

Remote Meetings Procedure Rules

INTRODUCTION

The Council is required by law to have procedural rules that govern proceedings at meetings of its Panels and Committees.

For the purposes of these Rules a Sub-Committee includes a Panel, Board, Working Group or Task and Finish Group.

These Rules enable remote meetings to be held in accordance with 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”) and these Rules apply until 7 May 2021 or until the Regulations cease to have effect. They apply to all meetings held remotely and where there is conflict with the provisions of other Meeting Procedure Rules, these Rules take priority.

Any reference to a meeting in these Rules includes a reference to a remote meeting as defined in the Regulations

CONTENTS

Rule [Page]

1. Appointment of Panels, Committees and Sub-Committees [1]
2. Meetings of the Cabinet, Panels and Committees [2]
3. Previous decisions of meetings [3]
4. Attendance at meetings [3]
5. Public Participation at all Public Meetings (Have Your Say!) [4]
6. Quorum for Meetings [5]
7. Members' Interest [5]
8. Rules of Debate [8]
9. Voting [9]
10. Disorderly Conduct [10]
11. Adjournment of Discussions and Closure [11]
12. Matters of Urgency [11]
13. Conduct of Meetings [11]
14. Councillor in remote attendance[12]
15. Amendment [13]
16. Interpretation [14]

Remote Meetings Procedure Rules

1. Appointment of Cabinet, Panels, Committees and Sub-Committees

- (1) The Council shall appoint a Cabinet and such Panels, Committees and Sub-Committees as it thinks fit.
- (2) The Cabinet and every Panel, Committee and Sub-Committee appointed by the Council may appoint such other ad hoc forums as it considers necessary for purposes to be specified by the appointing body.
- (3) The political groups on the Council, that is to say the Conservative Party Group, the Labour Party Group, the Liberal Democrat Party Group and Highwoods Independent Group, shall each from amongst their members on every Panel, Committee and Sub-Committee to which representatives of their Group have been appointed, appoint one member of their Group to be their Spokesperson in respect of that Panel, Committee or Sub-Committee.
- (4) The Conservative Party Group shall appoint members from its group to act as opposition lead members to each of the portfolio holders and to be the Group's spokesperson on those matters.

2. Meetings of the Cabinet, Panels, Committees and Sub-Committees

- (1) The Cabinet and every Panel, Committee and Sub-Committee shall, at its first meeting, elect one of its members as Chairman and another as Deputy Chairman for the ensuing Municipal Year. In the absence from a meeting of the Chairman and Deputy, a Chairman for that meeting shall be elected by the Panel, Committee or Sub-Committee from amongst its members.
- (2) The Cabinet shall set the dates and times for the periodical meetings of the, Cabinet, Panels, Committees and Sub-Committees for the ensuing Municipal Year except for Call-In Procedure meetings of the Scrutiny Panel and special meetings, which shall be fixed by the relevant body or by the Proper Officer pursuant to paragraph (4) below. Meetings of Sub-Committees shall be fixed by the Proper Officer after consultation with the Chairman and Group Spokespersons of the Sub-Committee. Provided that the dates and times of all meetings may be varied in accordance with the Regulations
- (3) The Proper Officer may, after consulting the Leader of the Council in respect of the Cabinet and the Chairman and Group Spokesperson or in their absence their respective deputies of the appropriate Panel, Committee or Sub-Committee cause the Cabinet, any Panel, any Committee or any Sub-Committee to be summoned.
- (4) Meetings of the Cabinet, Panels, Committees and Sub-Committees shall be arranged by the Proper Officer. The summons to a special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

- (5) (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

If the Chairman 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 Chairman 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 Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

3. Previous decisions of meetings

No matter on which a decision has been reached within the previous six months either by a Panel or Committee acting under delegated powers, shall be further considered unless the Chairman or two Group Spokespersons or the Proper Officer is satisfied that circumstances reasonably justify the matter being re-opened.

4. Attendance at meetings

- (1) A Councillor shall have the right to attend as an observer any meeting of the Cabinet, a Panel or a Committee to which the Councillor has not been appointed and provided notice has been given to the Chairman or the Proper Officer before the meeting and the Chairman has agreed, the Councillor may either submit written questions or make a written statement to be received by 5pm the day before the meeting of the Cabinet, Panel or Committee and/or make comments by audio or video link at the meeting (where practicable) on a specific item on the Agenda but shall not otherwise take any part in the meeting. The Chairman shall request that Councillors’ written questions or statements are either viewed electronically by the meeting or read out to the meeting either as part of Have Your Say! or at the appropriate item on the agenda.
- (2) The right to attend a meeting as an observer shall not extend to any part of a meeting where, after a hearing, a Committee determines the matter before it.
- (3) A Councillor who would have to declare a disclosable pecuniary interest in the specific item in question if a member of the Cabinet, Panel or Committee may not address the Cabinet, Panel, Committee or

Sub-Committee pursuant to the provisions of this Rule.

- (4) A Councillor shall have the right to attend as an observer any meeting of any Sub-Committee except that:
 - (a) The Panel or Committee appointing the Sub-Committee may require that this Rule shall not apply to a particular item or class of item to be considered by the Sub-Committee.
 - (b) If a Sub-Committee resolves to exclude the public from a meeting to prevent the disclosure to them of exempt or confidential information, any Councillor who is present and who is not a member of the Sub-Committee shall have the right to remain at the meeting as an observer.
- (5) A Councillor may arrange for a properly appointed Substitute Councillor to attend a meeting of a Panel, Committee or Sub-Committee on his/her behalf subject to notice being given to the Chairman and the Proper Officer prior to the date of the meeting. In relation to Licensing Committee, Planning Committee and Governance and Audit Committee, only those Councillors who have undertaken suitable training shall be eligible to attend as a substitute. There shall be no substitute members appointed to the Cabinet.
- (6) A substitute member attending a meeting of a Panel, Committee or Sub-Committee has the same powers and responsibilities as a full member of the Panel, Committee or Sub-Committee.
- (7) A member or Substitute member first in attendance at a meeting of a Panel, Committee or Sub-Committee cannot be substituted or replaced during the course of that meeting.

5. Public Participation at all Public Meetings (Have Your Say!)

- (1) Any member of the public may submit written questions or make a written statement (not exceeding a total of 500 words in length) which must be received by 12.00 noon the day before the meeting date and/or make comments by audio or video link at the meeting (where practicable) on a matter which is on the agenda for the meeting or is within the terms of reference of the Cabinet, Panel or Committee except in cases where the Cabinet, Panel or Committee is acting in a quasi- judicial capacity or similar or in relation to planning applications, subject to the following procedure. A member of the public may submit a maximum of one written statement for each item on the agenda for the meeting.
- (2) Subject to the absolute discretion of the Chairman to extend or limit the time available for public participation, a period of up to fifteen minutes shall be available at the start of a meeting for public participation on issues within the remit of the meeting not otherwise appearing on the agenda for the meeting.
- (3) Where public participation relates to an item on the agenda for the meeting, the Chairman shall ensure that any questions or statements received from the public be either viewed electronically by the meeting

or read out to the meeting immediately prior to the consideration of the item. The amount of time afforded to public participation on any single item shall be at the absolute discretion of the Chairman but should not normally exceed fifteen minutes.

- (4) Where a member of the public asks a question or makes a statement by audio or video link they shall only speak for a period not exceeding three minutes. At the end of that period of time, the Chairman will inform the speaker and they will stop speaking whether or not their speech has been concluded.
- (5) An answer to a question posed or statement made by a member of the public may take the form of:
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer which will be reported to a future meeting.
- (6) Following the conclusion of the answer the member of the public may, if they wish, have a further period of up to one minute to ask a supplementary question or comment by audio or video link on the answer provided. At the end of that period of time, the Chairman will inform the speaker that their time has concluded, and the speaker will stop speaking whether or not their comments have been concluded. A further response to the speaker's comments may be made.
- (7) In the exercise of absolute discretion, the Chairman may disallow any public comments or statements which are scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

6. Quorum for Meetings

The quorum for the Cabinet, Panels, Committees and Sub-Committees shall be 50% of the total membership, rounded up in the event of an odd number of members, provided that the minimum quorum shall be three.

7. Members' Interests

Disclosable Pecuniary Interests

- (1) A Councillor has a disclosable pecuniary interest in any business if it is of a description set out in Rule 7(2) below and is either:
 - (a) An interest of his/hers
 - (b) An interest (of which the Councillor is aware) of a spouse, civil partner or a person he/she is living with as a spouse or civil partner (“known as a Relevant Person”)

- (2) A Pecuniary Interest is an interest which relates to or is likely to affect:
- (a) any employment, office, trade, profession or vocation carried on by the Councillor or a Relevant Person for profit or gain;
 - (b) any payment or provision of any other financial benefit (other than from the authority) made or provided (within the period of 12 months ending with the day on which the Councillor gave notification to the Monitoring Officer of any disclosable pecuniary interests he/she had at the time of the notification) in respect of any expenses incurred in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (c) Any contract for goods, services or works which has not been fully discharged between a Councillor or a Relevant Person and the authority or a body in which the Councillor or a Relevant Person has a beneficial interest;
 - (d) A beneficial interest in any land in the Borough of Colchester;
 - (e) Any tenancy where to the Councillors knowledge (i) the landlord is the Authority and (ii) the tenant is a body in which a Councillor or a Relevant Person has a beneficial interest;
 - (f) A licence of any land in the Borough of Colchester (alone or jointly with others) that a Councillor or a Relevant Person occupy for a month or longer.
 - (g) Any beneficial interest in securities of a body where-
 - (i) that body (to the Councillor's knowledge) has a place of business or land in the Borough of Colchester and
 - (ii) either:
 - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

Other Pecuniary Interests

- (3) A Councillor has a pecuniary interest in any business where either it relates to or is likely to affect:
- (a) any person or body who employs or has appointed the Councillor;

- (b) any contract for goods, services or works made between the Council and a Councillor or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a person or body of the description specific in paragraph 7(2)(g) which has been fully discharged within the last 12 months;

Non-Pecuniary Interests

- (4) A Councillor has a non-pecuniary interest in any business where either it relates to or is likely to affect:
 - (a) any body of which a Councillor is a member or in a position of general control or management and to which he/she are appointed or nominated by the Council;
 - (b) any body-
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);of which a Councillor is a member or in a position of general control or management;
 - (c) the interests of any person from whom a Councillor has received a gift or hospitality with an estimated value of at least £50;
 - (d) a decision in relation to that business which might reasonably be regarded as affecting a Councillor's wellbeing or the wellbeing of a Relevant Person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

Disclosure of Interests

- (5) Subject to Rules 7(6) to 7(7), where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the Council and he/she is present at a meeting of the Council at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on his/her register of Interests or for which he/she has made a pending notification.
- (6) Rule 7(5) only applies where the Councillor is aware or ought reasonably to be aware of the existence of the Relevant Person's interest.
- (7) Where a Councillor has an interest in any business of the Council which would be disclosable by virtue of Rule 7(5) but by virtue of paragraph 14 of the Members Code of Conduct (sensitive interests) details of the interest are not registered in the Council's published Register of Members' Interests and that the interest is a disclosable pecuniary interest (if that is the case) but the Councillor need not disclose the nature of the interest to the meeting.

- (8) Where a Councillor has a pecuniary interest in any business of the Council and a function of the Council may be discharged by a Councillor acting alone in relation to that business, he/she must notify the Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that he/she will be dealing with the matter even if more than 28 days before he/she will actually deal with the business.
- (9) Where a Councillor has an interest in any business of the Council which would be disclosable by virtue of Rule 7(5) and he/she has made an executive decision in relation to that business he/she must ensure that any written statement of that decision records the existence and nature of that interest (in this Rule “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (as amended)).

Disclosure of Interests generally

Effect of Disclosable Pecuniary Interests on participation

- (10) A Councillor may not-
- (a) if present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and
 - (b) he/she has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
 - (c) the Councillor is aware that Rule 7(10) (b) is met:
 - (i) participate, or participate further, in any discussion of the matter at the meeting, or
 - (ii) participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room, chamber or place where the meeting considering the business is being held unless the Councillor has received a dispensation from the Monitoring Officer (or from an officer authorised by the Monitoring officer) Where the councillor is required to leave a meeting held remotely, the means of remote attendance and access must be severed whilst any discussion or vote takes place in respect of the item of business to which the member’s interest relates.

- (d) exercise executive functions in relation to that business and
 - (e) seek improperly to influence a decision about that business.
- (11) If a function of the Council may be discharged by a Councillor acting alone and he/she has a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function he/she may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by him/herself).
- (12) If a Councillor has another pecuniary interest in any business of the Council which a member of the public with knowledge of the relevant facts would

reasonably regard as so significant that it is likely to prejudice his/her judgement of the public interest and he/she is present at a meeting of the Council at which such business is to be considered or is being considered the Councillor must:-

- (a) disclose the existence and nature of the interest in accordance with Rule 7(5) (but subject to Rule 7(7))
- (b) withdraw from the room, chamber or place where the meeting considering the business is being held unless he/she has obtained a dispensation from the Monitoring Officer (or an officer authorised by the Monitoring Officer).
- (c) Where the Councillor is required to leave a meeting held remotely, the means of remote attendance and access must be severed whilst any discussion or vote takes place in respect of the item of business to which the member's interest relates.

8. Rules of Debate

- (1) Councillors shall when speaking address the Chairman. If two or more Councillors indicate to speak, the Chairman shall call on one to speak. Other Councillors may speak out of turn only when wishing to raise a point of order or in personal explanation. The Chairman will ensure that all Councillors are given an opportunity to contribute to the debate.
- (2) Councillors shall, in speaking to or of each other, employ the title of "Chairman", or "Councillor" as the case may be.
- (3) A Councillor's speech shall be directed to the question under discussion or to a personal explanation or to a point of order.
- (4) Any Councillor who is a member of the Cabinet, Panel, Committee or Sub-Committee, may at any time during the consideration of a matter move a proposal relevant to the matter under consideration. Once moved, discussion on the matter can continue but no further proposal may be moved until the one already moved has been disposed of.
- (5) Any amendment shall involve the omission, insertion or addition of words but shall not have the effect of introducing a new proposal or of negating the proposal before the meeting.
- (6) Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of. A Councillor may indicate an intention subsequently to move a further amendment.
- (7) Immediately after an amendment has been moved, the Chairman may ask the proposer of the original proposal if the amendment is accepted and if the proposer and the meeting signify acceptance, the original proposal shall be deemed amended accordingly.
- (8) If the amendment is lost, other amendments not substantially to the same effect as the amendment already lost, may be moved on the original proposal. If an amendment is carried, the proposal as amended shall take the place of the original proposal and shall become

the proposal upon which any further amendment may be moved.

- (9) When an amendment has been moved, discussion shall be continued to such amendment until it has been disposed of.

Points of Order and Personal Explanation

- (10) A Councillor may indicate on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to:-

- an alleged breach of these Rules, or
- an alleged breach of a statutory provision

The Councillor indicating on a point of order shall specify the Rule or the statutory provision and the manner in which the Councillor considers it to have been breached.

A Councillor indicating in personal explanation shall be confined to some material part of a former speech by the Councillor which may appear to have been misunderstood in the present debate.

- (11) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall be final and binding and shall not be open to discussion.

9. Voting

- (1) Subject to Rules 9 (2) - (4) below, the Chairman shall for every question to be determined at a meeting each Councillor to state verbally whether they are for, against or abstaining or to indicate by a show of hands, .
- (2) On the requisition of any Councillor supported by two other Councillors, the voting on any question shall be recorded in the minutes of the meeting. The record shall show how each Councillor present and voting, voted and also the names of any Councillors present but not voting. The demand for the vote to be recorded must be made before the vote is taken. A vote so recorded shall be called a "named vote".
- (3) On the requisition of any Councillor supported by two other Councillors, the number of votes cast for and against any question, together with the number of Councillors present but not voting, shall be recorded in the minutes of the meeting. The demand for the vote to be recorded must be made before the vote is taken. A vote so recorded shall be called a "recorded vote".
- (4) Where immediately after a vote is taken and any Councillor so requires there shall be recorded in the minutes of the meeting whether that Councillor voted for or against the question or whether that Member abstained from voting.
- (5) When any position or positions is/are to be filled by a meeting, nominations shall be sought and if, after nominations have closed there are more nominees than positions to be filled, a vote shall be taken,

each Councillor having one vote only. The nominee(s) with the greatest number of votes shall be appointed to the position(s).

- (6) In the event of a tie, the Chairman may exercise a second and casting vote.

10. Disorderly Conduct

- (1) If at a meeting any Councillor, in the opinion of the Chairman notified to the meeting, is guilty of misconduct by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the meeting, the Chairman or any Councillor may propose:

- (a) that the Councillor named may not speak further on that item or for the duration of the meeting; or

- (b) that the Councillor named be excluded from the meeting forthwith.

The proposal, if seconded, shall be put and determined without discussion.

- (2) If a member of the public interrupts the proceedings at any meeting, the Chairman shall issue a warning. If the member of the public continues the interruption the Chairman shall order the removal of the member of the public from the meeting.
- (3) In the event of general disturbance which, in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman, may without question, adjourn the meeting for such period as the Chairman in the exercise of absolute discretion shall consider expedient.

11. Adjournment of Discussions and Closure

- (1) At all meetings after the first period of two hours has elapsed, the meeting shall at the request of one or more Councillor(s), adjourn for fifteen minutes.
- (2) At the conclusion of the first item on the agenda of the meeting ending after three hours have elapsed since the start of the meeting the Chairman shall adjourn the meeting for fifteen minutes unless, in the opinion of the Chairman, the meeting is likely to conclude within a short time and at the conclusion of the first item on the agenda of the meeting ending after four hours have elapsed since the start of the meeting, the Chairman shall invite Councillors to consider whether the meeting is to continue or be adjourned and any recommendation thereon shall be voted on without formal discussion.
- (3) When any Councillor has the right to speak that Councillor may propose, without discussion, the adjournment of the meeting and no amendment shall be proposed to it unless it relates to the time of adjournment, and it shall be voted on without discussion.
- (4) At the close of any speech two Councillors may propose without comment, "that the vote be taken", which if accepted by the Chairman,

shall be voted upon immediately, without discussion and if carried, the vote shall be taken.

12. Matters of Urgency

Where the Proper Officer considers that a matter of urgency has arisen in connection with the work of a Panel, Committee or Sub-Committee and requires a decision before the next ordinary meeting of the Panel, Committee or Sub-Committee, the Proper Officer after consulting with the Chairman and Group Spokespersons of the Panel, Committee or Sub-Committee or in their absence their respective deputies, shall have power to act and shall report the action to the next meeting of the Panel, Committee or Sub-Committee; provided that no action shall be taken under this provision except in matters which have been delegated by the Council to the respective Panel, Committee or Sub-Committee.

13. Conduct of Meetings

- (1) The Proper Officer or nominee may, at any time, advise the Cabinet, Panel, Committee or Sub-Committee on a matter of procedure.
- (2) No Councillor shall leave a Cabinet, Panel, Committee or Sub-Committee meeting without notice to the Chairman.
- (3) There shall be no smoking at Cabinet, Panel, Committee or Sub-Committee meetings.
- (4) Discreet use of devices during public Council meetings for photography and filming is permitted.
- (5) Audio recording of all public Council meetings by members of the public is permitted. Recordings of meetings held by remote means will be made available on the Council's website or by other electronic means.
- (6) The use of devices by Councillors for social media purposes during meetings shall be at the discretion of the Chairman.
- (7) All mobile telephones shall be turned to silent for the duration of meetings

14. Councillors in remote attendance

- (1) A Councillor 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 Councillor 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 other Councillors 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 at the meeting; and
 - (c) to be so heard and, where practicable, be seen by any other members of the public, attending the meeting.

- (2) A Councillor in remote attendance will be deemed to have left the meeting where, at any point during the meeting any of the conditions for remote attendance contained in 14 (1) above are not met. In such circumstances the Chairman may, as they deem appropriate;
- (a) adjourn the meeting for a short time to permit the conditions for remote attendance for a Councillor member contained in 14 (1) above to be re-established;
 - (b) count the number of Councillors in attendance for the purposes of the quorum; or
 - (c) continue to transact the remaining business of the meeting in the absence of the Councillor in remote attendance.

15. Amendment

Until 7 May 2021 the Monitoring Officer shall be authorised to amend these Procedure Rules following consultation with the Leader of the Council and the Group Leaders.

16. Interpretation

Following consultation with the Proper Officer, the ruling of the Chairman as to the construction or application of any of these Rules, or as to any proceedings of any meeting, shall not be challenged at any meeting.