the meeting, as far as is practicable, so that there is time to request the Chairman's permission. The notification must be sent to democratic.services@medway.gov.uk

4. Running a Virtual Meeting

Joining a virtual meeting

- 4.1 Members should join the meeting no later than fifteen minutes before the start in order to resolve any issues with joining and avoid disrupting the meeting.
- 4.2 At the start of the meeting, the Democratic Services Officer will carry out a roll call of all Members present as well as running through the ground rules for the meeting. Confirmation will be given by each Member switching their camera on and unmuting their microphone and stating 'Present' to confirm they are present. The Member will then switch their camera off and mute their microphone.

Speaking

- 4.3 The Chairman will remind Members to mute their microphones and switch their camera off when not speaking. This is done in order to reduce feedback and background noise. This may also be necessary to ensure any system capacity is not exceeded.
- 4.4 Members who wish to speak on a particular item should indicate their wish to speak via the chat function on Microsoft Teams. Political groups are also encouraged to co-ordinate this activity wherever possible in respect of any meetings likely to result in a high number of requests to speak.
- 4.5 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.
- 4.6 When referring to a specific report, page, or slide, Members should mention the report, page number, or slide so that all Members have a clear understanding of what is being discussed, as well as those following the meeting on the livestream, in particular the press and public.

Voting

- 4.7 Voting will be through a roll call undertaken by the Democratic Services Officer with the Officer announcing whether the motion/amendment was agreed or not once this has concluded. The name of each member present will be called out and each member in turn will state whether they are 'for', 'against', or 'abstain' when their name is called. No response shall be taken as an abstention. The Democratic Services Officer will clearly state the result of the vote.
- 4.8 Details of how Members voted will not be kept or minuted unless a Recorded Vote is called or a Member asks for their individual vote to be recorded (in accordance with Council Rules 12.5 or 12.6).

Practical advice

- 4.9 Members are reminded that any member of the public may observe the meeting and are asked to adhere to the following during remote attendance at a meeting:
 - Please ensure your device is fully charged or plugged in before the meeting starts.
 - Choose a quiet private location to take part in the meeting and be careful to not allow exempt or confidential papers to be seen in the video-feed.
 - Please ensure there is no bright light behind you. If a window is behind you, draw the curtains/blinds.

- Ideally please ensure there some light behind the camera, lighting your face. e.g. table lamp.
- Putting your computer/laptop on a small box or book so the camera is closer to eye level will appear far more natural.
- Never have books or personal items (such as photos) in view. You are potentially revealing personal information. It is also distracting.
- Therefore, you should ideally blur the background, or at least have it as bland as possible. Please remember this is a meeting held in public, via the livestream broadcast.
- When making an important point you should look at the camera, not the screen. This ensures far better connection with the viewer.
- For any Member joining the meeting after it has started, please use the chat function to confirm that you have now joined the meeting and please declare any interests via the chat function if the meeting has already considered that agenda item. The Chairman will then announce your arrival together with any interests you may have declared.
- If you are leaving the meeting permanently or temporarily, type 'Absent temporarily for SPECIFY PERIOD' or 'Absent for the remainder of the meeting' in the chat function.
- Only speak when invited to by the Chairman and only one person may speak at any one time.
- Use the chat facility to indicate to the Chairman that you wish to speak – please type 'X' during an item. When the Chair invites you to speak, unmute your microphone and turn the camera on.
- Turn your microphone and camera **off** afterwards when you have finished speaking.
- Do not use the chat facility for private conversations with other councillors and use this facility as if the content can be viewed by anyone observing the meeting.

Dealing with technical difficulties

4.10 In the event of any apparent failure of the connection to the meeting, 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 to allow the connection to be re-established.

- 4.11 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 Chairman. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.
- 4.12 Should any aspect of an individual's remote participation fail, the Chairman may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established. 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.
- 4.13 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.
- 4.14 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment. In the case that the Chairman's remote participation fails, the Vice-Chairman shall follow the steps set out in paragraphs 4.12 - 4.14.
- 4.15 Should the Democratic Services Officer's remote participation fail, the Chairman shall follow the steps set out in paragraph 4.11.

5. Declaration of Interests

- 5.1 If you declare a DPI (disclosable pecuniary interest) or an OSI (other Significant Interest) in any item of business you must leave the remote meeting when that matter is considered. You must switch off your microphone off but leave your camera on to demonstrate that you have left the meeting. Your departure will be confirmed by the Democratic Services Officer. You will be invited by telephone, to re-join the meeting at the appropriate time.

6. Remote Attendance of the Public

- 6.1 Any member of the public participating in a meeting remotely in exercise of their right to speak in meetings, for example, a party to a licensing hearing such as a member of the public, a representative of Kent Police or a taxi driver 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 as well as be heard and, where practicable, be seen by any other members of the public attending the meeting.

- 6.2 The microphone will generally be muted for any member of the public once they have spoken. The Council Rules on disturbance at meetings will apply and where necessary, the Mayor or Chairman may order that remote access to the meeting by a member of the public should be disestablished following application of the procedures in Council Rules as appropriate, in order to maintain the good administration of the meeting or to retain order.

7. Public Questions and Petitions

Questions at Full Council

- 7.1 The Council will continue to take questions from the public at Full Council meetings as set out in the Constitution. There will be no opportunity to ask the question in person. The Mayor will read the question out and the relevant Member will respond to the question at the meeting.

Petitions

- 7.2 During the Covid-19 pandemic paper petitions will continue to be accepted, preferably they should be scanned and submitted via email to democratic.services@medway.gov.uk in the first instance followed by the hard copy. Electronic petitions will continue to be acceptable provided they meet the requirements as set out in the Petitions Scheme (Constitution). A member of the public submitting a petition to Full Council will not be invited to read out the title of their petition in person at the meeting – this will be done by the Mayor in each case as long as the petition is received by Democratic Services two working days before the meeting. The petition organiser will receive a written response from the relevant Director usually within ten working days.
- 7.3 Where a petition is subsequently referred to an Overview and Scrutiny Committee for further consideration the lead petitioner shall be invited to provide a written representation in support of their petition during the Covid-19 pandemic or, to take part in the meeting remotely, wherever practicable.

8. Quasi-Judicial and Regulatory Matters including Planning Committee and Licensing Hearing Panel/Licensing Sub-Committee

- 8.1 All Committee Members must be able to receive and consider the same information. Any presentations or representations submitted as part of an application or appeal must be shared with any Members or other parties to a hearing attending remotely. Any additional papers submitted at the meeting and accepted by the Committee must be accessible to a remote Member. The Chairman may agree to adjourn the meeting for a short period to facilitate this and to give time for Members to consider the new information.
- 8.2 If a Member advises that their connection to the meeting has not been sufficiently stable and has compromised their access to information, they

should consider not taking part in the decision. Members should only participate in formal votes where they have been able to hear all the debate on the matter, including the officer introduction.

- 8.3 If a connection to a Member is lost during a regulatory meeting, the Chairman will pause the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, assuming it remains quorate, 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 debate and/or the officer introduction.
- 8.4 If a ward Councillor wishes to speak at the meeting, they need to email a copy of what they will say (remembering it must not exceed 5 minutes) to the Head of Planning and Democratic Services 24 hours before the meeting, this will enable the Head of Planning or presenting officer to read out the representation in full at the meeting only in such circumstances as the ward Councillor is unable to make representations or loses connection at the meeting.
- 8.5 Finally, different procedures may apply to meetings which take the form of a hearing or an appeal, such as meetings of the Licensing Hearing Panel, Licensing Sub-Committee, or Employment Matters Appeals Panel, as required. These will be communicated and made clear to all parties ahead of the meeting.
- 8.6 For example, with specific regard to meetings of the Licensing Hearing Panel (LHP), if a Member of a LHP, or any of the parties to the hearing, advise that their connection to the meeting is not sufficiently stable and has compromised their access to information, they should alert the Democratic Services Officer at the earliest opportunity. The Chairman will adjourn the meeting until the issue has been resolved. If the issue cannot be resolved, the meeting may be adjourned to a later date or may proceed with a Panel of two Members. If the meeting is reconvened, it will commence at the point at which the Member or party to a hearing lost a stable connection, which may be before the meeting was actually adjourned

9. Exclusion of Public and Press

- 9.1 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. Once the exclusion has been agreed by the meeting, members of the public in remote attendance or remotely accessing the meeting will be prevented from hearing or seeing the proceedings.
- 9.2 Each Member in remote attendance must ensure and verbally declare via roll call that there are no other persons present who are not entitled to either hear or see or record the proceedings.

- 9.3 Any Member in remote attendance who participates where there were in fact persons present who were not so entitled would be in breach of the Members' Code of Conduct.
- 9.4 A meeting conducted in the absence of the public and press will normally be anticipated and will be scheduled in advance as a separate virtual meeting. Where the need to exclude the press and public only becomes apparent during the meeting, the item affected should be adjourned to a later date, if it is not technically possible to prevent access by the press and public.

Democratic Services, Medway Council

Dated: - 22 May 2020

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