

# Broads Authority

22 May 2020

Agenda item number 8

## Procedures and actions for remote meetings held under the Coronavirus Act 2020

Report by Chief Executive and Head of Governance

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### Purpose

The Broads Authority has prepared draft Remote Meeting Procedure Rules, together with proposals for meeting dates and member appointments, held under the provisions of the Coronavirus Act 2020 regulations.

### Recommended decision

To endorse the draft Remote Meeting Procedure Rules (Appendix 1) and to agree that:

- (i) the Annual Meeting scheduled for July 2020 is deferred, that all appointments from the 2019 Annual Meeting continue, and that the position is reviewed at the Broads Authority meeting in September;
  - (ii) an additional meeting of the Broads Authority is held on either 24 or 25 June;
  - (iii) Matthew Bradbury and Simon Roberts are appointed to the Audit and Risk Committee; and
  - (iv) Stephen Bolt is appointed to the Planning Committee.
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## 1 Remote meeting procedure rules

- 1.1. The draft Remote Meeting Procedure Rules at Appendix 1 provide the means and guidance for the conduct of any remote meeting of the Broads Authority and its committees held under the provisions of [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](#) ('the Regulations').
- 1.2. The Regulations apply notwithstanding any other legislation, standing orders or other rules of the Authority governing meetings. These Remote Meeting Procedure Rules should be read in conjunction with the Authority's existing Standing Orders and procedure rules within its Constitution. Where there is a conflict, the Remote Meeting Procedure Rules are, in effect, mandatory Standing Orders, and take precedence in relation to any remote meeting.

- 1.3. These Remote Meeting Procedure Rules exist only on a temporary basis. If adopted at today's meeting, the Rules will have effect until 7 May 2021.

## 2 Annual Meeting and Member appointments

### Annual Meeting

- 2.1. Under the above Regulations, the requirement to hold an Annual Meeting is to be disregarded and, prior to 7 May 2021, an Annual Meeting of the Authority 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 the Authority
- 2.2. Where an Annual Meeting is delayed, all appointments from the 2019 Annual Meeting continue.
- 2.3. Table 1 sets out what our constituent Local Authorities are doing in regard to their annual meetings and their outside body appointments to the Broads Authority. We are also liaising regularly with the English National Park Authorities, most of whom are delaying their annual meeting until later in the year.

**Table 1**

Annual meetings and appointments to outside bodies

Authority	Process
Norfolk	Outside body appointments determined by Leader – BA awaiting notification.
Suffolk	Current member appointed until 2021.
Broadland	AGM deferred, current member appointment extended.
Great Yarmouth	AGM deferred, current member appointment extended.
North Norfolk	Current member appointed until 2023.
Norwich	AGM deferred, current member appointment extended.
South Norfolk	AGM deferred, current member appointment extended.
East Suffolk Council	AGM deferred to 23 September 2020, current member appointment extended until this date.

- 2.4. Under the Regulations, it is proposed that the Broads Authority's Annual Meeting is deferred, with all appointments from the 2019 Annual Meeting continuing, and that

the position is reviewed, on the basis of the COVID-19 situation at that time, at the Authority's meeting in September.

- 2.5. It is also proposed that an additional meeting of the Broads Authority is held on either 24 or 25 June, to deal with our ongoing response to the COVID-19 situation.

#### **Appointments to committees**

- 2.6. There are vacancies on the Audit and Risk Committee (ARC) and on Planning Committee. It is proposed that:
- (i) Matthew Bradbury and Simon Roberts are appointed to ARC
  - (ii) Stephen Bolt is appointed to the Planning Committee

Author: John Packman, Maria Conti

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Background papers: [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](#)

Appendix 1 – Draft Procedure Rules for Remote Meetings

# Standing Orders for the Regulation of Authority Proceedings: Remote meeting procedure rules

In effect from 22 May 2020 until 7 May 2021

## 1. Purpose

- 1.1. These Remote Meeting Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Broads Authority and its sub-committees held under the provisions of [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](#) ('the Regulations'), made under section 78 of the Coronavirus Act 2020.
- 1.2. The Regulations apply notwithstanding any other legislation, Standing Orders or other rules of the Authority governing meetings. These Remote Meeting Procedure Rules form part of the Authority's Constitution and should be read in conjunction with the Authority's existing Standing Orders and procedure rules within its Constitution. Authority Members and Officers should also refer to the 'Remote meeting protocol for BA Members and Officers (Lifesize video-conferencing platform)'. Guidance will also be available to members of the public wishing to access a remote meeting.
- 1.3. Where there is a conflict, the Remote Meeting Procedure Rules are, in effect, mandatory Standing Orders, and take precedence in relation to any remote meeting.
- 1.4. These Remote Meeting Procedure Rules exist only on a temporary basis, having effect from 22 May 2020 for the period until 7 May 2021.

## 2. Annual Meeting

- 2.1. Under the Regulations, the requirement to hold an Annual Meeting in 2020 may be disregarded. The Authority has decided to so disregard that requirement and, prior to 7 May 2021, the next Annual Meeting of the Authority 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 the Authority.
- 2.2. All Member appointments from the 2019 Annual Meeting will continue until the next Annual Meeting or otherwise as determined by the Authority.

### 3. Notice of meeting and provision of papers

#### Access to information

- 3.1. 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:
- a) “open to inspection” shall include, for these and all other purposes, as being published on the Authority’s website; and
  - b) to be published, posted or made available at offices of the Authority shall include publication on the Authority’s website.

#### Notice

- 3.2. The normal notice requirements as set out in the Authority’s Constitution will also apply to remote meetings. The meeting time and agenda papers will be published on the Authority’s website. Any member of the public wishing to access a remote meeting will be sent joining instructions by email.
- 3.3. Under the Regulations, where notice of a meeting is required and has been given, the Chair of the remote meeting may move or cancel that meeting without further notice of the new date of that meeting being required to be given.

#### Remote access to meetings

- 3.4. 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:
- a) “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
  - b) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live 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; and
- 3.5. Members of the public (who do not have a right to speak at the meeting) will be asked to confirm their wish to attend a remote meeting in advance, giving notice of at least two working days before the meeting date.
- 3.6. 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.

## 4. Management of remote meetings

### Members in remote attendance

- 4.1. 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:
  - a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
  - b) 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
  - c) as to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- 4.2. 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 paragraph 4.1 above are not met. In such circumstances the Chair may, as they deem appropriate:
  - a) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 4.1 above to be re-established;
  - b) count the number of Members in attendance for the purposes of the quorum; or
  - c) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.
- 4.3. If remote attendance by the Chair is lost, the Vice-Chair will chair the meeting until the Chair's remote attendance is re-established.

### Quorum

- 4.4. The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a remote meeting. The attendance of those members at the meeting will be recorded by the meeting moderator.
- 4.5. In the event of any apparent failure of the video, telephone or conferencing connection resulting in the conditions in paragraph 4.1 not being met the Chair, assisted by the meeting moderator, 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 15 minutes, to allow the connection to be re-established
- 4.6. Should any aspect of an individual's remote participation fail, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established, either by audio-video technology or by telephone link. If the Chair advises of a short temporary adjournment to a remote meeting, all Members must remain in attendance with their microphones on mute, until the Chair instructs otherwise. The live stream will be suspended during an adjournment. If the connection is not restored within the specified time, the meeting should continue to deal with the business while this happens, providing the meeting remains quorate and the public are able to hear.
  - 4.7. In the event of audio connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure. 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. If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
  - 4.8. 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, provided the meeting is quorate, 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.
  - 4.9. In the event that a remote meeting starts quorate but due to unforeseen circumstances, such as lost connection, does not remain quorate and is temporarily suspended until the issue is resolved and the meeting recommences, the minutes of each meeting must fully record these circumstances.

#### **Remote attendance by members of the public (under public speaking rights)**

- 4.10. The arrangements as set out in the Authority's 'Public Question Time Scheme of Operation' (for a member or members of the public wishing to ask a question, present a petition or make a statement on any matter that relates to the business of the Broads Authority and its sub-committees) and 'Public Speaking at Planning Committee' (for applicants and objectors to development proposals who wish to speak to the Planning Committee) will also apply to a remote meeting, with the following additional provisions.
- 4.11. 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.

4.12. 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 paragraph 3 above are not met. In such circumstances the Chair may, as he or she deems appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance 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.

4.13. A member of the public participating in a remote meeting is required to give advance notification and to submit their representation at least three working days before the meeting day to the Administrative Officer (Governance). No questions will be permitted at the remote meeting unless such advance notice has been given. The Officer will, for those items of business, send the member of the public an invitation to participate. Members of the public who wish to participate in meetings may need to familiarise themselves with the Authority's chosen conferencing technology.

4.14. If a member of the public exercising speaking rights is unable or unwilling to participate in a remote meeting, they may choose to make their representation in writing and request that it is read out by the Chair or a supporting officer at the meeting.

4.15. Any technological failure removing the ability for the public to access the meeting by remote means renders the whole meeting incapable of proceeding. 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.

4.16. Once the member of the public has spoken, they will be removed from the remote meeting on the instruction of the Chair to maintain the good administration of the



meeting or to retain order. The member of the public may continue to follow proceedings through the live streaming facility.

## **5. Meeting procedures**

- 5.1. 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.
- 5.2. 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.
- 5.3. 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. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.

### **Remote voting**

- 5.4. 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, the Chair will progress to making a decision.
- 5.5. Unless a Recorded Vote is called (which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair), the method of voting will be at the Chair's discretion and will be by one of the following methods:
  - a vote by use of the electronic means for remote voting; or
  - by the affirmation of the meeting if there is no dissent (by assent); or
  - by the Chair or moderator calling out the name of each member present with members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called.
- 5.6. The Chair, assisted by the meeting moderator, will clearly state the result of the vote and the Chair will then move onto the next agenda item.
- 5.7. 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.

## **6. Declaration of interests**

- 6.1. 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 meeting moderator, who will invite the relevant Member by telephone or email to re-join the meeting at the appropriate time.

- 6.2. Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed while any discussion or vote takes place in respect of the item or items of business in which the member or co-opted member may not participate.

## **7. Exclusion of public and press**

- 7.1. For Authority meetings that 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, the meeting moderator will ensure that there are no members of the public in remote attendance, or remotely accessing the meeting, able to hear or see the proceedings once the exclusion has been agreed by the meeting.
- 7.2. 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.
- 7.3. Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Members' Code of Conduct responsibilities.

## **8. Public access to meeting documentation following the meeting**

- 8.1. Members of the public may access minutes, decision notices and other relevant documents through the Authority's website. The definitions of 'access to information' and 'available to the public' are the same as at section 3 above.
- 8.2. Requests for access to the list of background papers and other relevant documents should be sent by email to [committees@broads-authority.gov.uk](mailto:committees@broads-authority.gov.uk).

Dated: 22 May 2020