

Annex 1 - Amendment to Standing Orders Procedure Rules and Guidance for Remote Meetings

29th April 2020

Issued by City of York Council Monitoring Officer

1. These Rules and Guidance have been issued by the Monitoring Officer in accordance with Article 16 of the City of York Council Constitution in order to implement 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”) which became into force on 4th April 2020, and provide for alternative arrangements for Local Authority meetings which are required to be held between 4th April 2020 and 7th May 2021.
2. These arrangements will remain under review by the Monitoring Officer.
3. These Rules will replace the current Council Procedure Rules as detailed below.

Which meetings do the Regulations refer to?

4. The Regulations refer to the following:
 - Full Council;
 - Executive;
 - All Committees;
 - All Sub Committees; and
 - Annual Council (separate arrangements).
5. Initial Focus will be placed on delivery of the following meetings:
 - Executive;
 - Planning Committee; and
 - Licensing hearings (operated in conjunction with existing legislation).

Full Council

6. There are no current arrangements planned to convene a meeting of Full Council unless one is deemed necessary. Should one be required, the Monitoring Officer will ensure it meets with the terms of the Regulations for remote meetings.

Annual Council

7. Separate guidance will be issued in due course.

Committees of the Council

8. Upon receipt of proposed items of business, the Monitoring Officer, in consultation with the relevant Portfolio Member and or Chair of a Committee and the Head of Paid Service and s151 Officer shall make arrangements for a remote meeting to take place in accordance with the Regulations using the risk assessment process meeting process being implemented.

Quoracy of Meetings

9. All remote meetings of the aforementioned meetings can operate with the minimum quoracy levels, which is as follows:
 - Executive – minimum of 4 Members;
 - Planning Committee – minimum of 4 Members; and
 - Licensing hearings held under Licensing Act 2003 – 3 Members.
10. The quoracy details for all other meetings are set out in the Urgent Decision Making Guidance issued in March 2020.
11. In the event that a remote meeting starts quorate, but due to unforeseen circumstances, for example, IT issues, and does not remain quorate, the Democratic Services Officer may temporarily suspend the meeting until the issue is resolved and the meeting can recommence. These circumstances will be fully reflected in the minutes produced for each meeting.
12. With the exception of Licensing Hearings, which are dealt with as a separate procedure within the appendices, in order to avoid a

meeting not being quorate should a Member experience IT issues and lose the connection to the remote meeting, there should be an additional two Members present above the minimum quoracy level for the relevant meeting.

Voting

13. With the exception of Executive, where a show of hands will fulfil the voting requirements, all Members attending all other meetings will be asked to enter a named vote where voting is required so as to aid clarity and transparency with the live streaming arrangements. To record a vote, the Democratic Services Officer will perform a roll call of all Members present and ask them to state their voting intention (For, Against, Abstain). The Officer will keep a clear note of the votes made. These will then be counted and recorded in the minutes. At the conclusion of the voting the numbers of votes cast for, against and abstentions will be announced as well as the outcome of the vote. In the event of any vote being equally divided the Chair will have a second or casting vote.

Access to documents

14. All agendas, reports and background papers will be available for public inspection by them being placed on and be available to view on the Council's website. There is no longer a requirement to produce a printed copy of an agenda for public distribution. (Regulations 15 and 16(4) and (5)).

Public Participation

15. The requirement to ensure that meetings are open to the public includes access by remote means, including video conferencing, live webcast and live interactive streaming. 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.
16. The Council will endeavour to facilitate public participation where the meeting is being held remotely and where the IT platform allows for this. There may be instances where the IT platform would not permit the number of public speakers who wish to speak, or, where there are unforeseen issues with IT. Any consideration to reduce public participation will take account of technical issues and fairness.

17. Remote meetings will have a standing item on the agenda regarding public participation. Members of the public may register to speak on an item on the agenda or an issue within the meeting's remit (but see Appendix 1 and 2 on licensing hearings and planning matters) by contacting Democratic Services using the contact details as set out in the agenda for the meeting by 5.00pm on the working day preceding the meeting. Speakers will have a maximum of 3 minutes to speak and may subsequently be asked questions by Members. There is no public right of reply following the decision of the meeting.
18. For planning matters and licensing hearings, members of the public may speak on the matters or applications to be considered by members only. See the relevant Appendices for further detail. For Planning meetings, it will be at the Chair's discretion as to the number of speakers at that particular committee.
19. In exercising their right to public participation a member of the public is entitled to express views positive or negative about the performance of the Council but must not say anything which is defamatory or discriminatory, make any personal attack on an officer or a Member or disclose confidential or exempt information including personal information.
20. In the event that the Council are unable to facilitate public participation for a specific remote meeting, written questions for the public may be submitted for consideration at the meeting. Members of the public are strongly encouraged to email their comments in questions to Democratic Services prior to the meeting taking place so that in the event of technology difficulties, comments and views can still be taken into consideration at the meeting.
21. Meetings will be live streamed on the Council's YouTube account and made available to view on the Council's website (at www.york.gov.uk/webcasts). Members of the public who wish to participate in meetings may need to familiarise themselves with the chosen conferencing technology.

Arrangements for Confidential/Part II items of business

22. The Council have arrangements in place which will enable Members to go into a private session that is entirely separate to the public meeting to enable such matters to be dealt with in private.
23. Agendas will be organised so that such items are dealt with last, with the public excluded from the meeting.
24. In the event there is a need to enter private session during the course of the meeting, for example to give Members the opportunity to seek legal advice, the meeting will be adjourned whilst Members and officers attend the private session. As soon as the private session has concluded, the public meeting will be re-opened so that business can be resumed. During this time, a “screen saver” will appear on the video-conferencing platform notifying anyone viewing of the short adjournment in the public element of the meeting.

Moving or cancelling remote meetings

25. The Monitoring Officer may, following consultation with the Chair of the relevant remote meeting move or cancel a remote meeting without notice.

Background Guidance

26. The Regulations give flexibility to the Local Authority to devise arrangements to hold meetings remotely without all, or any, of the Members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing. The Council have developed and implemented bespoke (local to City of York) standing orders and other rules which can facilitate remote meetings. This will have the effect of amending the Council’s Constitution for the prescribed time period. Authorities are empowered to make provision in their standing orders for remote attendance at meetings regarding, for instance, voting, member and public access to documents; and remote access of public and press to a local authority meeting to enable their attendance or participation
27. During this time, whilst West Offices is in restricted use and remote meetings are being delivered, the following will occur:

- Public inspection of any agenda items will be via the council website only.

Which ICT platform will City of York Council use to promote remote meetings that can be live streamed?

28. The ICT platform which the Council will use to facilitate remote attendance and access to its meetings may change as remote meetings are rolled out and also may change during the course of a remote meeting, for example, going from Part I to Part II. Factors, including securing and sharing data through these platforms will determine the platform used at any time. The platform used will enable the following to take place:
- Contributions to be received from people using a wide variety of devices, not all of whom are on the Council network;
 - Being accessible to participants and members of the public who are either taking an active role or just observing; and
 - Presentations and documents (maps, plans, etc) to be displayed where required.
29. It should be noted that local Officer Schemes of Delegation are expected to be and will continue to be utilised although it is recognised that this may not be possible for some matters, i.e. certain licensing applications.
30. It is anticipated that for the time being there will still be instances where urgent decisions are required. As such, the Council will continue to operate the Urgent Decision Making Guidance issued in March 2020.
31. All meetings will be live streamed or live webcast (unless the meeting has resolved to go into private session to deal with confidential or exempt information). They cannot be recorded and then uploaded to the Council's website at a later date.

What does "remote" meeting mean?

32. "Place" of a meeting is defined in Regulation 5(1) as:

"Where a meeting is held, 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".

33. Members are in remote attendance so long as they comply with all of the following conditions at the specific time [of the scheduled meeting] and are able to:

- Hear, and where practicable see, and be so heard and where practicable be seen by, the other members in attendance;
- 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
- Be heard, and where practicable, be seen by any other members of the public attending the meeting.

34. A member must therefore be able to fully engage with the meeting. No reference is made to officers who attend to advise Members. However, they should be able to hear and be heard, and where practicable, seen, along with those other participants.

Remote access - Regulation 5 (6): Voting, Access to Documents, Public Participation

35. The regulations stipulate how remote meetings can be accessed and these require City of York to adopt revised standing orders. This includes provisions for:

- How Members vote at meetings;
- How agendas and documents are accessed by Members, Officers and members of the public; and
- How members of the public and press can remotely participate and attend meetings by electronic means including telephone conference, video conference, live webcasts or live interactive streaming.

36. Regulation 5 applies notwithstanding any prohibition or restriction in the Council's standing orders or other rules (Regulation 5(5)). It means that the Council does not have to draft revisions to its Constitution and have them approved by Full Council before commencing remote meetings. The Council is though empowered to change its standing orders and rules to address remote attendance but the legislation does not require it to do so. There will be a need to draw up some processes, in particular how public participation is facilitated, and to operate in a reasonable rational and fair manner. In the event that any remote meeting procedures conflict with the Council's constitution or standing orders, the

provisions contained within this document takes precedence in relation to the governance of remote meetings.

Convening a Meeting

37. The Regulations have put alternative arrangements in place for the convening of a meeting including the flexibility of meetings taking place:
 - Meetings can now be held on a date and time of the Council's choice;
 - The frequency of meetings can be altered; and
 - Meetings can now be held, moved or cancelled without requirement for further notice.
38. This means that the Council are not bound by the previously published meetings calendar and are free to schedule meetings much more flexibly to meet the local decision-making requirements. However, in the interests of fairness, the Council will give as much notice as possible.
39. It should be noted that hearings to determine licensing applications under the Licensing Act 2003 must be postponed or adjourned to a specified date notified to the parties, with stated reasons that are in the public interest. Please see Appendix 1 for further detail.

