

**ANNUAL COUNCIL
25 JUNE 2020**

CORONAVIRUS – REVISED DEMOCRATIC ARRANGEMENTS

**Responsible Cabinet Member - Councillor Charles Johnson
Resources Portfolio**

**Responsible Director - Paul Wildsmith,
Managing Director**

SUMMARY REPORT

Purpose of the Report

1. As a result of coronavirus, a number of changes and adjustments are needed to the way that meetings are held and to some of the conventions that apply. Members are asked to note and approve the changes.

Summary

2. This report presents information to members on the approach that it is suggested that we take to holding meetings at this time.
3. To help in facilitating members to attend meetings remotely, the Meetings (Coronavirus) Protocol, set out in **Appendix 1**, has been developed. This will be included as an addendum to the Councils Constitution.

Recommendation

4. It is recommended that:
 - (a) Members note the approach that is suggested for meetings that are held during the coronavirus pandemic.
 - (b) The Meetings (Coronavirus) Protocol is adopted with immediate effect.
 - (c) The Monitoring Officer is delegated to add the Meetings (Coronavirus) Protocol as an addendum to the Constitution and to make any consequential changes to the Constitution that are necessary.

Reasons

5. The recommendations are supported by the following reasons: -

- (a) To enable meetings of Councillors to go ahead with appropriate adjustments to take account of the coronavirus pandemic;
- (b) To give some flexibility moving forward with format for meetings, dependent on national and local conditions concerning the pandemic and the risks posed;
- (c) To provide some clarity about the way in which meetings will be held during the pandemic and that this is reflected in the Constitution.

Paul Wildsmith
Managing Director

Background Papers

- (a) The Coronavirus Act 2020.
- (b) The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, No 392.
- (c) The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020, No 558.

Luke Swinhoe: Extension 5490

S17 Crime and Disorder	There are no specific crime and disorder implications
Health and Well Being	There are no specific Health and Well Being implications
Carbon Impact and Climate Change	There are no carbon impact implications in this report
Diversity	This report has no direct impact on diversity issues
Wards Affected	All Wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	The decision does not represent a change to the budget and policy framework
Key Decision	This is not an executive decision
Urgent Decision	This is not an executive decision
One Darlington: Perfectly Placed	The report supports the Councils democratic model
Efficiency	The report has no direct implications for efficiency
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

6. Following the Coronavirus lockdown on 23 March 2020 conventional 'in person' democratic meetings could not go ahead and were suspended because of public health concerns. Since then the lockdown has been extended a number of times and some of the restrictions eased as the transmission risks and deaths have reduced. It continues to be subject to review by Government.
7. The requirements for local authorities' meetings for attendance to be 'in person' at a physical location has been relaxed by Regulations¹ which permit remote meetings or for some members to attend meetings remotely. Remote attendance is where a member can hear and be heard (and where practicable see and be seen). Attendance remotely is recognised as attendance in the same way as participation at a conventional 'in person' meeting.
8. Although remote meetings are permitted there can be barriers to holding successful virtual meetings. Connection problems can occur, such as some participants being unable to join the meeting, or a participants image/input freezes or is blurred/suffers from poor or intermittent sound during a meeting. Some participants may forget to switch off their mic when they have finished speaking and background noise can be a problem. Conversely some participants forget to switch their mic on. There are issues about the scalability of virtual meetings, while smaller meetings can run successfully, more generally the greater the number of people involved, the more potential for difficulty in running a successful meeting. The problems of scalability apply to a full Council meeting of some 60 people (50 or so members and 10 or so officers).
9. Some members are concerned about their ability to participate in remote meetings because of a lack of familiarity with the technology or the lack of experience in participating in meetings of this nature. This is something which can be assisted by support and training and experience of participating in this type of meeting will also help in developing confidence and familiarity. Chairing a virtual meeting will not be easy and is likely to require additional support.
10. Recently there have been relaxations to the Coronavirus Regulations². Originally only indoor gatherings that were essential were permitted. From the 1 June 2020 it has been possible for meetings that are reasonably necessary for work purposes to take place. Members will be aware that Parliament has resumed sitting with social distancing arrangements in place, but also with the possibility of remote attendance.

¹ Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

² Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020, No 558

Approach to meetings

11. Given the current position we need to make some changes and adjustments to the way meetings are held. However, given the developing situation concerning the virus there also needs to be some flexibility of approach.
12. In the context of Coronavirus, remote meetings present no risk from attendance and we do need to facilitate meetings to be held remotely. For some members who are shielding or in a vulnerable category (or whose families include someone in a vulnerable group) this may be the only way that they are able to participate. All meetings during the pandemic will at the very least need to have the possibility of members joining remotely.
13. Subject to the prevailing coronavirus regulations and guidance, with some adjustments, it may be possible at some point in the future to restart conventional 'in person' meetings but these cannot take place yet. The level of risk will be greater than a meeting which is purely remote. The risk is greater, with a larger number of people attending, the longer the meeting goes on for, the number of persons who are in vulnerable groups³ (or whose family members are vulnerable). There may be issues about queuing to enter and to leave the meeting, about going to toilets, touching surfaces/doors, pre and after meeting gatherings. With larger meetings there is a greater risk that social distancing will break down.
14. As matters stand at present the attendance by members 'in person' at meetings is only permissible when attendance is 'reasonably necessary'. Considering the current public health risks, it will be difficult to justify holding 'in person' meetings at the present time when it is possible to run remote meetings. There may be some limited exceptions when some members need to attend 'in person' to participate in a remote meeting.
15. This may be for instance when support is needed by officers to a member to Chair or participate in the meeting. It is also the case that some members may have concerns about their ability to attend remotely or not have confidence in remote meetings and may want to attend in person. We are working hard to ensure all members will be able to join and participate in meetings remotely. We will also provide venues where members can join meetings remotely but with staff support available if needed.
16. Because of the risks, and in consideration of the current regulations, at the moment all meetings are being planned to be held remotely rather as a conventional meeting at a physical venue.
17. Moving forward, and depending on the prevailing regulations and guidance, every meeting will be reviewed ahead of the publication of the agenda to determine how it can proceed. Following consultation by the Chairperson of the meeting and consultation with the members, the meeting summons/agenda for each meeting will indicate the way in which attendance at the meeting will take place. The options will be either:

³ Those over 70 yrs, people with specified health conditions, pregnant women.

- (a) A remote only meeting, or
- (b) A hybrid meeting with some members joining remotely and some members joining in person.

18. At the present time however, the intention is to have only remote meetings, but this will be kept under review.
19. It will continue to be important for the public and press to be able to follow the meeting. At the moment it will not be possible for this to be 'in person' and all meetings will be live streamed (with the exception of agenda items that need to be dealt with in private). At meetings where the public can ask questions or make submissions there will need to be some modification of procedures to allow written submissions/questions only. Members will play an important role in raising matters on behalf of the public at meetings.

The Meetings (Coronavirus) Protocol

20. As far as possible there will be adherence to the way that meetings are conventionally run, but there will need to be some modifications and procedural adjustments for remote meetings to proceed.
21. It is suggested that a Protocol is adopted to indicate the changes and modifications that will take place for the duration of the coronavirus pandemic. This protocol will stand alongside the provisions in the Constitution concerning the Councils procedures for meetings and where necessary it will modify them. It is proposed to include the Protocol as an addendum to the Constitution.
22. Attached at **Appendix 1** is The Meetings (Coronavirus) Protocol.

Consultation

23. There has been consultation with Group Leaders and Committee Chairs.

APPENDIX 1

THE MEETINGS (CORONAVIRUS) PROTOCOL

Purpose

1. This Protocol is intended to supplement the procedures that apply to conventional 'in person' meetings.
2. The main purpose of this Protocol is to enable members to participate in meetings of the Council remotely.
3. This Protocol has been written against the backdrop of the ongoing coronavirus pandemic of 2020 to enable meetings to take place against a backdrop of restrictions on public gatherings/meetings. Remote attendance at meetings will allow Council, Cabinet and committees to transact business and fulfil designated functions. The streaming of meetings will ensure public access is possible at a time when physical presence is not.

Attendance

4. Members who attend a meeting remotely will be considered as in attendance, as if they attended in a conventional meeting and their attendance will count for quorum and other purposes in the normal way.
5. Should a Hybrid meeting be held (where some members attend 'in person' at a meeting venue and other attend remotely) both forms of attendance will count. Meetings will continue to be required to be quorate in accordance with the Council's constitution.
6. A member who is attending the meeting remotely who is intending to leave the meeting before it finishes should notify the chairperson just before leaving the meeting. This will allow the minutes to note the agenda item at which point the member left the meeting.

Operating Procedure

7. Regulations⁴ require members who are in remote attendance to be able to hear, and where practicable see, and be heard and, where practicable, be seen by other members in attendance.
8. At the start of the meeting the Chairperson will ask that all members attending the meeting to confirm they can hear and be heard during the meeting. The meeting will not start until confirmation that all attendees are in compliance with these rules. This is a legal requirement.

⁴ Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

9. Microsoft Teams will be used to support remote attendance. Ordinarily both sound and video should be displayed when a member is speaking remotely.
10. The chairperson has absolute discretion to pause or adjourn meeting proceedings.
11. The virtual meeting will finish when the Chairperson formally closes the meeting. The chairperson should confirm with Democratic Services that the live stream and recording has been switched off.

Managing contributions from members joining remotely

12. All microphones, at the start of the meeting will be set to mute, apart from the chairperson and Democratic Services.
13. Members attending remotely who wish to speak should 'raise their electronic hand', members who attend in person should raise their hand.
14. The chairperson, with officer support as necessary, will un-mute microphones to allow the participation by individual members
15. During the meeting, the 'chat function' will be available – this function should be used only when necessary to flag up matters that need to be drawn to the attention of everyone at the meeting. For individual concerns Members can contact a direct dial phone number or an email address, which will be supplied for each meeting.

Non-Public Agenda Items/business

16. If a meeting includes an agenda item that is required to be considered in private session this will be placed on the end of the agenda and dealt with after the public session has finished. The statutory wording to exclude the press and public will be moved and the streaming of the meeting ended. The Chairperson must confirm with Democratic Services that the streaming of the meeting has ceased.
17. If it is moved that the meeting should move into private session part way through a meeting, before ceasing to stream the meeting the Chairperson must give an indication of at what time the streaming of the meeting will recommence

Member interests

18. Members will declare any interests in the normal way. If a member declares a pecuniary interest (which means that they will have to leave the meeting) for an agenda item the member will be placed in the virtual 'waiting area' (where the member has no audio or visual contact with the meeting) while that item of business is considered. The chairperson will need to ensure that the member who has been excluded during the agenda item is allowed back to the 'virtual meeting' once that item of business has been concluded.

Conduct

19. The chairperson can move that attendees should be removed from the meeting if their conduct falls short of the expected standards. In the case of a remote attendee after receiving a direction the member should exit from the Microsoft Teams meeting.

Voting

20. The normal rules concerning the taking of votes will apply.
21. Where a vote is required at a meeting, this will be undertaken on the voices of members. The Democratic Officer or Monitoring Officer will ask each member in turn how they are casting their vote. The minutes will not record the names of members or how they voted on an item unless a named vote has been called for.

Technical Issues

22. If there are connection or technical problems with remote attendance, members should email/phone the Democratic Officer to advise if they have ceased to be able to participate remotely.
23. The live streaming of the meeting will need to be monitored and if there is a failure, the chairperson should be immediately advised.
24. The chairperson will need to temporarily pause or adjourn the meeting while attempts are made to restore connections.
25. If the meeting has to be adjourned, it will be reconvened as soon as is practicable.

Public attendance and participation

26. The public and press will for the time being be unable to attend meetings 'in person'. Meetings will be streamed and details of how the public can view the meeting will be set out in the summons/agenda for each meeting, as well as on the website.
27. The normal procedures relating to public participation at meetings will require some modification. Questions and submissions by the public will need to be submitted to Democratic Services in writing 24 hours before the meeting. Real time participation, such as supplementary questions raised at Council meetings by the public will not be possible. The public can ask members to raise a matter on their behalf at meetings.
28. Some meetings, by exception, may need to allow remote attendance by persons outside of the Council. This will be at the discretion of the Chairperson. A non-exhaustive list could include, the Police and Crime Commissioner at Council Meetings, External Members of the Health and Well Being Board, the Police at Licensing Committees and submissions by persons applying for a licence or who may be subject to a decision to revoke a licence, applicants (or representatives) at Planning Committee.

Standing of this protocol

29. This Protocol shall modify the Council's normal meeting arrangements and conventions, which will be interpreted to align with this Protocol.
30. Changes or variations to this Protocol may be needed depending on particular circumstances and prevailing regulations and guidance. Issues concerning this Protocol should be addressed to the Monitoring Officer.
31. When the Regulations that permit remote meetings are discontinued by Government this Protocol will cease to have effect.