

# **WAVERLEY BOROUGH COUNCIL**

## **COUNCIL**

**9 JUNE 2020**

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**Title:**

**Remote meetings Protocol and Procedure Rules**

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**Head of Service:** Robin Taylor, Head of Policy & Governance

**Key decision:** No

**Access:** Public

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### **1. Purpose and summary**

- 1.1 The current Covid-19 pandemic and related Government restrictions have impacted on local authorities' decision making processes and the ability for meetings of the Full Council, its committees and Executive to be held. This is in large part due to the inability in previous legislation for members to vote at meetings remotely.
- 1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the Regulations') which came into effect in early April now provide the ability for remote meetings to be held. This report responds to the provisions in the Regulations and seeks to provide clarity around the necessary arrangements for remote meetings and attendance.

### **2. Recommendation**

The Standards Committee recommends to Full Council that the 'Remote Meetings Protocol and Procedure Rules' as set out in Annexe 1 is recommended to Full Council for adoption.

### **3. Reason for the recommendation**

The adoption of the Remote meetings Protocol and Procedure Rules will provide clarity to Councillors and the public in relation to the implementation of the Regulations at Waverley Borough Council.

### **4. Background**

- 4.1 The current Covid-19 pandemic and related Government restrictions have impacted on local authorities' decision making processes and the ability for meetings of the Full Council, its committees and Executive to be held. This is in

large part due to the inability in previous legislation for members to vote at meetings remotely.

- 4.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 now enable meetings of Full Council, its committees, and the Executive to take place with some or all Members attending remotely.
- 4.3 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, the Remote Meetings Procedure Rules take precedence in relation to any remote meeting.
- 4.4 The effect of the Regulations on an 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. It is considered 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 meetings remotely. Nonetheless it is regarded as good practice, even with express mandatory standing orders, to have these adopted formally.
- 4.5 Accordingly, set out in Annexe 1 to this report is a proposed Protocol and Procedure Rules which provide guidance for the conduct of any remote meeting of the Council, and its various committees and the Executive held under the provisions of the Regulations, and clarity on which of the Council's Procedure Rules are directly impacted by the Regulations. This protocol and procedure rules should be read in conjunction with the Council's Procedure Rules within the Constitution.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 Ensuring that the Council is still able to take essential decisions during the Covid-19 emergency that support Waverley's residents, businesses and communities is fundamental to the purpose of the Council.
- 5.2 Implementation of Regulations to enable remote attendance at formal council meetings by Members supports open, democratic and participative governance at a time when Members and the public are unable to travel to the Council offices to take part in meetings in person.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no direct financial or other resource implications arising from the recommendations in this report.

### **6.2 Risk management**

Relevant risks and opportunities have been considered and reflected in the

report as appropriate.

### **6.3 Legal**

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 which are made under The Coronavirus Act 2020 make provision for remote meetings and deferral of Annual Council Meetings. These Regulations remain valid until 7th May 2021.

### **6.4 Equality, diversity and inclusion**

The ability for members of the public to 'attend' and participate in council meetings by remote means is embedded with the Regulations. Waverley has webcast its principal committee meetings for a number of years, and the public are familiar with viewing meetings online, either live or after the event.

There are no other direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

### **6.5 Climate emergency declaration**

The ability for Members to attend council meetings remotely will reduce the number of car journeys that need to be made to the Council offices and make an immediate contribution to reducing the Council's carbon footprint. Whilst the Regulations are time-limited (local authority meetings held up to 7 May 2021) it might be expected that this will bring closer the time when these arrangements are enabled permanently.

## **7. Consultation and engagement**

7.1 None.

## **8. Other options considered**

8.1 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.

8.2 The other main option is to not hold any fully or partially remote meetings during this time. However, now that the Regulations have been passed to enable remote attendance at meetings, there is scope to enable Members to fulfil their democratic responsibilities in a way that is proportionate to the current emergency.

## **9. Governance journey**

9.1 The report and annexe were considered by the Standards Committee on 21 May 2020.

**Annexe:**

**Annexe 1 – Waverley Borough Council General Guidance Note and Procedure Rules for Virtual Meetings and Remote attendance at meetings**

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**Background Papers**

There are no background papers, as defined by Section 100D (5) of the Local Government Act 1972).

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