



Cabinet Agenda

Wyre Borough Council
Date of Publication: 22 April 2020
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Cabinet meeting on Wednesday, 22 April 2020 held remotely via Teams at 12 noon

- 1. Emergency arrangements resulting from the COVID-19 Coronavirus Pandemic** (Pages 3 - 20)

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Report of	Meeting	Date
The Leader of the Council, Cllr David Henderson, and the Chief Executive, Garry Payne	Cabinet	22 April 2020

Emergency arrangements resulting from the COVID-19 Coronavirus Pandemic

1. Purpose of report

- 1.1 To ensure that executive decisions and certain non-executive decisions (as outlined in the report below) can be delegated to officers using emergency powers invoked during a major incident.

2. Outcomes

- 2.1 The ability for the council to continue to make all necessary decisions during this unprecedented period of disruption owing to the current global pandemic.

3. Recommendations

- 3.1 That the Chief Executive's decision to declare a major incident for Wyre under the Civil Contingencies Act 2004 and invoke the powers under this legislation and those in cases of emergency or disaster, as referred to in the Council's Constitution in Part 7.02/2 paragraph 5 be noted.
- 3.2 That the delegations set out in paragraphs 5.1 of the report be noted until 30 September 2020 at which point a further review will be carried out by the Leader and the Chief Executive unless otherwise reviewed early. This will allow for a recovery period during which the operation of the council can return to normal.
- 3.3 That the steps taken by the Chief Executive at 5.2 regarding non-Executive decision-making be noted.
- 3.4 That the emergency standing orders be amended to reflect the Remote Meetings Protocol and Procedure Rules as drafted by the Lawyers in Local Government (LLG) and Association of Democratic Services Officers (ADSO) at Appendix 1.

4. Background

- 4.1** The COVID-19 virus outbreak requires a significant and unprecedented national response. This is already having a profound impact on the day to day life of individuals and the operation of businesses and other organisations in the borough. The council and its democratic and decision-making arrangements have also been affected and it is with this in mind that the report has been prepared.
- 4.2** The Chief Executive has declared a major incident in Wyre and this report sets out the business continuity arrangements for the discharge of the council's Executive and certain Non-Executive Functions.
- 4.3** In light of the Government's requirements about gatherings and the need for social distancing it is not always appropriate to hold meetings where individuals are required to be physically present, be they councillors, officers or members of the public. However, decisions will still need to be made in order to ensure continuity of service.
- 4.4** Recent changes to legislation allow for the holding of virtual council meetings (see 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, which became effective on 4 April 2020). Unfortunately, despite the recent successful move to paperless meetings, the implementation of virtual meetings has not yet been undertaken and will require training and testing before it can be deemed a reliable option. As such this report sets out the arrangements for decision-making in the interim period until the end of September 2020 unless otherwise reviewed.

5. Key issues and proposals

5.1 Executive functions

The Leader of the Council is asked to note that the following decision-making powers are delegated to the Chief Executive and Corporate Directors:

- Powers to take any decision on behalf of the Cabinet which can lawfully be delegated to officers, subject to the decision-taker, before taking the decision, having taken appropriate steps to consult the Leader, or, in his absence, the Deputy Leader, or in the absence of both, any members of the Cabinet as considered appropriate by the decision taker.
- Such powers to last until 30 September 2020 unless otherwise reviewed.

5.2 Non-Executive functions

The Chief Executive, using his emergency powers, has put in place the following set of provisions to allow decision-making to continue should it not be possible for meetings to be held. These delegations would always be subject to declarations of interests by officers so no officer will be able to make a decision where they have declared an interest in that decision. In addition, the delegations referred to below will be subject to any limitation in law on a particular decision-making function being delegated to an officer.

5.2.1 Planning Committee

That authority to determine any planning application, listed building consent and tree preservation order application that would otherwise have been decided at a meeting of the Committee be delegated to the Chief Executive (with the Head of Planning Services providing an advisory role) in consultation with the Chairman and Vice Chairman of the Planning Committee when both are available, and either if only one is available. Where relevant, Ward Councillors will also be encouraged to submit comments prior to planning applications being determined.

Planning Committee meetings include previously undertaken site visits and it has always been recognised that such visits are an important part of members gaining a full understanding of the site and the relevant planning issues. The Head of Planning Services will arrange for photographs and a video of the sites to be made available, and the Chairman and Vice Chairman would be invited to separately visit the sites using the relevant maps provided, which would show appropriate vantage points.

5.2.2 Licensing Committee

No additional delegations are proposed as there are legal limitations that prevent many licencing matters under the Licensing Act 2003, being delegated to officers. Any Licensing Act matter that needs to be decided will be dealt with by a meeting of the Licensing Sub-Committee, convened virtually. This is feasible given the small numbers of people involved and work already undertaken to facilitate virtual meetings of this Sub-Committee, the first of which will take place on 22 April 2020.

Any urgent matters in respect of taxi licencing will be dealt with by the Head of Service or Corporate Director under existing delegated powers. New applications for driver badges, the most common committee referrals, are not being dealt with at the moment, so only urgent conduct matters involving existing licensees will be determined by officers.

5.2.3 Audit Committee

That authority be delegated to the s.151 Officer, or Head of Governance, in consultation with the Chairman of the Committee or with

the Vice Chairman if the Chairman is unavailable, to take decisions or make approvals as required.

5.2.4 Employment and Appeals Committee

No delegations are proposed. Given the nature of this committee it would not be appropriate to delegate authority to officers.

5.2.5 Overview and Scrutiny Committee

Meetings of the Overview and Scrutiny Committee, which is not a decision-making body, are suspended for the time being. However, the important role of scrutiny in a council with Executive arrangements remains and could be argued to be of heightened importance at a time when decisions are having to be taken without formal meetings of committees.

The Council's Constitution states that the call-in procedure set out in Part 4.05, paragraphs 13 and 14, shall not apply where the decision being taken by the Cabinet or a Portfolio Holder is urgent. This will also apply in the present circumstances to decisions delegated to officers.

In order to maintain the principle that scrutiny provides checks and balances in an authority with Executive arrangements, any councillor will be able to raise concerns about any decision made whilst these emergency arrangements are in place, by contacting the Chairman or Vice Chairman of the Overview and Scrutiny Committee who will raise the matter with the Chief Executive or, in his absence, another member of the Corporate Management Team.

The Chief Executive and Leader of the Council (or if they are indisposed their senior representatives) will contact the two Opposition Group Leaders and the Chairman of the Overview and Scrutiny Committee weekly to brief them on the current situation affecting the council and any decisions taken or likely to be taken, seeking their views as appropriate.

5.2.6 Council

No specific delegation proposed.

Any meeting will need to be conducted using isolated seating in the Council Chamber with a quorum of members. Although the public have a right to access the meeting, they should be advised on the website and in the published meeting papers not to attend.

If a situation arises that would normally require a decision of the Council as a matter of urgency then the Chief Executive can instead use the delegated emergency powers referred to in this report.

Financial and legal implications	
Finance	The financial implications of future decisions cannot be quantified at this time but any decisions that have a budgetary impact will be made in consultation with the s.151 officer or their nominated deputy.
Legal	The delegations referred to in this report ensure that the Council can continue to make decisions and carry out its functions during the coronavirus pandemic.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1 – LLG and ADSO Remote Meetings Protocol and Procedure Rules.

REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

This document is produced by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) for the purpose of assisting authorities and highlighting changes required to standing orders in consequence 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. It does not constitute legal advice and should not be relied upon in that capacity.

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.

The effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially. We have therefore written these up as such and included them alongside the procedural guidance contained in this Protocol, highlighted in boxes below, together with a cross reference to the Council Standing Orders and Procedure Rules contained in the '*Modular Constitution 2000*'¹. This should allow you to produce them as additional or amending standing orders (procedure rules) either separately or absorbed into your own authority's equivalent rules. The standing orders exist only on a temporary basis, having effect between 4th April 2020 and 7th May 2021.

¹ This is the Model referred to in the Statutory Guidance issued under the then s.38 of the Local Government Act 2000 'New Council Constitutions'. This can now be found in the National Archives. It should be noted that the Model was little changed from the preceding model council standing orders it was based on (issued by the Ministry of Housing and Local Government in 1963 and reprinted in 1973 and itself based on the LGA 1933).

It is our view that the Regulations, and therefore the standing orders, have an automatic amending effect on an authority's existing rules and can be applied immediately in order to run committee and cabinet meetings remotely. Nonetheless it is good practice, even with express mandatory standing orders, to have these adopted formally by the full authority at the first opportunity to do so.

The Protocol also includes guidance and suggestions as to best practice in establishing procedures for remote attendance as they have so far been collated.

In adopting any parts of the Protocol directly, authorities will need to amend it or produce additional material specific to the technologies employed. In doing so, it is important for authorities to ensure that the needs of members of the public and members with disabilities who will wish to remotely access or attend a meeting are taken into account when considering the practicality of establishing remote meetings.

The Protocol is an immediate response to the Regulations and is based on the information available at the time. We are learning all the time as practice develops across the country and remote meetings are conducted, and conducted differently, within differing authorities and utilising different technologies. This document will therefore be updated and reproduced in due course.

1. Annual Meeting

- 1.1 Following the now cancelled local elections for those that were due, to hold an Annual Meeting during what would have been the 2020/21 municipal year is now a matter of choice.
- 1.2. Whether to continue to hold an Annual Meeting is a political decision, although usually called under the auspices of the Civic Mayor or Council Chair by the proper officer. This may still be the case or it may be that the leading politicians may have decided that it is better at this time to delay the meeting for several months or entirely this year and re-insert the meeting in the calendar after delayed 2020 elections have been held next May. If the latter, there is still the possibility that some Members will call for an earlier Annual Meeting and this prospect should be recognised and catered for through the possibility of a vote at an ordinary or extraordinary meeting.
- 1.3 It should be noted that, where an Annual Meeting is delayed, all appointments from the 2019 Annual Meeting continue.

1A No Requirement to Hold an Annual Meeting

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council may only take place:

- (a) where called by the Chair; or

- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

Amends Model Council Standing Order 1.1 (Annual Meeting)

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 needs be available on the Council's website *or that of the principal council in the case of a local council without a website or ability to do so*. *(insert link to relevant part of your website)*.
- 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 Model Council Standing Order 6 (notice and summons to meeting) and Model Access to Information Procedure Rule 5 (access to agenda and reports before the meeting), etc.

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 need to 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.
- 3.5 It is important to note that the public accessing the meeting by remote means, as described here, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means renders the whole meeting incapable of proceeding (as described above). A member of the public who attends to exercise their right to speak and is unable to do so renders only their item incapable of proceeding (This is set out paragraph 5 below).

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 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 a

reasonable period, 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.

Amends Model Council Standing Order 6 (notice and summons to meeting) and Model Access to Information Procedure Rule 3 (rights to attend meetings)

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 Chair 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 normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a remote meeting.
- 4.6 In the event of any apparent failure of the video, telephone or conferencing 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.
- 4.7 Should any aspect of an individual's remote participation fail, the Chair 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 Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, 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 Chair 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 Model Council Standing Order 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 A process for determining access to the meeting is recommended to be conducted through requiring advance notification from members of the public wishing to attend remotely. For those items of business, an invitation to participate in the remote technology can be sent out.
- 5.3 Alternatively, standing orders replacing speaking rights with public participation only by receipt of representations in writing will need to be produced.
- 5.4 The Democratic Services Officer or meeting facilitator (see below) should be able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.
- 5.5 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible.

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 Chair may, as he or she deems 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 Model Council Standing Order 10 (questions by the public),
Amends any scheme for public participation in respect of planning, licensing and other committees and
Model Executive Procedure Rule 2.2**

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 Chair.
- 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 Chair 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 Chair 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 Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair'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 chair that they wish to speak. Members will unmute their microphone and turn their cameras on when the Chair invites them to speak. **The chat facility must not be used for private conversations** between councillors.
 - Only speak when invited to by the Chair
 - 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 Chair 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 Chair 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 at the Chair's discretion and will be by one of the following methods:
- a vote by electronic means; or
 - 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 Chair then moving onto the next agenda item
 - 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. Where a Recorded Vote is requested the Chair 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 Chair,] the Chair will take the vote ...

- (a) [,by use of the electronic voting system[s] for Remote Voting and voting in the Chamber or where an electronic voting system is not working correctly or unavailable ...];
- (b) by the affirmation of the meeting if there is no dissent [by assent]; or
- (c) the Chair 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 Model Council Standing Order 17 (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 Model Council Standing Order 21 (Member Conduct) and where authorities have made a standing order pursuant to s.31(10) of the Localism Act (interests at meetings).

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, in our view and as stated in the Welsh Government’s statutory guidance², be in breach of the Members’ Code of Conduct responsibilities.

² Statutory Guidance made under Section 4 of the Local Government (Wales) Measure 2011: Remote attendance at council meetings

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.

To raise comments or questions in respect of this document please contact:

ADSO – John Austin, Chair, John.Austin@adso.co.uk and LLG – Helen McGrath, Head of Public Affairs, Helen@llg.org.uk

For more information visit:

ADSO <https://www.adso.co.uk>

LLG https://www.lawyersinlocalgovernment.org.uk/news_articles

LGA <https://www.local.gov.uk>

CfPS <https://www.cfps.org.uk/home-2/covid-19/>

NALC <https://www.nalc.gov.uk/>

SLCC <https://www.slcc.co.uk/>

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Stephen Taylor Deputy Monitoring Officer of Cornwall Council and the Council of the Isles of Scilly

Dated: - 17th April 2020