

PROTOCOL FOR COUNCIL MEETINGS HELD REMOTELY BY ELECTRONIC MEANS HAYWARDS HEATH TOWN COUNCIL

1.0 INTRODUCTION

1.1 Legislation

Until recently the Law governing Council and Committee meetings required Councillors to be present together in a physical location. Meetings were largely governed by the Local Government Act 1972 and the Local Authorities (Executive Arrangement) (Meetings and Access to Information) (England) Regulations 2012. Such legislation did not anticipate a global pandemic and the current impact of Covid-19 and social distancing guidance which has made it impractical to run Council and Committee meetings in the usual way.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations provide Councils with the power to hold their Council and Committee meetings remotely, by electronic means, between 4th April 2020 and 6th May 2021. Consequently, during this period of time, to enable Councillors, Officers and the public to social distance themselves, Council and Committee meetings can lawfully be held on remote platforms by access via electronic devices, rather than being held in a physical location, such as our Council Offices in Haywards Heath.

The Regulations can be found here: <http://www.legislation.gov.uk/ukxi/2020/392/contents/made>

1.2 Council Procedure Rules

The legislation provides a significant amount of flexibility as to how such meetings may be run. It provides Councils with the power to introduce their own arrangements by way of Standing Orders governing for example, the electronic platform to be used, the way in which voting takes place, the way in which members of the public attend meetings and public speaking rights.

The Council has amended its Standing Orders, effective from 14th April 2020, to implement the new Regulations and enable remote meetings to be held.

The Town Council's Standing Orders can be found at <https://www.haywardsheath.gov.uk/Town-Council-Policies.aspx>

1.3 Protocol

This Protocol, which is intended to give practical guidance on the implementation of, and arrangements for the holding of remote meetings, should be read in conjunction with the Town Councils Standing Orders.

2.0 REMOTE PLATFORMS

2.1 Participation in Meetings

The Regulations enable Councils to hold their Council and Committee meetings with persons attending the meeting by way of remote access. This means by enabling Members to participate in

the meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming.

The Council has chosen to use 'Zoom' as its platform for remote meetings. The software will enable members in remote attendance to hear and be heard, see and be seen, by other Members in attendance and also by any member of the public attending the meeting with a right to speak.

Any Member with a prejudicial interest in any item who would in accordance with Council Rules and Protocols, absent themselves from a physical meeting for the duration of the item, will be transferred from the virtual meeting to the virtual waiting room for that item, where they will not see or hear the proceedings and are unable vote. They will be returned to the virtual meeting once the item is completed.

2.2 Observation of Meetings

The Regulations provide that a meeting must be open to the public (unless they have been excluded due to exempt or confidential material being discussed). However, being open to the public now means simply that the public must be able to hear, and where practicable see, the Members of the meeting. Therefore, the meeting will also be live streamed via You Tube and members of the public, who do not have a right to speak at the meeting, will be able to 'attend' by observing the live streaming via an electronic device.

3.0 PRACTICAL ARRANGEMENTS FOR THE REMOTE MEETING

3.1 Joining the meeting by remote access

For Members who are participants of a Council or Committee meeting, by virtue of being a Member, or co-opted Member, of that meeting, they will be provided with a Zoom invite included in the meeting summons. The invitation contains a secure link to the Zoom meeting.

Members will have already have appropriate hardware, software and Zoom training from the Town Clerk can be arranged. Any queries should be directed by email to the Town Clerk.

The summons to the meeting will advise the start time of the meeting. All participants should have remotely accessed the meeting at least 10 minutes before the start time. The remote meeting will be accessible 20 minutes before the start time of the meeting and the Town Clerk and Deputy Clerk or both will be available.

Any Member, not a Member of a Committee meeting may also attend the meeting in line with the Town Councils Standing Orders.

3.2 Security

Should a Member wish to invite another person to the Zoom meeting, they should discuss with Town Clerk, who will, if that person has a right to participate in the meeting, issue them with their own individual joining instructions.

3.3 The remote environment

The Zoom meeting will be live streamed and viewed by the public (unless it is in private session). A Member attending will be using the camera and microphone on their electronic device e.g. laptop, iPad or android device. Business-like attire therefore remains important.

When attending a remote meeting a Member should ensure they are sitting comfortably, in front of their electronic device so that they can be seen and heard clearly. The Member should consider the background also captured by the camera and ensure it is appropriate to the meeting. The Member should arrange appropriate lighting, absence of background noise and take steps to ensure that they will not be disturbed during the meeting.

3.4 Officer Support to a Remote Meeting

A remote meeting will be attended by the Town Clerk, Deputy Town Clerk or both to record and minute the meeting, to control the live streaming, provide and deny access to participants, mute and unmute participants microphones, raise and lower participants hands and facilitate voting.

3.5 Attendance and Apologies at a Remote Meeting

At the commencement of every remote meeting the Chairman will take a roll call of attendees and apologies for absence. When a Members name is called out, they are required to unmute their microphone, respond “Present” and then mute their microphone again.

This is firstly to ensure at the outset of the meeting, that it is quorate, and secondly to provide transparency to the public as to which Members are in attendance.

3.6 Non-Attendance During a Remote Meeting

It may become necessary during a meeting for a Member to cease attending for a short temporary time, for any reason, but including a temporary loss of remote connectivity.

Non-attendance means either where a Member cannot hear the participants of the remote meeting or cannot be heard by them; a loss of visual connectivity would not lead to non-attendance.

The meeting host will ensure that a quorum is maintained and advise the Chairman if it is not, when an adjournment would be required in accordance with Town Council Standing Orders.

A Member who is not in attendance for the duration of any particular agenda item is prohibited from voting on that agenda item. If they are in attendance at the time the vote is taken, but have not been in attendance throughout the item, they are required to abstain from the vote.

3.7 Chat Function

The Zoom platform has a ‘chat’ functionality where messages can be typed to all or some selected participants of the remote meeting, during the meeting.

The electronic chat is to be reserved only for communication between Officers and the Chairman, to enable them to effectively manage the remote meeting. Members will be able to use it to message the Meeting Host in case of any support or personal welfare need.

3.8 Public Questions

Members of the public may ask questions at a remote meeting of the full Council in accordance with Town Council Standing Orders.

Should a member of the public wish to ask a question at a remote meeting of full Council, they must submit their question by email, together with their name, address and contact details to the Town Clerk at town.clerk@haywardsheath.gov.uk by noon on the day of the meeting.

Adopted – Annual Full Council Meeting 11th May 2020 (minute 4).

No questions will be permitted at the remote meeting unless such advance notice has been given.

If the question is accepted by the Town Clerk.

If the member of the public joins the meeting electronically, when invited to do so by the Chairman, they may unmute their microphone, speak to put their question orally to the Council, and mute their microphone again. If the member of the public chooses not to join the remote meeting, or is unable to do so, their question will be read out to the meeting by the Chairman or an Officer present. The question will be answered by the Chairman.

If the member of the public has joined the remote meeting, they are also entitled to ask a supplementary question arising out of the answer to their substantive question. If the member of the public has not joined the remote meeting, they shall not be entitled to ask a supplementary question.

At the end of the agenda item for public questions, the Chairman will ask all members of the public to disconnect from the remote meeting. If they fail to do so, the Town Clerk/Deputy Town Clerk will immediately cease their ability to access the meeting. The member of the public may continue to 'attend' the meeting by watching the live stream of the remainder of the meeting on You Tube or Facebook.

3.9 Speaking at a Remote Meeting

When a Member joins a Zoom meeting, with the exception of the Chairman, they should have their microphone set to mute.

When a Member wishes to speak they should indicate by using the 'Raise Hand' function in Zoom. The Chairman can see all those indicating and will come to each person; the Chairman has absolute discretion as to the order in which he takes speakers.

When a Member is invited to speak by the Chairman, they should unmute their microphone to enable them to speak.

When the Member has finished speaking, they must remember to switch their microphone to mute once again and to use the 'lower hand' function in the system.

Both the Chairman and the Town Clerk will have the ability to mute and unmute participants' microphones and raise and lower hands electronically.

3.10 Rules of Debate

The usual rules of debate apply to remote meetings in line with Town Council Standing Orders.

The Chairman should announce each Member when inviting them to speak, to aid transparency and assist those attending by watching the live stream.

3.11 Point of Order and Personal Explanation

If a Member has a Point of Order or Personal Explanation to raise during a meeting, in accordance with Town Council Standing Orders, they must unmute their microphone and interrupt the meeting saying 'Personal Explanation' or 'Point of Order'. The Chairman will then invite that Member to speak. Having spoken, the Member must remember to mute their microphone again.

3.12 Voting at a Remote Meeting

For all meetings where Members are attending by way of remote access, a recorded vote or a recorded e-vote will be taken on each agenda item where a vote is required.

When the Chairman indicates that a vote is to be taken, an e-vote will be initiated or each Member's name will be read out in alphabetical order by the Town Clerk or Deputy Town Clerk. Each Member will need to unmute their microphone and say either 'For', 'Against' or 'Abstain' from the motion or amendment that has been put. Abstention may be due to non-attendance throughout the entire agenda item, or for any other reason. After indicating, each Member must mute their microphone again.

Where a Member, thought to be in attendance, does not respond to a recorded vote, the Town Clerk or Deputy Town Clerk will confirm that they are recording no vote for that Member. If the Member had in fact cast a vote this will alert them to the fact that they could not be heard (perhaps by having their microphone on mute or having lost connectivity). If they are still connected, they should unmute their microphone and interrupt the meeting to be heard and cast their vote.

3.13 Adjournments

In accordance with Town Council Standing Orders, the Chairman has the power to adjourn a meeting for a short temporary period. If the Chairman advises of a short temporary adjournment to a remote meeting, all Members must remain in attendance with their microphones on mute, until the Chairman instructs otherwise.

It is likely that the Chairman may leave the meeting for a few minutes, for example to take advice from the Town Clerk or Deputy Town Clerk, via the chat function, the Zoom waiting room, or a separate electronic platform.

3.14 Documents

All Agenda documents will be made available by email in advance to Members participating in a remote meeting. It is likely that presentations on agenda items at remote meetings may be more concise and succinct and it is assumed that Members will have familiarised themselves with all relevant agenda documents in advance of the remote meeting.

3.15 Exempt Session

If a resolution is passed for the meeting to go into private session, to consider exempt or confidential material, any press and public participating in the Zoom meeting will be asked to leave the remote meeting by disconnecting. The Host of the meeting will ensure they have disconnected and may remove their access if they have not done so. The live streaming of the meeting will also immediately stop, to ensure that no member of the press or public, those with a right to speak or otherwise, are in attendance. It is likely that any exempt session would continue on a different virtual meeting platform for which access would be supplied to Members.

It is the responsibility of the Member participating in a private session of a meeting, to ensure that the meeting cannot be seen or heard by any other person at their remote location.

3.16 Disturbances

If there is a disturbance amongst members of the public at a remote meeting, the Chairman has powers to deal with it in accordance with Town Council Standing Orders. Having warned the member of the public over their conduct the Chairman can, if the conduct continues, mute the microphone of that member of the public, or ultimately can order their removal from the remote meeting. If such a direction is given, the Town Clerk or Deputy Town Clerk would cease the access of that member of the public. The member of the public then no longer has a right to speak at the meeting but can continue to 'attend' by watching the live stream of the meeting.

If there is a disturbance amongst Members the Chairman continues to have the ability to deal with it in accordance with Town Council Standing Orders. Rather than a Chairman standing, in a remote meeting the Chairman has the ability to mute all microphones, and if a direction is given for a Member to leave a remote meeting, the Meeting Host can effect this.

Any participant who appears to embark upon comment that is deemed libellous, defamatory or profane will be muted without notice and the meeting paused, so that the Town Clerk or Deputy Town Clerk may offer professional advice to the Chairman.

3.17 Members standing

Any requirement in Town Councils Standing Orders to a Member needing to stand to address a meeting, does not apply to a remote meeting.

3.18 Documents open to public inspection

Any reference in Town Councils Standing Orders to a document being available for public inspection at the Town Hall will now be satisfied by being published on the Town Council's website.

3.19 Planning Committee Protocols

In accordance with the Town Councils Standing Orders, arrangements for public speakers at planning committees will be similar to those described in 3.8 above. Such representations are statements to the committee, not questions, so the supplementary question provisions do not apply.

4.0 FOLLOWING A REMOTE MEETING

The video / audio recording of the remote meeting will be live streamed and also made available to view on the Council's website: www.haywardsheath.gov.uk. It will be available for 12 months from the date of the meeting after which period it shall be deleted.

Minutes of a meeting will be dealt with in the usual way and draft summary minutes will be published on the Council's website as soon as practicable after a remote meeting.