

VIRTUAL COMMITTEE PROCEDURE RULES

1. SCOPE OF THESE RULES

- 1.1. These Rules apply to all Committee and Sub-Committee meetings of the Council including Full Council, Cabinet, Overview and Scrutiny Commission, and Scrutiny Panels and must be read in conjunction with the General Committee Procedure Rules.
- 1.2. The Licensing Sub-Committee Procedure Rules have been rewritten to include the ability to hold Sub-Committee hearings virtually, but regard should still be paid to these Rules when operating Sub-Committee Hearings.

2. OVERVIEW

- 2.1. The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations came into force on 4 April 2020. These Regulations allow the Council to hold its Council and Committee meetings virtually until 7 May 2021. Committees can be run wholly virtually, or partly virtually and partly in physical form. If any part of a meeting is held virtually then the Virtual Committee Procedure Rules shall apply and take precedence over the General Committee Procedure Rules.
- 2.2. Virtual Committee meetings will be held through Microsoft Teams Live Events and broadcast via the Council's website. Members of the public and press can view a meeting via a link which will appear on the Committee page of the website 24 hours before the commencement of the meeting.
- 2.3. Agendas for Committee meetings will be published via the Council's website in line with normal procedure.
- 2.4. In order for Councillors to be able to attend meetings of the Council remotely, they need not be physically present, provided they are able to hear and be heard by (and where practicable, see and be seen by) other Committee members and members of the public attending remotely or in person.
- 2.5. At the commencement of a meeting the Chair will ask Committee members in turn (alphabetically) to confirm their attendance. This is to ensure that communication between the Chair, Committee, and officers is working correctly and that the meeting is quorate.
- 2.6. Only those Councillors who are members of the Committee or who are presenting a report will be entitled to join the meeting. Any other non-Committee members must view the meeting through the public feed. Exceptions to this will be made at the Chair's discretion and require advance consent. This consent includes when Committees are considering items with exempt or confidential information (Part B items).
- 2.7. Connection issues may nullify Committee members' entitlements to vote on agenda items. See sections 9 (Adjournments) and 10 (Entitlement to Vote).

3. PUBLIC QUESTIONS

- 3.1. There will no in-person public question time (PQT) at any Council meeting while virtual Committee meetings are being held.
- 3.2. Public questions to Committees can instead be submitted in writing by **noon two days*** in advance of the meeting by emailing democratic.services@crowley.gov.uk with the exception of the Full Council where the questions must be submitted by **noon one week**** before the meeting.
- 3.3. There are to be **no** written public questions allowed for Planning Committee, Licensing Sub-Committee or Scrutiny Panel meetings.
- 3.4. All accepted public questions will be published within a supplementary agenda.
- 3.5. Written public questions will be read out (normally by the Chair or by the Democratic Services Officer) during the allocated time at a meeting and will be followed by a response. A written copy of the response will be included within the minutes of that meeting and the questioner will receive an emailed copy of the response given at the meeting. There will be no supplementary questions.

Rules Governing Written Public Questions

- 3.6. The Monitoring Officer shall have the final say as to whether any question received meets the following criteria.
- 3.7. For ordinary meetings of the **Overview and Scrutiny Commission, Audit Committee, Governance Committee** and **Licensing Committee** the following rules apply to the written question:
 - a) The question must be received by **noon two days*** before the scheduled date of the meeting.
 - b) The question should be relevant to any item on the agenda.
 - c) The question must **not** relate to an individual case which should be dealt with under the Council's Complaints Procedure or any other formal appeals procedure.
 - d) The question must **not** be, in essence, the same as a question which has been put to that Committee in the past 6 months.
 - e) The question must **not** be more than 100 words long.
 - f) The Chair of the Committee, at their discretion, may answer the question or invite other Committee members or officers to respond.
- 3.8. For the **Cabinet** the following rules apply to the written question:
 - a) The question must be received by **noon two days*** before the scheduled date of the meeting.
 - b) The question should be relevant to the functions of the Cabinet.
 - c) The question must **not** relate to an individual case which should be dealt with under the Council's Complaints Procedure or any other formal appeals procedure.
 - d) The question must **not** be, in essence, the same as a question which has been put to the Cabinet in the past 6 months.

- e) The question must **not** be more than 100 words long.
- f) The Leader may answer the question or invite the most relevant Cabinet Member(s) or an officer present to respond.

**For example, "noon two days before the meeting" means that questions must be received by noon on Monday for a meeting held on the Wednesday of that week.*

3.9. For **Full Council** the following rules apply to the written question, based on the *Public Written Questions* section set out in the current *Full Council Procedure Rules*:

- a) A question will normally be put to either:
 - The Mayor.
 - A Cabinet Member.
 - The Chair of any Committee.
- b) The question must be received by **noon one week**** before the scheduled date of the meeting.
- c) Where possible, the questions and answers will be published in advance of the meeting via a supplementary agenda on the Council's website.
- d) The Monitoring Officer may reject a question if, in their opinion, it:
 - Is a statement and not a question.
 - Does **not** relate to an issue for which the Council holds responsibility, or which specifically affects the Borough.
 - Is defamatory, frivolous or offensive.
 - Requires the disclosure of confidential or exempt information or relates directly to an individual's personal circumstances.
 - Is substantially the same as a question which has been put to a meeting of the Council in the past 6 months.
 - Relates to a specific planning or licensing application.
 - In the case of a written question, it has not been submitted before the defined deadline or is more than 100 words long.

***For example, questions must be received by **noon** on Wednesday for a meeting held on the following Wednesday.*

4. PUBLIC SPEAKING RIGHTS

- 4.1. There are no public speaking rights at any virtual Committees or Sub-Committees with the exception of the Licensing Sub-Committee or at a meeting of the Cabinet or Full Council in respect of a presentation of a petition by the principal petitioner.

Planning Committee

- 4.2. There will be no right to speak at a virtually held Planning Committee meeting. Instead the applicant, anyone who has submitted a valid written representation on an application, the local Ward Borough Councillors, or any other elected individual (as defined in the Speaking at Planning Committee Procedure Rules (SPCPR)) has the ability to submit a further statement for consideration by the Planning Committee. This replaces the ability to address the Committee during consideration of the application as detailed in the SPCPR.
- 4.3. People wishing to submit a statement must have emailed their statement to democratic.services@crawlley.gov.uk no later than **noon two days*** before the Committee meeting.

- 4.4. The document must be in a Microsoft Word or PDF format, may contain images, and must be no more than 1½ A4 sheets of text and a further 1½ A4 sheets of images. Presentations will not be accepted. Statements will be read out at the Planning Committee meeting (normally by the Chair or by the Democratic Services Officer) and will be allocated a maximum of 3 minutes each.
- 4.5. To try to align with the current SPCPR a limited number of statements will be accepted per application and they will be accepted on a first come, first served basis:
- 3x Objectors (including Objectors on behalf of a group)
 - 3x Applicant, Agent or Supporters, including relevant Cabinet Member/s
 - Ward Borough Councillors
 - Any other elected individual.
- 4.6. The order in which the statements will be presented to the Committee will be as set out in paragraph 6 (Order of Speaking and Time Allocation) of the SPCPR.

**For example, “noon two days before the meeting” means that statements must be received by noon on Monday for a meeting held on the Wednesday of that week.*

5. EXCLUSION OF PUBLIC

- 5.1. Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules relating to exclusion on the grounds of exempt or confidential information (Part B items) or Rule 17 (Disturbance by Public) of the Full Council Procedure Rules/General Committee Procedure Rules.
- 5.2. Any agenda item that requires exclusion of the public under the Access to Information Procedure Rules will be taken as the final item on the agenda. The live stream will be ended for the public and press, and the meeting will continue privately. Any Councillors not on the Committee will require prior consent to join the meeting for such items, to be granted by the Chair in consultation with Democratic Services.
- 5.3. Any Committee member participating in a private session of a meeting is required to ensure that that part of the meeting cannot be seen or heard by any other person at their remote location. It is recommended that headphones are worn for such items.

6. COUNCILLORS' CONDUCT AT VIRTUAL MEETINGS

The general requirements of the Code of Conduct for Councillors still apply. Particular attention should be paid to the following.

- 6.1. Every Councillor present at the meeting shall:
- a) Treat others with courtesy and respect.
 - b) Conduct themselves in a way which does not cause offence to others or limit in any way others' ability to participate at the meeting.
 - c) Only speak when called on by the Chair or speak through the Chair.
 - d) Be mindful of the background of their video stream as it will be shown throughout the duration of the meeting. Backgrounds should be blurred or a Council-branded background used whenever possible.
 - e) Ensure that there will be no visible or audible disturbances.

- f) Log on to a meeting individually and not share a screen.
 - g) Notify the Chair or the Democratic Services Officer if they need to leave the meeting, want to raise a procedural motion or are having technical difficulties.
- 6.2. When the Chair speaks during a debate, any Councillor speaking must stop and mute themselves.
- 6.3. If a Committee member wishes to speak during a meeting, they should indicate to the Democratic Services Officer via the agreed approach. Committee members should only speak when called upon and ensure that they are 'live' before they address the Committee. The Chair and Democratic Services Officer on their behalf have discretion as to the order of speakers at any meeting.
- 6.4. A Committee member when speaking shall address the Chair. While a Committee member is speaking others shall remain quiet, normally being muted unless raising a procedural motion or making a personal explanation.
- 6.5. Committee members are asked not to use the Microsoft Teams 'chat' facility during a Committee meeting, except when informing the Democratic Services Officer of connectivity problems. Otherwise, the facility is to be used only by the Chair and the officers present to provide or seek advice.
- 6.6. All Councillors hold a strict responsibility not to share any links to Committee meetings, including with fellow Councillors.

7. SPEAKING AT A MEETING OF THE FULL COUNCIL

- 7.1. At the request of the Mayor it may be necessary for each political Group to provide a list of Councillors wishing to speak on specific items at a Full Council meeting, which must be sent to Democratic Services prior to the meeting. This would not prevent other Councillors from requesting to speak at the meeting itself, as defined in section 6.3, but the list will ensure that the virtual Full Council meeting runs efficiently.
- 7.2. Any Councillor either seconding a Notice of Motion, Recommendation or an Amendment will not have the ability to reserve their right to speak later in the debate, but must instead make their speech as they second the item.
- 7.3. Notices of Motion may be submitted in line with current procedure set out in the Constitution, as long as the Councillor submitting provides evidence to demonstrate to the Monitoring Officer that the matter is time critical.

8. DISCLOSURES OF INTERESTS

- 8.1. All Committee members will need to declare whether they have an interest in any item of business being considered by the Committee. Committee members shall be called upon in turn to disclose the existence and nature of any interest (personal, prejudicial, or a Disclosable Pecuniary Interest [DPI]).
- 8.2. If a Committee member has a DPI or prejudicial interest in any item on the agenda, that Committee member will be required to disconnect from the meeting for the duration of the consideration of that item. Once the item has been discussed and voted upon, the Committee member shall be invited back into the meeting.

9. ADJOURNMENTS

- 9.1. Should the Chair wish to adjourn the meeting for a brief period, the Committee will be notified and advised of the time at which it shall reconvene. Participants should remain connected to the meeting with their microphones muted and their video off.
- 9.2. Where a Committee member has lost connection, the Chair has discretion as to whether to adjourn the meeting for a short period to allow for their connection to be re-established, or to continue to transact the business of the meeting. The Chair is required to ensure the meeting remains quorate.
- 9.3. If a Committee member's connection is lost while in attendance at a **regulatory/quasi-judicial meeting of the Council** (i.e. Planning Committee, Licensing Committee, or Licensing-Sub Committee) and the meeting continues, the disconnected Committee member(s) should vote to **abstain** on the item as they have been unable to hear the consideration of said item.
- 9.4. If technical reasons cause **all participants** to lose connection to a meeting, there will be a temporary adjournment to allow participants to re-connect. If this is not possible, the meeting will be adjourned and the business considered at a future date.
- 9.5. If it becomes clear either that the public feed is not functioning or the public are unable to connect to view the meeting, the meeting will be temporarily adjourned and a fix sought. If the public connection cannot be restored within a reasonable time period, the meeting will be adjourned and the business considered at a future date.
- 9.6. If the business of a Committee meeting has not been completed within 3 ½ hours, the Chair will call for a vote as a meeting cannot pass 4 hours in duration. The vote will be to either end the meeting, or for an adjournment. If an adjournment is agreed a further vote will be taken over whether the meeting will reconvene later that day/evening once a new virtual meeting can be established, or whether to adjourn the meeting with the business considered at a future date.

10. VOTING

- 10.1. Committee members must have been 'present' as defined by section 2.4 and have heard the proceedings (at the absolute minimum) to be able to vote on the item.
- 10.2. If a Committee member loses connection during either a Planning Committee, Licensing Committee or Licensing-Sub Committee, and the meeting continues, that Councillor even if they reconnect during the item cannot vote and must **abstain** as they have been unable to hear the full discussion on that item.
- 10.3. During voting all substantive recommendations shall be moved by the Chair and seconded by the Vice-Chair of the Committee (with the exception of Full Council, which will follow the Full Council Procedure Rules). If the Chair and/or Vice-Chair are absent, alternative movers and seconders will be sought. Movers and seconders of amendments or alternative recommendations will differ on a case-by-case basis.
- 10.4. For any Committee held virtually, all voting will be held via a recorded vote taken by the Head of Legal, Democracy and HR or other Legal Officer/Democratic Services Officer on behalf of the Chair.

- 10.5. The exceptions to this are the approving of the minutes of the previous meeting or any other procedural item or where the item's sole recommendation to a Committee is to 'note' the report. The Chair will move the item and it will be presumed agreed, unless a dissenting comment from any Committee member is made.

Connection Issues during Voting

- 10.6. If a Committee member's microphone connection fails during a vote, but they still can hear the officer taking the recorded vote, that Committee member may still vote by showing their vote through the raising of a hand.
- 10.7. If a Committee member's video connection fails during a vote, and the Councillor can still hear the officer taking the recorded vote, that Committee member may still vote by indicating verbally.
- 10.8. If either of the voting connection issues occurs (as defined in section 10.6 or 10.7) during a Planning Committee, Licensing Committee, or Licensing-Sub Committee vote, the Committee Member must also consider section 10.2 which requires a vote to **abstain** be made if they have been unable to hear the full discussion on that item.

11. RECORDING AND RETENTION OF THE MEETING

- 11.1. Committee meetings will be live streamed through Microsoft Teams Live Events. Democratic Services will, dependent on technological capability, aim to make a recording of each meeting available on the Council's website. Recordings will be available until the date of the next meeting of that Committee, or for six months, whichever comes first.

12. ADVANCEMENT OF THE VIRTUAL COMMITTEE PROCEDURE RULES

- 12.1. There is an expectation that the above Procedure Rules will evolve as technology adapts and as the Council becomes more experienced at holding virtual meetings.
- 12.2. The Chief Executive and/or Head of Legal, Democracy and HR has the delegation to amend these Procedure Rules in consultation with the Chair and Vice-Chair of the Governance Committee and the Leader of the Council, to ensure that the Council's virtual Committees run as efficiently as possible and mirror, where possible, standard committees.