

Appendix 1

Remote Meetings Protocol and Changes to South Lakeland District Council Procedure Rules

This Protocol and the resultant changes to South Lakeland District Council Procedure Rules are being put into place in light of the Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These regulations enable all local authority meetings to be held remotely, including allowing remote access by members of the public. Virtual and Remote have the same meaning throughout this Protocol and within the Procedure Rules.

These changes to the Procedure Rules are temporary and apply to Meetings taking place between the 4th April 2020 and the 7th May 2021.

This Protocol and Procedure Rules should be read in conjunction with the Authority'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 Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.

1. Notice of the Meeting, Summons and Place of the Meeting

- 1.1. The proper officer will give the requisite notice to the public of the time of the meeting, and the agenda. Guides have been produced regarding how to access meetings and can be found on the Council's website.
- 1.2. The 'place' at which the meeting is held may be at an Authority 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.

- 1.3. The place of the meeting will be clearly referenced on the Summons for the meeting.
- 1.4. Members will be notified by email and the agenda and papers for the meeting will be available on the Councils website.
- 1.5. "Meeting" includes Cabinet, Committees or sub-committees of the Council as well as the Full Council itself.
- 1.6. The timings of the Meetings are as set out in the Council's Calendar of Meetings.
- 1.7. Virtual meetings' frequency can be altered, moved or cancelled without the requirement to provide further notice. Where adjournments are made, for whatever reason, the Council will endeavour to adjourn to a specific date.

Rule 1 Remote Access to Meetings, Notice, Summons and Place of Meeting: Changes to the Council's Procedure Rules

- (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.

- (c) Virtual meetings frequency can be altered, moved or cancelled without the requirement to provide further notice. Where adjournments are made, for whatever reason, the Council will endeavour to adjourn to a specific date.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 4 and 5 (Time and Place of Meetings and notice and summons to meeting) and Model Access to Information Procedure Rule 3 (rights to attend meetings)

2.Attendance at the Meeting and Quorum

A member of the Council (member in remote attendance) is classed as attending the meeting at any time if all of the conditions (2.1 to 2.3) below are satisfied;

These conditions are that the member in remote attendance is able at that time;

- 2.1 to hear, and where practicable see, and so be heard and, where practicable, be seen by, the other members in attendance,
- 2.2 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
- 2.3 to be so heard and, where practicable, be seen by any other members of the public, attending a meeting includes that person attending by remote access.
- 2.4 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.
- 2.5 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.
- 2.6 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

Technology Interruption

- 2.7 if technology fails for a wholly or partially remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful.

- 2.8 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 (as described above). A member of the public who attends to exercise their right to speak and is unable to do so renders only their item incapable of proceeding if in the Chair's discretion this is considered appropriate.
- 2.9 in the event of any apparent failure of the video, telephone or conferencing connection of any member attending remotely, the Chair or Vice Chair (if the failure is that of the Chairs) 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 ten or fifteen minutes, to allow the connection to be re-established.
- 2.10 should any aspect of a members' remote participation fail, the Chair may call a short adjournment of up to five minutes or so 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 remainder of the business whilst this happens, providing the meeting remains quorate and the public are able to hear.
- 2.11 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) within a reasonable time period to be determined by the Chair, then the presumption will be that the meeting should continue to deal with the item/s subject to rule 2.9 above regarding quorum.
- 2.12 if the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 2.13 if a connection to a Member is lost during a 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.

Quorum

2.14 for a remotely attended meeting to be quorate, the Quorum figure Part 4 Rules of Procedure Rule 7 will apply with members being required to be in attendance at all times during the meeting. There will be a requirement for Nominated Officers to be aware of the number of members present at the virtual meeting and to be aware of any members who are disconnected or who drop out of the meeting. Members in attendance at the meeting will be monitored throughout the meeting by the Nominated Officer who will notify the Chair and Legal Governance and Democracy Specialist immediately if a member is disconnected or drops out of the meeting. If connection is lost, then the process set out in 2.14 above will be followed.

Rule 2 Members in Remote Attendance: Changes to the Councils Procedure Rules

- (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.

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; or
- (ii) count the number of Members in attendance for the purposes of the quorum; and
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 7 Quorum

Rule 3. Access to Information: Changes to the Councils Procedure Rules

3.1 For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (a) “open to inspection” shall include for these and all other purposes as 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 Authority.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 5 (notice and summons to meeting) and SLDC Constitution Part 4 Access to Information Procedure Rules (access to agenda and reports before the meeting)

4. Meeting Procedures and Voting

- 4.1 The Nominated Officer will manage 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.
- 4.2 The Authority will endeavour to put in place a solution that will enable Members participating in meetings remotely to indicate their wish to speak, replacing the physical practices or rules concerning raising one’s hand or standing to be recognised or expressing a desire to speak.
- 4.3 In respect of 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 Legal Governance and Democracy Specialist or Team Leader Case Management 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.
- 4.4 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.

- 4.5 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.
- 4.6 The Chair will ask all members to confirm their name, ward and attendance at the start of the meeting and ask whether they can hear and are being heard by others in the meeting. At each opportunity in a meeting for members to ask questions, the Chair will ask each member in attendance in turn whether he or she has a question to ask. At the opening of debate on each item, the Chair will also ask each member in attendance in turn whether he or she would like to contribute to the debate. This is in order to facilitate active and orderly participation in the meetings by all members.
- 4.7 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 30 minutes before the start to allow themselves and the meetings facilitator or Nominated Officers the opportunity to test the equipment
 - Any camera (video-feed) should show a non-descript background or, where possible, and members should be careful to not allow exempt or confidential papers to be seen in the video-feed. Where possible members should sit in a well lit area and should be mindful of shadows and lighting so that where practicable their face can be seen.
 - All Members to have their microphones muted when not talking.
 - All Officers to have their videos 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:
 - The use of the Chat facility is at the Chairs discretion and would only be used by members to indicate to the chair that they wish to speak. Members will unmute their microphone and ensure they turn their cameras on when the Chair invites them to speak.
 - The chat facility must not be used for private conversations between members.
 - Only speak when invited to by the Chair.
 - Only one person may speak at any one time.
 - When referring to a specific report, page, or slide, mention the report, page, or slide so that all members and the public have a clear understanding of what is being discussed at all times.
 - Members are reminded to speak clearly and slowly at all times.
 - Members are reminded to dress appropriately as they would for non-virtual meetings
- 4.8 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.

4.9 When the Chair is satisfied that (if the rules of the meeting require) there is a proposer and seconder for the item being discussed and there has been sufficient debate the Chair will progress to making a decision. Unless a Recorded Vote is called, the method of voting will be:

- the Monitoring Officer or Legal Governance and Democracy Specialist calling out the name of each member present and asking each member to confirm that they have heard without interruption the entire proceedings and full discussion in relation to the item and asking members to state 'for', 'against', or 'abstain' to indicate their vote when their name is called and
- the Monitoring Officer or Legal Governance and Democracy Specialist clearly stating the result of the vote and the Chair then moving onto the next agenda item

While the minutes will record the decision of the meeting the names of the members for, against or abstaining will not be recorded unless Part 4 Rules of Procedure Rules 15.5 or 15.6 apply (Recorded Votes/Recorded Votes at Budget Meetings)

4.10 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. The Legal representative will then take a Recorded Vote.

Rule 4. Remote Voting – Changes to Procedure Rules

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair,] the Chair will take the vote...

the Monitoring Officer or Legal Governance and Democracy Specialist 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.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 15

5. Remote Attendance by Members of the Public (Please see further Public Participation Guidance)

- 5.1 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 (where practicable be seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and where practicable be seen) those other members participating be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- 5.2 Please see links to the Guides to Public Participation in Council meetings.
- 5.3 The Nominated Officer or meeting facilitator (see below) Officer will invite registered speakers to join by phone and, following their presentation, will remove them from the remote meeting
- 5.4 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible. To that end a member of the public participating in a meeting remotely in exercise of their right to speak will be asked to submit their representation in writing, or by video to officers before the meeting, so that in the event of a breakdown of technology the representation can be read out by an officer at the meeting or the video played.

Rule 5. Remote Attendance by Members of the Public Amendments to the Councils Procedure Rules

- (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 5(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 5(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.
 - (iv) a member of the public who have registered to speak will be asked also to provide a written copy of their submission in advance of the meeting or video.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 9 (*questions by the public*),
Amends the scheme for public participation in respect of planning, licensing and the General Public Participation Scheme and Cabinet Procedure Rule 1.7

6. Declarations of Interest

6.1 In the event that a member has a disclosable pecuniary interest or otherwise leaves the meeting due to an interest that remote member must exit the communication link whilst the relevant item is being considered. The Nominated Officer will contact the member to request they rejoin the meeting once the business to which they held the interest has been transacted.

Rule 6 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.

Amends SLDC Part 4 Rules of Procedure Rule 19 (Member Conduct)

7. Access by the Press and Public to Information

- 7.1 Members of the public may access minutes, decisions and other relevant documents through the Council's website. The definition of access to information and available to the public is the same as at Rule 3 above.
- 7.2 A document being open to inspection includes being published on the website of the Council.
- 7.3 All documents to be presented at the meetings will be available on the website of the Council and be with the meeting papers.

Requests for access to the list of background papers and other relevant documents should be by email or by post to committeeservices@southlakeland.gov.uk

8. Confidential or Exempt issues

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 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.
- 8.2 Any Remote Member should confirm by verbal declaration, prior to participating in any confidential and/or exempt item of business, that they are in a secure private location and that there are no other persons present (or other recording devices) who are not entitled to be (either hearing or seeing) consideration of such items and that no one else is able to hear the proceedings from the device being used by that Remote Member and that no recording is being made. 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 their Code of Conduct responsibilities.

9. Training

- 9.1 The Council accepts that there are technical and staffing implications connected with the introduction of remote attendance.
- 9.2 There will clearly be a need to provide appropriate training for officers and members who might become involved in remote attendance, both to familiarise them with the

requirements of the legislation and to cover the practical issues involved.

10. Data Protection Implications

10.1 A Council may use information about Elected Members, members of the public and businesses to enable it to carry out specific functions for which a Council is responsible and to provide a statutory service. A Council publishes a record of all Council decisions and meetings, as well as any background information and reports that inform decisions.

10.2 A Council keeps records about members of the public (both residents and people living outside the District), Businesses, Council Employees and Elected Members. These may be written down (manual records), or kept on a computer (electronic records).

Processing of personal information is lawful to the extent that it is:

necessary for the compliance with a legal obligation (Article 6(1)(c) General Data Protection Regulation (EU) 2016/679 (GDPR)) to which a Council is subject. Including:

The Local Government Act 1972

Local Government Act 1985

Coronavirus Act 2020; and

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in a Council (Article 6(1)(e) General Data Protection Regulation (EU) 2016/679 (GDPR)), namely activities that support and promote democratic engagement (Section 8 of the Data Protection Act 2018).

In addition to holding personal information in paper and online forms, by telephone and email a Council will process personal information through audio and video recordings of Committee meetings using the collaboration and conversational platform Microsoft Teams.

A Council may share personal information both internally and externally as described below:

The general public as:

the majority of Council meetings are transacted in public;

agendas and reports for all Council and Committee meetings are made available to the public in advance of the meeting; and

minutes and details of decisions are also published on the relevant Council website once available.

When the law requires a Council to pass on information under special circumstances

Crime prevention or the detection of fraud as part of the National Fraud Initiative

A Council will keep personal information as long as required by law or by a Council's specific business requirements. Each Council has a Records Retention Policy and Schedule in place setting out the types of records they hold, and how long they we hold them

FINAL 11/05/2020