

NOTES TO SUPPLEMENTARY STANDING ORDERS - REMOTE MEETINGS



As part of the management of the Covid19 pandemic, the government has published regulations to permit remote council meetings. Councillors, the public and press no longer have to be present in a single physical space in order to meet and conduct council business. The regulations remain in place until May 7th, 2021 and this advice builds on the paper prepared by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).

The Coronavirus restrictions mean that there are no physical meetings at present. As restrictions are lifted it is possible that the council may wish to return to physical meetings. These regulations require the council to offer remote access to meetings until May 7th, 2021 or earlier if the government repeals the legislation.

The temporary legislation now requires some changes to Standing Orders. We have prepared a supplement which can be adopted to extend your council's standing orders to accommodate remote meetings for the life of the legislation, without the need for redrafting at a later date. This guidance may seem complicated at times, but we have tried to cover the requirements for remote and mixed remote/physical meetings until May 7th, 2021 so that you do not need to make other changes.

Introduction

- 1) All meetings of the council must be open and accessible to the public with adequate provision for access to the papers for the meeting. The new legislation simply expands on how the council may meet virtually and varies the requirement for an annual meeting.
- 2) Remote public access to council meetings is different from attendance in person. An IT failure which prevents:
 - a) the public from hearing and observing the business being conducted, renders the whole of the meeting invalid.
 - b) a member of the public from addressing the council during public participation will not invalidate the meeting.

1) Annual Meetings

- a) The requirement to hold an annual meeting in May 2020 has been removed, giving local councils the option to continue without an annual council meeting in 2020/21 or to set a date for a meeting later in the year.
- b) If you choose to continue without a meeting, the appointments made in May 2019 will continue until the annual meeting in May 2021.

- c) The regulations do not cover Annual Parish/electors meetings which may be called by the council or by electors. The NALC/SLCC advice is that whilst social distancing principles remain in place you should not call the annual electors meeting.
- d) Draft minutes of remote meetings should be made available on the council's website within a reasonable time, especially as the number of meetings may vary. The delegated decisions register should also be kept up to date on the website in between meetings for transparency.

2) How should agendas for meetings and papers be provided?

- a) The regulations do not amend any of the legal requirements for the calling of meetings including the days of notice required for holding a meeting of the council or its committees and sub committees.
- b) The regulations state that the council should use its website for the publication of documents and the calling notice for meetings which must give the date and time and the virtual location of the meeting, including the access password. If your council does not have a website the notice must be placed on the relevant Unitary Authority's site.
- c) The public notice and summons must now include details of how to join the meeting (including the password) and the links to the associated papers for the meeting.
- d) The summons can be issued to all members of the council by email, and should include:
 - i) links to the agenda and associated documents for the meeting or
 - ii) email versions of documents necessary for the meeting
 - iii) details of how to join the meeting and how to phone into the meeting if necessary (including the password).

3) How should remote access be provided?

- a) Councillors, members of the press and public are encouraged to use facilities provided by the council to attend and participate in remote meetings. There are numerous packages available and the LGA has produced a comparison table which can be downloaded [here](#)
- b) The Council should choose a suitable platform and encourage members to spend some time familiarising themselves with the software before the first remote meeting.
- c) It will not always be possible for members and the public to use video conferencing. Alternative methods of attending include audio link or telephone call.
- d) The Council must ensure that the software allows members of the press and public to have access to the meeting and be able to participate.
- e) Non-members of committees have the same rights as members of the public and must also be able to access meetings via real time technology if they are attending to observe and participate at the discretion of the chairman.
- f) If the Council's technology fails the Council must allow time for a connection to be re-established. If it is not possible to reconnect the public access, the Chairman will have to consider what other options to take including carrying forward items to the next agenda or referring matters to a committee.
- g) The council will need to identify who will control the IT during the meeting and it may not be practicable for that to be the Chairman or Clerk.

4) Remote access by members of the public

- a) Wherever possible a breakdown in the IT should not disadvantage the public from having remote access to the meeting.
- b) The Council must consider how to manage the public session. Unlike physical meetings the council could vary standing orders to ask members of the public to either
 - i) submit their questions in advance so that the person can be sent the joining information to access the meeting and speak OR
 - ii) Take written questions submitted in advance, however not allowing submissions presented at the meeting could be open to challenge.

6) Declarations of Interest and the Code of Conduct

Members must act in accordance with the Code of Conduct, making the necessary declarations of interest and 'leaving the meeting' whenever the matter is being discussed. There must be a clear minute of the member leaving and re-joining the meeting.

Depending on the software being used, this may require the councillor to leave the call and then be re-invited once the item has been completed.

It is important that the public see that the member has 'left' and then re-joined.

7) Exclusion of the press and public from meetings

- a) Having passed the resolution to exclude the press and public, it is important to confirm that there are no members of the public present on the IT system.
- b) Members of the council should remember that the 'closed session' applies to confidentiality at home at remote meetings and it is their responsibility to make sure that confidential discussion cannot be overheard by other household members.

SUGGESTED RESOLUTION FOR THE ADOPTION OF THE SUPPLEMENTARY STANDING ORDERS:

To resolve to adopt Supplementary Standing Orders to meet the statutory requirements for the holding of remote meetings, and this lasts until May 7th, 2021 or the repeal of legislation whichever is the earlier.