



# **Remote Meetings Protocol and Procedure Rules**

*May 2020*



**Boston - A Great Past and a Bright Future**

## **Introduction and Application of the Remote Meetings Procedure Rules**

This Protocol and accompanying Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Council, and its various 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').

This Protocol and Procedure Rules should be read in conjunction with the Council Standing Orders and Procedure Rules within the Council's 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.

## **Boston Borough Council Committee Membership Approach**

In supporting the conduct of remote meetings, the Leaders/Spokespersons of the political groups represented on the Council have agreed to reduce the number of members appointed to specific committees, in line with political balance for the duration of the national Covid19 restrictions.

### **1. Annual Meeting**

**To be considered at the meeting of full Council on 10 June**

### **2. How will notice of Meetings and papers be provided?**

- 2.1 The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the Council's website <https://www.mybostonuk.com/>
- 2.2 Members will be notified of a remote meeting by email and all agenda papers will be available on the Council's website and via the agenda app as relevant or other electronic means as appropriate.
- 2.3 The 'place' at which the meeting is held may be 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 or Chamber with a proportion of the membership and any participating public additionally attending remotely.

## **2A Access to Information**

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:

- (i) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
- (ii) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

**Amends Council Procedure Rule 6 (notice and summons to meeting)  
Part 2 of Constitution (Article 3) Rights of Members of the Public**

## **3. How will remote access to Meetings be provided?**

- 3.1 Councillors 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.
- 3.2 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.
- 3.3 Remote access for members of the public and Members who are not attending to participate in the meeting together with press facilities, will be provided through webcasting, live audio streaming, or others means.
- 3.4 If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful.

## **3A Remote Access to Meetings**

(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 Chairman 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 Chairman 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 Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**Amends Council Procedure Rule 6 (notice and summons to meeting)  
Part 2 of Constitution (Article 3) Rights of Members of the Public**

#### **4. Management of Remote Meetings for Members**

- 4.1 Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and ideally 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.
- 4.2 In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 4.3 The Chairman 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.
- 4.4 The attendance of those members at the meeting will be recorded by the Democratic Services Officer.
- 4.5 The quorum requirements for remote meetings will be as set out in the Constitution.
- 4.6 In the event of any apparent failure of the video, telephone or conferencing connection, 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, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.
- 4.7 Should any aspect of an individual's remote participation fail, the Chairman may call a short adjournment of up to five minutes 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 shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.
- 4.8 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 to deal with the item/s.
- 4.9 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- 4.10 If a connection to a Member is lost during a regulatory meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, the meeting will proceed, providing the meeting remains quorate and the public are able to hear, 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.
- 4.11 Etiquette at the meeting is referred to further below.

#### **4A Members in Remote Attendance**

(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 Chairman 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.

**Amends Council Procedure Rule 8 (quorum).**

## **5. Remote Attendance of the Public**

- 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 (and ideally 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 be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- 5.2 For the purpose of remote meetings, the public speaking scheme for planning is suspended. Persons who would have been registered as speakers under normal rules, may submit a written copy of their representation by 12 noon of the working day preceding the meeting.
- 5.3 For the purpose of remote meetings, the public questions provisions are amended with the requirement of the questioner to ask the question in person being suspended. The Chairman will read the question to the meeting.
- 5.4 The provision for the public to ask a supplementary question in person is suspended. Any supplementary question must be submitted at least one hour before the starting time of the meeting and will be read by the Chairman.
- 5.5 The requirement for notice, method of delivery, number of questions and scope of questions as set out in Part 4 Section A 10 of the Constitution remain in place.
- 5.6 For the purpose of remote meetings, the provisions for presentation of petitions and deputations are suspended.

### **5A Remote Attendance by Members of the Public**

(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 5A(a) above are not met. In such circumstance the Chairman may, as they deem appropriate:

(i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 5A(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.

**Amends Council Procedure Rule 10 (questions by the public)**

**Amends Part 5 Section E – Public Speaking Scheme for planning**

## 6. Meeting Procedures

- 6.1 A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, is encouraged to be enlisted; whose role it will be to control 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 Chairman.
- 6.2 The Authority will endeavour to put in place a technological solution that will enable councillors participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak.
- 6.3 In respect of key 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 Chairman and to the Democratic Services Officer in advance of the start of the meeting where possible. Political groups are also encouraged to co-ordinate this activity where possible in respect of Council and other meetings likely to result in a high number of requests to speak. This is particularly important if councillors are unable to participate via video conference.
- 6.4 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.
- 6.5 The Chairman, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chairman's ruling during the debate will be final.
- 6.6 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 fifteen minutes before the start to allow themselves and Democratic Services the opportunity to test the equipment.
  - Any camera (video feed) should show a non-descript background or, where possible, a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
  - Type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
  - All Members to have their video 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 e.g.,
  - where available Members are to use any chat facility to indicate to the Chairman that they wish to speak.
  - Members will unmute their microphone and turn their cameras on when the Chairman invites them to speak.
  - The chat facility must not be used for private conversations between councillors.
- Only speak when invited to by the Chairman.
- Only one person may speak at any one time.
- Turn on the microphone and also the video-feed (if available or unless speaking to a diagram, presentation slide or drawing), then state your name before you make a comment.
- When referring to a specific report, page, or slide, mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.

6.7 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chairman 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.

6.8 When the Chairman is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed he/she will progress to a decision. Unless a Recorded Vote is called, the method of voting will be by an officer calling out the name of each Member present with:

- Members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called;
- the Democratic Services Officer clearly stating the result of the vote and the Chairman then moving onto the next agenda item; or
- by the general assent of the meeting.

6.9 Details of how Members voted will not be kept or minuted unless a Recorded Vote is called.

6.10 A recorded vote regarding a motion may be requested by a Member before the vote is taken, and supported by at least one third of the members present

at the meeting. Where a Recorded Vote is requested the Chairman will ask Members in turn to signify verbally whether or not they support that request.

### **6A Remote Voting**

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

- (a) by the affirmation of the meeting if there is no dissent [by assent]; or
- (b) the Chairman 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 Council Procedure Rule 20 (voting).**

## **7 Declaration of Interests**

- 7.1 Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

### **7A 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 Council Procedure Rule 25 (Member Conduct)  
Amends Members' Code of Conduct**

## **8 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 Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.
- 8.3 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 the Members' Code of Conduct responsibilities.

## **9 Public Access to Meeting Documentation following the meeting**

- 9.1 Members of the public may access minutes, decision 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 2A above. Requests for access to the list of background papers and other relevant documents should be by email or by post.