



Blackburn with Darwen Borough Council

Supplementary Council Procedure Rules – Remote Meetings

1. Applicability

- 1.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”) made under section 78 of the Coronavirus Act 2020 enable meetings of local authorities to be held virtually/remotely for the period until 7 May 2021.
- 1.2 These Supplementary Council Procedure Rules shall apply to any meetings of the following Council bodies which the Chief Executive determines shall be held virtually/remotely in the period up until 7 May 2021: Council, Executive Board, Committee, Sub-Committee, Forum or Panel
- 1.3 These Supplementary Council Procedure Rules should be read in conjunction with Council Procedure Rules and the Executive Board Procedure Rules in Part 4, Sections 1 and 4, respectively in the Constitution. Wherever there is a conflict, these Supplementary Council Procedure Rules will take precedence in relation to any remote meeting.
- 1.4 Unless otherwise stated or modified below all Council Procedure Rules and Executive Board Procedure Rules shall continue in force.

2. Notice of Meetings and Public Access

- 2.1. The proper officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting, which will be available on the Council’s website. The ‘place’ at which the meeting is held will not be limited to a physical location and the method (including remote meeting) will be specified on the summons or agenda for the meeting in question. It may include virtual locations and remote conferencing facilities.

- 2.2. A meeting is deemed to be open to the public if it is available online that enables public access to the meeting remotely through video conferencing facilities or through an audio link or by other electronic means.

3. Access to Documents

- 3.1 Agendas and other relevant documents will be published in accordance with normal statutory provisions and will be considered publicly available even if they are only available on the Council's website.

- 3.2 Members will be notified of meetings and details of the agenda in the usual manner via email. Agendas and accompanying papers will be available on the Council's website and through the Modern.gov system.

4 Attendance

- 4.1 Members, the public and the press will be encouraged to use the relevant video conferencing facilities to attend a meeting remotely.
- 4.2 If the meeting is in a physical location, a Member is considered in attendance if they can be heard, (and where practicable be visible) to those in attendance at the meeting in the normal manner.
- 4.3 For meetings in virtual locations, a Member is in attendance if they can be heard, (and where practicable be visible) to those who are in attendance via conferencing technology, and those in attendance via an online stream.
- 4.4 Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and where practicable be visible) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and where practicable be visible) those other Members participating.
- 4.5 In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 4.6 No meeting may take place in the absence of advisory officers and a Governance Services Officer. All other notice and agenda requirements shall apply.

5. Quorum

- 5.1 A quorum is reached provided the total number of Members in physical and remote attendance, as defined by the Regulations, meets the relevant

threshold in the Constitution; see in particular Council Procedure Rule 9.

5.2 At the start (or at any reconvening) of the meeting, the Chair will check that all Members on the body (including any substitutes) are present by confirming that they can see and hear all participating members disregarding any apologies for absence. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

5.3 The attendance of those members at the meeting will be recorded by the Governance Services Officer.

5.4 In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate:

- if there is quorum, 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 video technology or telephone in the alternative. If the connection is not restored within that time then the business of the meeting will continue providing the public are able to hear; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, (usually 10 – 15 minutes), to allow the connection to be re-established.

5.5 If a connection to a Member is lost during a regulatory meeting (Planning & Highways Committee and Licensing Sub Committee), 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, but the Member who was disconnected will not be able to vote on the matter under discussion if they would not have heard all the facts.

6. Access to Meetings – Members of the Public

6.1 Remote access for members of the public, the press and Members who are not attending to participate in the meeting will need to be provided.

6.2 Any member of the public participating in a meeting remotely in exercise of their right to speak at Council or in regulatory or other meetings must when they are speaking be able to be heard (and where practicable be visible) by all other Members in attendance. The remote participant must, in turn, be able to hear (and where practicable be visible) those other members participating and, heard and where practicable, be seen by any other members of the public attending.

- 6.3 Where it is determined that the technological solution does not effectively provide for public participation or is unable to join remotely, arrangements will be made for receipt of representations in writing only. Submissions, petitions or questions received from the public will then be read out by the Governance Services officer.
- 6.4 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.

7. Meeting Procedure

- 7.1 The Governance Services Officer will control the video, telephone or conferencing technology for remote access, and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chair.
- 7.2 The Council will put in place a technological solution (e.g. MS Teams Live) that will enable Members participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand, standing or expressing a desire to speak.
- 7.3 In respect of key committees, it will assist the meeting if those Members who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Governance Services Officer in advance of the start of the meeting where possible. Group Leaders are also encouraged to co-ordinate this activity wherever possible in respect of full Council meetings and other meetings likely to result in a high number of requests to speak. This is particularly important if Members are unable to participate via video conference.
- 7.4 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.
- 7.5 The Chair, at the beginning of the meeting, will explain the protocol for member and any public participation, and the rules of debate. The Chair's ruling during the debate will be final.

8. Voting

- 8.1 For virtual meetings, and meetings in a physical location which have Members in remote attendance, votes will be determined by a consensus. If there is no consensus, voting will be carried out by a roll call. This will not be considered

a recorded vote and will not be recorded in the minutes unless individual Members require this in accordance with the Constitution, or there is a statutory requirement.

8.2 The method of voting will be by roll call as follows:

- the Chairman calling out the name of each member present;
- the Members stating 'for', 'against', or 'abstain' to indicate their vote on the matter being voted upon when their name is called
- the Chairman clearly stating the result of the vote

9. Speaking - Control by Chair

9.1 The meeting will be controlled by the Chair, with speaking only through them. Members will request to speak through use of the application being used (MS Teams Live). The Chair will invite Members to speak. This includes when they are raising a point of order, making a personal explanation or proposing an amendment.

10. Questions by the Public (Council, Executive Board, Overview & Scrutiny Committees, Health & Well-being Board)

10.1 Questioners will be asked whether they can attend virtually, if they cannot then the questions and answers will be taken as written submissions and there will be no right to ask a supplementary question.

11. Public Speaking Arrangements for Planning & Highways Committee and Licensing Sub-Committee

Planning & Highways Committee

11.1 Speakers (supporters/objectors) will contact the Governance Services team to request and register to speak remotely at a meeting and will be provided with details and instructions. As an alternative, they will be offered an opportunity to submit a statement of up to 500 words in lieu of speaking in which case they need to submit the statement by 9 am on the day prior to the date of the meeting. The statement would be provided to the committee members in advance and the Chair will confirm receipt when the application is considered at the virtual meeting, and the statement will be read out by the Governance Services Officer.

Licensing Sub-Committee

11.2 Taxi Drivers or Operators who have been invited to the Sub Committee for a

review – namely consideration as to whether their licences will be revoked or suspended in the light of information regarding their fit and proper status - will indicate their virtual attendance by contacting the Governance team in advance to obtain details and instructions and submit any relevant documents as normal, at least five days before the meeting. They will also indicate whether their solicitor, or any witnesses will be attending virtually, or whether the witness will be submitting a written statement in lieu of attending. Contact details shall be made available to the Council only with the written permission of those persons.

11.3 An interested party may also submit a written statement in lieu of attending and this will be subject to the same deadline.

12. Declarations of Interest

12.1 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 Governance Services who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

12.2 If a Member declares any other interest, then this will be recorded in the usual way and the Member can continue to participate.

13. Exclusion of Press and Public

13.1 There are times when Council meetings are not open to the public, when confidential or exempt business (as defined in Schedule 12A to the Local Government Act 1972) is under consideration. If the meeting moves into a 'Part 2' session, the Governance Services Officer will end the public broadcasting or recording of the meeting and ensure that there are no members of the public and press in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

13.2 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.

13.3 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.