

Cabinet Member for Policing and Equalities

16 June 2020

Council

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**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities - Councillor AS Khan

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:** All

**Title:** Temporary Procedure Rules for Council Meetings

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**Is this a key decision?**

No

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**Executive Summary:**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 provide local authorities with the legal power to hold remote meetings in place of physically present meetings. The Regulations override any earlier legislation which requires elected members to be in the meeting venue in order to be classed as present and modify other legal requirements in connection with meetings such as being open to the public and the provision of online meeting papers only. The Regulations are temporary, being in effect until 7 May 2021 unless extended.

There is no legal requirement for local authorities to update their meeting standing orders or procedure rules, but it is good practice for the Constitution to reflect how the Council is conducting its business. It is therefore proposed that the Temporary Procedure Rules set out in the Appendix to this report should be adopted by the Council.

The Rules are based on ones published by Lawyers in Local Government and the Association of Democratic Services Officers. The continuing need for these Rules will be reviewed regularly.

**Recommendations:**

**Cabinet Member for Policing and Equalities is recommended to:**

- (1) Recommend to Council that it adopts the Temporary Procedure Rules set out in the Appendix to this report.

**Council is recommended to:**

- (1) Adopt the Temporary Procedure Rules set out in the Appendix to this report.

**List of Appendices included:**

Temporary Procedure Rules

**Background Papers**

None

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes - 16 June 2020

## **Report title: Temporary Procedure Rules for Council Meetings**

### **1. Context (or background)**

- 1.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 provide local authorities with the legal power to hold remote meetings in place of physically present meetings. The Regulations override any earlier legislation which requires elected members to be in the meeting venue in order to be classed as present and modify other legal requirements in connection with meetings such as being open to the public and the provision of online meeting papers only. The Regulations also apply notwithstanding any prohibition or other restrictions contained in the Council's standing orders. The Regulations are temporary, being in effect until 7 May 2021 unless extended.

### **2. Options considered and recommended proposal**

- 2.1 There is no legal requirement for local authorities to update their meeting standing orders or procedure rules, but it is good practice for the Constitution to reflect how the Council is conducting its business. Having the temporary procedures set out in the Constitution will provide transparency and allows both elected members and members of the public to have certainty about how remote meetings will operate in the short to medium term.
- 2.2 Regulation 5 of the 2020 Act allows local authorities to make other standing orders and any other rules governing the meeting about remote attendance at meetings. This may include provision for—
- (a) voting;
  - (b) member and public access to documents; and
  - (c) remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.
- 2.3 It is therefore proposed that the Temporary Procedure Rules set out in the Appendix to this report should be adopted by the Council. The new Rules may operate until 7 May 2021 and will be reviewed before then to ensure that they are still relevant. Once approved, the Rules will be published on the Council's website.

### **2.4 Recommendations**

#### **Cabinet Member for Policing and Equalities is recommended to:**

- (1) Recommend to Council that it adopts the Temporary Procedure Rules set out in the Appendix to this report.

#### **Council is recommended to:**

- (1) Adopt the Temporary Procedure Rules set out in the Appendix to this report.

### **3. Results of consultation undertaken**

- 3.1 There has been no consultation on the proposed Temporary Procedure Rules because the changes reflect a change in the law.

#### **4. Timetable for implementing this decision**

4.1 If approved, the changes will take effect immediately.

#### **5. Comments from Director of Finance and Director of Law and Governance**

5.1 Financial implications

There are no direct financial implications arising from the proposal.

5.2 Legal implications

Regulation 5 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allows local authorities to make standing orders which reflect the procedure for remote meetings.

#### **6. Other implications**

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The proposals do not directly contribute to the Council's key objectives and corporate priorities but do so indirectly by clarifying procedures around how decision making will be made in the short to medium term.

**6.2 How is risk being managed?**

N/A

**6.3 What is the impact on the organisation?**

N/A

**6.4 Equalities / EIA**

It is recognised that moving to remote meetings may reduce some sections of the community's ability to engage with and watch council meetings, especially people without access to the internet. Where members of the public are entitled to participate in meetings, they will be given the opportunity to submit written representations or to dial in via telephone if they prefer or are unable to join through Teams.

**6.5 Implications for (or impact on) Climate Change and the environment**

N/A

**6.6 Implications for partner organisations?**

N/A

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Suzanne Bennett	Governance Services Co-ordinator	Law and Governance	03.06.20	04.06.20
Adrian West	Members and Elections Team Manager	Law and Governance	27.05.20	02.06.20
<b>Names of approvers for submission: (officers and members)</b>				
Graham Clark	Finance Officer	Finance	03.06.20	03.06.20
Julie Newman	Director of Law and Governance	Law and Governance	27.05.20	03.06.20
Councillor AS Khan	Cabinet Member Policing and Equalities	-	06.06.20	06.06.20

This report is published on the council's website: [www.coventry.gov.uk/meetings](http://www.coventry.gov.uk/meetings)

## Appendix

### Temporary Council Procedure Rules

#### A Introduction and Application

1. These Temporary Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Council, Cabinet, Cabinet Members, Scrutiny Boards and 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').
2. The Procedure Rules should be read in conjunction with the Council Procedure Rules, Cabinet Procedure Rules, Scrutiny Procedure Rules and Access to Information Procedure Rules within the Council's Constitution and the Planning Committee Procedure Rules and Licensing and Regulatory Committee Procedure Rules which sit outside the Constitution.
3. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing Procedure Rules or any other rules of the Council governing meetings and remain valid until 7<sup>th</sup> May 2021. This means that, wherever there is a conflict, these Temporary Council Procedure Rules take precedence in relation to any remote meeting.
4. Detailed protocols setting out how remote meetings will be run, meeting etiquette, public participation and observation have been produced for the benefit of elected members, officers and members of the public. They sit outside the Constitution and can be found on the Council's website.

#### B Annual Meeting

5. The requirement to hold an Annual Meeting is to be disregarded and, prior to 7 May 2021, an Annual Meeting of Council may only take place:
  - (a) where called by the Chair; or
  - (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council

#### C Remote Access to Information

6. 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 Council shall include publication on the website of the Council.

#### **D Remote Access to Meetings**

- 7. (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.

#### **E Members in Remote Attendance**

- 8. (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 re-established;

(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.

#### **F Remote Attendance by Members of the Public**

9. (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 Temporary Procedure Rule 9(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 Temporary Procedure Rule 9(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.

### **G Remote Voting**

- 10. Unless a recorded vote is demanded, which may be confirmed by the requisite number of Members confirming the demand orally when requested by the Chair, the Chair will take the vote:
  - (a) by use of the electronic voting system (Raise Hand) or;
  - (b) by the affirmation of the meeting if there is no dissent; or
  - (c) the Chair 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.

### **H Members Excluded from the Meeting**

- 11. 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 in which the member or co-opted member may not participate.