

Full Council

08 July 2020

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Temporary Changes to Council Procedure Rules

Final Decision-Maker	Full Council
Lead Member	Councillor Alan McDermott – Leader of the Council
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Patricia Narebor – Head of Legal Services
Lead Officer/Author	Patricia Narebor – Head of Legal Services
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the changes to Council Procedure Rules as noted in section 3 of the report be agreed.
2. That the Protocol for Remote Public Meetings, as set out at Appendix A to the report, be noted.
3. That delegated authority be given to the Monitoring Officer, in consultation with the Mayor and Group Leaders to adjust and amend the Protocol to facilitate the Council's arrangements relating to remote Council and committee meetings, when appropriate to do so.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- To allow flexibility in the rules of procedure for Council during the coronavirus pandemic, so that decision making can be as open and transparent as possible.

Timetable

Meeting	Date
Group Leaders	27 April 2020
Group Leaders	10 May 2020
Group Leaders	10 & 17 June 2020
Council	08 July 2020

Temporary Changes to Council Procedure Rules

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out the revisions to the Full Council procedure rules, which are temporary changes to be agreed for the meeting held on 8 July 2020 only. The report also includes the protocols for holding virtual committee meetings, which will be used to conduct virtual meetings whilst the *Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* are in force. These protocols are for noting only.
 - 1.2 The protocols have been developed through discussions with Group Leaders on 27 April and 10 May, and the temporary changes to Council Procedure Rules have been discussed and agreed with Group Leaders at meetings held on 10 and 17 June.
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2. INTRODUCTION AND BACKGROUND

- 2.1 Following the social distancing restrictions imposed in response to the coronavirus pandemic the government introduced legislation to permit remote meetings. The relevant legislation is “The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020” made under section 78 of the Coronavirus Act 2020.
- 2.2 The above regulations permit a member of a local authority to attend a meeting remotely provided they can hear, and be heard by, other members in attendance and members of the public.
- 2.3 The provisions in the regulations apply notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the authority governing the meeting and any such prohibition or restriction has no effect.
- 2.4 The above regulations further permit a local authority to make other standing orders and any other rules of the authority governing the meeting about remote attendance at meetings of that authority. They allow the Council flexibility in when and if to hold an annual meeting, and to ‘roll over’ all committee appointments into the new municipal year.
- 2.5 The Mayor, Deputy Mayor and Group Leaders were consulted at various points in March, April and May, and it was decided not to hold an Annual Council meeting in May 2020. However, as the coronavirus pandemic has progressed, and lockdown restrictions have been eased, and as Council members and officers have become more familiar with the technology used to hold remote meetings, it was agreed that a Full Council meeting, with a limited agenda, could be trialled in July.

- 2.6 This trial meeting would include appointing a new Mayor and Deputy, regularising the political balance position, and taking limited business that needed to be agreed by Full Council (the CSPP). Further, Group Leaders agreed to limit the amount of questions and public speaking on the agenda; and restrict the number of motions to one joint motion. This would ensure the meeting could be conducted in a reasonable amount of time and in an expedient manner; and would limit the complexity of business to be dealt with whilst members were practising attendance with new and unfamiliar technology and procedures.
- 2.7 The Chief Executive has ensured that the temporary changes to the Council's procedure rules have been conducted in consultation with the various political group leaders, and are now put before Full Council for agreement. The amendments apply to Part 4, section 2 of the Constitution, as although the meeting on 8 July is electing a new Mayor and Deputy Mayor, it is not being held as an Annual Meeting.
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3. TEMPORARY CHANGES TO COUNCIL PROCEDURE RULES

i. Part 4 Rules of Procedure, Section 2 Ordinary Meetings

- 3.1 The following procedure rules shall be **added** for the meeting as follows:

2.1.13 elect *the Mayor and Deputy Mayor of the Council*.

- 3.2 The following procedure rules shall be **suspended** for the meeting:

2.1.4 To receive announcements from the Mayor, Leader, Members of the Cabinet or Chief Executive.

2.1.6 to receive petitions from the public in relation to matters which in the opinion of the Mayor are relevant to the Council's functions.

2.1.8 receive reports about, and receive questions and answers on, the business of joint arrangements and external functions.

ii. Part 4 Rules of Procedure, Section 8 Questions by the Public

- 3.3 Provisions 8.3 and 8.4 shall be **retained** for the meeting.

- 3.4 All other procedure rules under section 8 'Questions by the Public' shall be suspended for the 8 July 2020 meeting, and **replaced** with the following:

8.1 Members of the public may ask one question of Members of the Cabinet or Committee Chairmen at the 8 July meeting. The question will be submitted in written format and published as a supplement to the agenda.

- 8.2 The questions will be taken as read, *en bloc* at the meeting. A verbal response will not be given, but a written response only will be supplied to the questioner following the meeting, and included in the minutes of the meeting. There will be no opportunity for supplementary questions.

iii. Part 4 Rules of Procedure, Section 9 Petitions from members of the public

- 3.5 All of the procedure rules under section 9 Petitions from Members of the Public shall be **suspended** for the meeting.

iv. Part 4 Rules of Procedure, Section 10 Questions by Members

- 3.6 Procedure rules 10.1, 10.5, 10.6 and 10.8 shall be **retained** for the meeting.

- 3.7 All other procedure rules (except for those as above) under section 10 Questions by Members shall be suspended for the meeting, and **replaced** with the following:

- 10.2 Each member of the Council may ask one question of the Cabinet or Committee Chairmen, provided that they have given notice of the question in writing or by electronic mail, no later than midday three clear working days before the day of the meeting to the Chief Executive. The questions will be published as a supplement to the agenda.

- 10.3 The questions will be taken as read, *en bloc* at the meeting. A verbal response will not be given, but a written response will be supplied to the member following the meeting, and included in the minutes of the meeting. There will be no opportunity for supplementary questions.

v. Part 4 Rules of Procedure, Section 11 Motions on Notice

- 3.8 All procedure rules under section 11 Motions on Notice, shall be suspended and **replaced** with the following:

- 11.1 One motion on notice will be accepted at the meeting, the content of which shall be agreed in advance of the meeting by Group Leaders. The motion will be published as part of the agenda, and may be discussed and voted on by Members.

vi. Part 4 Rules of Procedure, Section 19 Public's Right to Speak

- 3.9 All procedure rules under section 19 Public's Right to Speak shall be **suspended** for the meeting.

vii. All Other Constitutional Rules Consequently Affected

3.10 All other rules in the Constitution that relate to the above amendments and changes, or are affected by them, shall be taken as amended in accordance with the changes listed above, and varied for the 8 July 2020 meeting only.

4. AVAILABLE OPTIONS

4.1 The Full Council may choose to agree all, some or none of the proposed changes above.

5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

5.1 Full Council is recommended to agree all of the amendments listed in section 3 of the report.

5.2 The amendments to the procedure rules as outlined above have been proposed to take effect for one meeting only: that meeting being Full Council on 8 July 2020. This meeting will be the first 'virtual' Full Council meeting held by the authority; and will place an increased burden on both officers and members in terms of participation and management of the meeting.

5.3 In order for Members to participate fully and effectively in the meeting, using the virtual technology available to the Council, and without the ability for officers to provide any face to face support or training, Group Leaders have agreed a number of changes to the procedure rules. The changes will facilitate the Mayor in managing the meeting; and give members the opportunity to practice using the virtual technology in a Full Council setting.

5.4 The Group Leaders have been fully consulted on the changes, which will only be in effect for the 8 July meeting. Any learning or outcomes from this Full Council meeting can be applied to subsequent meetings.

5.5 Should future Full Council meetings be held virtually, because of social distancing or other requirements, Members may choose to further amend Council Procedure Rules at subsequent meetings. Following agreement at the 8 July meeting, this can be delegated to the Monitoring Officer after consultation with Group Leaders.

5.6 The protocols at Appendix A have been amended to take account of actual practicalities discovered during meetings and feedback from members following meetings.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 Group Leaders were consulted on the proposed changes on 10 and 17 June, and the original draft of the protocols were discussed and agreed by Group Leaders at their meeting held on 27 April.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The changes to Council Procedure Rules and the Protocols will be published as part of the committee agenda, and available on the Council’s website. Should the Council agree the changes, this will be recorded in the minutes of the meeting.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p>Legal including Human Rights Act</p>	<p>The Regulations make provision for the virtual conduct of local authority meetings held before 7th May 2021, and for public and press access to these meetings (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020).</p> <p>The regulations replace all legislation and standing orders with these provisions regarding local authority meetings. Local authorities are permitted to create protocols and arrangements in line with local circumstances and particular technologies. Regulations 5 allows for remote meetings through various electronic and digital means. It defines ‘place’ broadly so as to remove it from the council building to more than one virtual location, but it leaves the option of meeting in person (“present in the same place”) once the restrictions are lifted if so desired.</p> <p>Regulation 5(6) gives local authorities the flexibility to make other procedure rules/standing orders relating to remote attendance in relation to voting, member and public access to meeting, documents and the remote access of the public and press to meetings by electronic means.</p>	<p>Patricia Narebor- Head of Mid Kent Legal Partnership</p>

	The Protocol for Remote Council meetings, Appendix A was implemented in line with the regulations.	
Finance and other resources	This report sets out changes which have been made and are being met out of existing budgets, therefore there are no additional finance implications as result of the recommendation in the report.	Head of Finance
Staffing establishment	Remote meetings require double staffing (to perform the normal clerking duties and, additionally, to manage the webcast). This double staffing is being met by existing members of the Democratic Services team, therefore there are no additional staffing implications as a result of the recommendation in the report.	Head of HR, Customer Services and Culture
Risk Management	New working practices always entail a degree of risk, this this instance the main risks are legal compliance and potential for reputational damage. Democratic Services and Legal Services have collaborated to ensure the protocols, and the method of establishing the protocols, are compliant with both the letter and the spirit of the law. Proposals have been subject to consultation with all political parties. The risk is therefore considered to be low and not deemed sufficient to warrant inclusion in the Strategic Risk Register.	Head of Mid Kent Legal Partnership
Data Protection	Members' images already appeared online and images of both members' and officers attending public meetings were previously webcast. The available technology does not allow the Council to 'hide' or 'redact' the telephone numbers of persons joining public meetings by telephone. The option to join meetings by Skype Web App, which is freely available online and only displays the information input by the user, is provided. Where a person can only use the telephone they are advised that their number may be displayed, if they do not wish to have their number displayed they may submit a written statement which will be read on their behalf. The data protection implications are deemed to be low.	Head of Policy and Governance
Environment and Sustainability	There are no environmental implications as a result of the recommendation set out in this report.	Head of Housing, Health and Environment

Community Safety	There are no community safety implications as a result of the recommendation set out in the report.	Community Safety Manager
Health and Safety	The changes to the Council's Procedure Rules are a direct consequence of the coronavirus pandemic. However, this report sets out changes which have been made, therefore there are no additional health and safety implications as result of the recommendation in the report.	Head of Policy and Governance
Health and Wellbeing	Remote meetings place demands on a participant's personal space which may be shared with family members and other people. Meetings are held during the day to minimise this impact. Given that it is not possible to hold meetings in the Town Hall at this time, the health and wellbeing implications do not outweigh the public health and legal requirements to hold meetings remotely.	Head of Policy and Governance
Equalities	Remote meetings rely on technology for access, this may disproportionately affect certain demographics. Members of the public have the option to participate by telephone or in writing to minimise this impact. Given that it is not possible to hold meetings in the Town Hall at this time, the equalities implications do not outweigh the public health and legal requirements to hold meetings remotely.	Head of Policy and Governance

9. REPORT APPENDICES

The following documents are to be published with, and form part of, the report:

- Appendix A: Protocol for Remote Public Meeting document

10. BACKGROUND PAPERS

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020: <http://www.legislation.gov.uk/uksi/2020/392/made>