Part 4(i)
Council Procedure Rules (Temporary)

South Hams District Council

Rules of Procedure: Remote Meetings Procedure Rules (Temporary)

1. INTRODUCTION

1.1 General

These Remote Meetings Procedure Rules have been adopted by the Council and have been made under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

These Remote Meetings Procedure Rules are aimed at helping the Council to redeploy its resources to deal with the Covid-19 pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of Members, officers and the public in line with official public health guidance.

1.2 Application

The Remote Meetings Procedure Rules will apply to all meetings of the Council, the Executive and their committees and sub-committees and other bodies of the Council that are required to be held up to 7 May 2021 or such other date as may be prescribed. Accordingly, Article 11 is to be read subject to these Remote Meetings Procedure Rules and any of the following Rules of Procedure take effect as if varied or disapplied by these Remote Meetings Procedure Rules:

(a) Access to Information Procedure Rules
(b) Council Procedure Rules
(c) Executive Procedure Rules
(d) Rules for other bodies of the Council
(e) Overview and Scrutiny Procedure Rules.

Save as varied of disapplied by these Remote Meetings Procedure Rules, the above Rules of Procedure shall continue to apply to relevant meetings.

2. Interpretation

In these Remote Meetings Procedure Rules references to the 2020 Regulations are to the Local Authorities and Police and Crime Panels

(Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and the words “remote access” and “remote attendance” have the meaning given to them by the 2020 Regulations.

3. Timing and business

3.1 Meetings only to be held where required

(a) While these Remote Meetings Procedure Rules apply, the Council will not hold an Annual Meeting and the only meetings of the Council that will be held are those that are expressly required by law or where in the opinion of the Head of Paid Service (or Deputy in his/her absence) in consultation with the Members of the Executive and, if not a Member of the Executive, the Leader of the Opposition decides are required due to the nature and urgency of the business to be transacted being such that it cannot be dealt with under delegated powers.

(b) Meetings of the Overview and Scrutiny Panel shall only be held where they are required by law or in the opinion of the Head of Paid Service in consultation with the Chairman of that Committee decides are required due to the nature and a meeting of the Overview and Scrutiny Panel would not overstretch the Council’s resources.

(c) Any requirement in any procedure rule or otherwise for a committee, sub-committee or other body of the Council to provide an annual report to the Council or to produce an annual work plan shall be postponed.

(d) Any requirement in any procedure rule or otherwise for a committee, sub-committee or other body of the Council to meet a particular number of times in any year or with a particular frequency are disapplied.

3.2 Time and place

Meetings will be held at the time notified in the agenda but may be held in more than one place and may include electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. Meetings may also be live-streamed.

3.3 Business

(a) In keeping with the rationale for holding meetings only where they are required, agendas for any such meetings required to be held shall not include any items for questions or motions on notice from Councillors.

(b) Where the Council Procedure Rules provide for questions from members of the public, deputations and petitions to be asked, heard or received at a meeting of the Council, the Head of Paid Service may, having regard to the nature of the question, deputation or petition, deal with any such questions, deputations and petitions without referring them to a meeting of the Council.

4. Notice of meetings

4.1 At least five clear working days before a meeting save in cases of urgency and/or where following such notice the meeting is moved or cancelled, the Head of Paid Service (or Deputy in his/her absence) (or for bodies other than Council where no other officer is required to do so, the Monitoring Officer (or Democratic Services Manager in his/her absence)) will send an agenda by electronic means to every councillor of the Council or relevant body. The agenda will give the date and time of each meeting together with the details for remote access. The agenda will also specify the business to be transacted, and be accompanied by such reports as are available.

4.2 At such time as sending the notice of the meeting and the agenda, the relevant officer shall arrange for the notice of the meeting and the agenda together with copies of such reports as are available to be published on the Council's website.

4.3 Where a report becomes available after publication of the notice and agenda, the relevant officer shall send it electronically to all Councillors and arrange for a copy to be published on the Council's website as soon as practicable.

4.4 Where members of the public have the right to inspect any agendas, reports, background documents or minutes of previous meetings at the Council's offices, the right shall be deemed to have been met by publication on the Council's website.

5. Quorum

The number of Councillors required to be present for a quorum for a meeting shall be as set out in the Constitution. However, for the purposes of determining whether a quorum of Councillors is present at a meeting the Chairman shall include all those Councillors in remote attendance. If at any time during the meeting the Chairman counts the number of Councillors present and declares that there is not a quorum present, the meeting will adjourn immediately. The remaining business will be considered on a date and time set by the Head of Paid Service in consultation with the Chairman and the Leader.

6 Voting at meetings

6.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and in remote attendance at the time the question was put. If there are equal numbers of votes for and against, the person presiding will have a second or casting vote.

6.2 Method of voting

On a motion being put to the vote, the Chairman or Clerk to the Meeting will ask each Member, taking each in alphabetical order, to say if they are for or against the motion or whether they abstain. The Chairman or the clerk to the meeting will announce the numerical result of the vote immediately the result is known. For the avoidance of doubt there shall not be any voting by ballot.

7. Interests

7.1 A Councillor who would ordinarily be required to leave the room during the consideration of an item of business due to the Councillor having a disclosable pecuniary interest or to having such other interest as the Council's Code of Conduct may require the Councillor to do so, shall be deemed to have done so if the Councillor disconnects their remote access and remains disconnected until such time as the Chairman invites the Councillor to re-join the meeting.

7.2 Where reasonably practicable to do so, a Councillor who has an interest under Remote Meeting Procedure Rule 7.1 that would require him/her to leave the meeting, should notify the Monitoring Officer or the Democratic Services Manager, Strategy & Commissioning 2 days in advance of the meeting.

8. Member access to meetings

8.1 Where any procedure rule confers the right on a Member to attend a meeting, that right is to be interpreted as a right to attend by remote access only. The rights of a Member in remote attendance are unaffected unless disapplied by or in conflict with these Remote Meetings Procedure Rules.

9. Remote access to meetings by the public and the Press

9.1 Right to be present at a meeting by remote access

Members of the public and the Press have the right to hear and where practicable to do so, to see those formal meetings of the Council, the Executive and other bodies of the Council by remote access except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.

9.2 **Details of remote access to be included on agenda**

The Head of Paid Service (or for bodies other than Council where no other officer is required to do so, the Monitoring Officer (or Democratic Services Manager in his/her absence)) will include the details of how members of the public and of the Press can hear and where practicable to do so, to see the meeting on the notice of the meeting.

9.3 **Discussion of confidential business and disclosure of exempt information**.

Upon the Council, the Executive, a Committee or Sub-Committee passing a motion to exclude the public and Press from the meeting due to the discussion of confidential business or exempt information, the right of the public and the Press to see or see and hear, the meeting shall cease and their electronic access will be disconnected.

10. **Conduct during meetings**

10.1 Councillors in remote attendance or any member of the public exercising a right to speak in remote attendance shall only speak when called upon to do so by the Chairman and shall cease to speak when told to so by the Chairman.

10.2 Subject to Remote Meetings Procedure Rule 10.1, when a Councillor is speaking no other Councillor or member of the public in remote attendance shall interrupt that Councillor or seek to speak over that Councillor.

10.3 If a Councillor or any member of the public interrupts or seeks to speak over a Councillor who has been called upon to speak by the Chairman, the Chairman will warn the person concerned. If the person concerned persists in doing so at any time during the remainder of the meeting, the Chairman shall adjourn the meeting.