

Southend-on Sea Borough Council

Supplementary Council Procedure Rules – Remote Meetings

1. Applicability

1.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”) enable meetings of local authorities to be held virtually/remotely for the period up until 7 May 2021.

1.2 These Supplementary Council Procedure Rules shall apply to any meetings of the following Council bodies which the Chief Executive determines shall be held virtually/remotely in the period up until 7 May 2021: Council, Cabinet, Committee, Sub-Committee, Working Party, Forum or Panel

1.3 These Supplementary Council Procedure Rules should be read in conjunction with Council Procedure Rules in Part 4(a) of the Constitution. Wherever there is a conflict, these Supplementary Council Procedure Rules will take precedence.

1.4 Unless otherwise stated or modified below all Council Procedure Rules shall continue in force.

2. Location of Meetings and Public Access

2.1. The location of any meeting will not be limited to a physical location and the method (including remote meeting) will be specified on the summons or agenda for the meeting in question. It may include virtual locations and remote conferencing facilities.

2.2. A meeting is deemed to be open to the public if it is available online. It does not matter whether members of the public have access to technology which enables them to listen to the proceedings, or other remote means of listening to the meeting.

3. Access to Documents

3.1 Agendas and other relevant documents will be published in accordance with normal statutory provisions and will be considered publicly available even if they are only available on the Council's website and provided to Councillors by electronic means.

3.2 Councillors will be notified of meetings in the usual manner via email. Agendas and accompanying papers will be available on the Council's website and through the Modern.gov app.

4 Attendance

4.1 If the meeting is in a physical location, a Councillor is considered in attendance if they can be heard, (and where practicable be visible) to those in attendance at the meeting in the normal manner.

4.2 For meetings in virtual locations, a Councillor is in attendance if they can be heard, (and where practicable be visible) to those who are in attendance via conferencing technology, and those in attendance via an online stream.

4.3 No meeting may take place in the absence of advisory officers and a clerk. All other notice and agenda requirements shall apply.

5. Quorum

5.1 A quorum is reached provided the total number of Councillors in physical and remote attendance, as defined by the Regulations, meets the relevant threshold in the Constitution; see, in particular, Council Procedure Rules 1.6 and 38.

5.2 In the event of any apparent failure of the remote connection, the Chair 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 Chair, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.

5.3 Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to ten minutes to determine whether the connection can quickly be re-established. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.

5.4 In the event of connection failure, the remote Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillor(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s).

5.5 If the connection is successfully re-established, then the remote Councillor(s) will be deemed to have returned at the point of re-establishment.

5.6 If a connection to a Councillor is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within 5 minutes, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

6. Access to Meetings – Members of the Public and Councillors who are not on the Body

6.1 Remote access for members of the public, the press and councillors who are not attending to participate in the meeting will be provided.

6.2 If the Chair 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 Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within 30 minutes, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

6.3 Councillors, who are not on the body, may address the meeting provided that at least 24 hours' notice to the Committee Section has been given (to allow an invite to be sent out via MS Teams) and that the Councillor has spoken to the Chair in accordance with the normal convention.

7. Voting

7.1 For virtual meetings, and meetings in a physical location which have Councillors in remote attendance, votes will normally be carried out by a roll call. This will not be considered a recorded vote and will not be recorded in the minutes unless individual councillors require this in accordance with the Constitution, or there is a statutory requirement. For smaller meetings, (namely, a meeting where not more than nine Councillors are in attendance, this being the maximum number of portraits displayed on MS Teams at any one time) it may be appropriate for a matter to be determined by a consensus.

8. Speaking - Control by Chair

8.1 The meeting will be controlled by the Chair, with speaking only through them. Councillors will request to speak through use of the application being used. The Chair will invite councillors to speak. This includes when they are raising a point of order, making a personal explanation or proposing an amendment.

9. Questions by the Public (Council, Scrutiny Committees, Health & Well-being Board)

9.1 Questioners will be asked whether they can attend virtually using MS Teams. In which case this is the procedure which will operate. If they cannot, then questions will still be considered, however, the questions and answers will be taken as written submissions

9.2 There will be no right to ask a supplementary question.

10. Special Public Speaking Arrangements for Development Control Committee and Licensing Sub- Committee

Development Control Committee

10.1 Speakers (objectors) will register to speak at a meeting in the normal way. The first objector to register shall be entitled to address the Committee via the MS Teams platform only. (As an alternative they will be offered an opportunity to submit a statement of up to 450 words in lieu of speaking in which case they need to submit the statement by 9.00 am on the working day prior to the date of the meeting).

10.2 If the first objector subsequently declines the opportunity to speak or submit a statement, then the second objector to register shall be invited to address the Committee (again via the MS Teams platform only) or submit a statement.

10.3 If the objector exercises his/her right to submit a statement, this will be read out by the clerk.

10.4 An applicant or supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so (again via the MS Teams platform only).

10.5 If the objector submits a written statement, the applicant/supporter will also be permitted to submit a statement of up to 450 words (but cannot make an oral representation) which will be read out by the clerk.

Licensing Sub-Committee

10.6 Interested parties will indicate their virtual attendance and submit any relevant documents as normal, at least five days before the meeting. They will also indicate whether any witnesses will be attending virtually (which must be via the MS Teams platform), or whether the witness will be submitting a written statement in lieu of attending. Contact details shall be made available to the Council only with the written permission of those persons.

10.7 An interested party may also submit a written statement in lieu of attending and this will be subject to the same deadline.

11. Declarations of Interest

11.1 Where a Councillor is attending a meeting remotely and has a pecuniary interest or disqualifying non-pecuniary interest, which prevents them from participating or voting on a particular matter, they must withdraw from the meeting. Their departure will be confirmed by the clerk and the Councillor will be invited to re-join the meeting at the appropriate time.

11.2 If a Councillor declares any other interest, then this will be recorded in the usual way and the Councillor can continue to participate.

12. Exclusion of Press and Public

12.1 There are times when Council meetings are not open to the public, when confidential or exempt business (as defined in Schedule 12A to the Local Government Act 1972) is under consideration.

12.2 If the meeting moves into private session, the clerk will end the public broadcasting or recording of the meeting.