

WAVERLEY BOROUGH COUNCIL
VIRTUAL MEETINGS PROCEDURE RULES

These rules have been made in order to implement The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the 'Regulations') and will remain in force until those Regulations are repealed.

Any Procedure Rules that have not been specifically referenced, but that are nonetheless inconsistent with the Regulations will be disappplied by virtue of Regulation 5(5).

VMPR 1 No Requirement to Hold an Annual Meeting

Amends Council PR1 (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 Mayor in consultation with the Chief Executive and Group Leaders; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

VMPR 2 Access to Information

Amends Council PR 6 (notice and summons to meeting) and

Access to Information PR 5 (access to agenda and reports before the meeting), etc

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.

VMPR 3 Remote Access to Meetings

Amends Council PR 6 (notice and summons to meeting) and

Access to Information Procedure Rule 3 (rights to attend 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.

VMPR 4 Members in Remote Attendance

Amends Council PR 8 (quorum)

- (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.

VMPR 5 Remote Attendance by Members of the Public

Amends Council PR10 (questions by the public),

Amends any scheme for public participation in respect of planning, licensing and other committees and Executive PR 2.9

- (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.

VMPR 6 Remote Voting

Amends Council PR 17 (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 polling system for Remote Voting, and electronic 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.

VMPR 7 Members excluded from the meeting

Amends Council PR 21 (Member Conduct)

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.

VMPR 8. Exclusion of Public and Press

Amends Council PR 20 (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 and are able to hear or see the proceedings once the exclusion has been agreed by the meeting.
- 8.2 Any Member in remote attendance who fails to disclose that there are in fact persons present who are not so entitled will be in breach of their Members’ Code of Conduct responsibilities.

VMPR 9. Meeting etiquette (New)

- 9.1 Councillors must not use the chat function within Zoom in formal Committee and Council meetings.
- Any discussion within the chat function is not viewable by the general public and therefore does not comply with the requirement within the remote meeting regulations for proceedings (including debate and discussion) to, a minimum, to be audible by the public. In the same way as side discussions would not be taking place in a physical setting within the Council Chamber or a Committee Room, the chat function should not be used to post content, discussion, debate, criticism or other commentary during a meeting.
 - The only exceptions should be where a member is reporting connectivity issues to Officers, or to inform Officers that they or another Councillor has had to leave a meeting, or that another Councillor wishes to access a meeting but cannot for any reason.
 - Councillors should be aware that the chat content is viewable to any member of the public or representative attending the remote meeting as a participant (either to ask a question or in any other capacity). Notwithstanding the above points, Councillors should be aware that any content posted using the chat function is viewable by those other parties.
- 9.2 Councillors must not engage in discussion on the YouTube, or any other social media or other forum’s, chat or discussion function during a formal Committee or Council meeting.
- Any debate, discussion or other discourse regarding an agenda item should take place within the remote meeting itself, verbally, or within the Council Chamber (in the case of a physical meeting). Should Councillors wish to engage with members of the public regarding an agenda item, they should do so either before the meeting, or after the meeting has concluded. By

comparison, during the course of physical meetings, Councillors would not be engaging in discussion with the public in the public gallery.

9.3 Councillors who register to speak on an item but who are not a member of that Committee are entitled to speak for 4 minutes or for whatever length of time permitted by the Chair of the meeting, but are otherwise to not engage verbally or otherwise in the meeting.

- There is no right for a Councillor who is not a member of the Committee to raise points of order, points of personal explanation, to participate in debate, or otherwise become a part of the meeting. Councillors should speak within their allotted time and then allow the meeting to proceed.
- The above point also applies to Councillors who attend a meeting within Zoom in order to view proceedings, but who have not registered to speak. Councillors attending in such capacity must not interject, either verbally or using the chat function within Zoom. The Constitution provides opportunities for any Councillor to register to speak on any item, but outside of those Constitutional provisions Councillors who are not a member of the Committee must not interrupt proceedings – be that in a virtual or physical setting.