

REMOTE MEETINGS RULES

June 2020

Introduction and Application of Remote Meetings Rules (RMR)

The following paragraphs are extracts from the Explanatory Memorandum 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 (the Regulations).

These Regulations make provision to enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. The Regulations further modify existing legislative provisions to remove the requirement for local authorities to hold annual meetings, and to enable requirements for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.

The Regulations are time limited and apply in relation only to meetings taking place before 7 May 2021; it will be possible to make amending secondary legislation to bring forward this date if social distancing rules are relaxed or removed on the basis of medical and scientific advice.

The Regulations apply automatically to the arrangements that are adopted by the Fire Authority for remote meetings. The regulations apply notwithstanding any other legislation or pre-existing rules which govern the meeting arrangements of the Fire Authority. Accordingly, the RMR have been framed to take account of the Regulations. Where there is a conflict between the RMR and pre-existing rules the RMR will take precedence.

The RMR have been prepared in consultation with the Group Leaders and the Chair and Deputy Chair of the Governance and Constitution Committee. The RMR were introduced using Procedure Rule 4.87, Urgent Business to be determined between Fire Authority Meetings.

The RMR will have effect until such time as the Fire Authority determines, or until the law changes, whichever is the earliest.

RULE 1 - REMOTE MEETINGS

Remote Meetings Generally

1. The Regulations enable the Fire Authority to hold meetings without all, or any, of its Members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing.
2. A remote meeting is a meeting of the Fire Authority or one of its Committees held by remote access where remote attendance by some or all Members of the Fire Authority and/or some or all the public and press is by way of video or telephone conferencing or other suitable electronic or digital means.
3. In order for Members to be able to attend meetings remotely, they need not be physically present, provided they are able to hear and be heard and, where possible, see and be seen by other Members and members of the public and press attending remotely or in person.

Holding Remote Meetings

4. The Fire Authority and all Committees may hold all such remote meetings that are deemed necessary and where such remote meetings are held these RMR shall apply.

N.B. When reading the RMR it is worth having in mind that a person can attend a remote meeting without being physically present.

RULE 2 - AMENDMENTS TO EXISTING PROCEDURE RULES

5. The existing rules in Chapter 4 of the Constitution apply to remote meetings in the same way as they do for other meetings, except where they conflict with these RMR, in which case these RMR take precedence over the existing rules in relation to the governance of remote meetings. Some of the existing rules are replaced, amended, or suspended by these RMR, as set out in Appendix 1 to these RMR.

RULE 3 – ACCESS TO INFORMATION

Notice of Meetings and Agenda Papers

6. Notice of meetings will be published in the normal way on the Cheshire Fire and Rescue Service website. Information will be provided indicating that the meeting is to be a remote meeting and explaining how members of the

public and press will be able to attend the remote meeting and/or ask questions and/or present petitions.

7. Members will be notified of a remote meeting in the normal way and all agenda papers (apart from reports to be considered in private) will be available on the Cheshire Fire and Rescue Service website. Hard copy agenda packs will be issued to Members.
8. The 'place' at which the remote meeting is held may be at a Fire Authority building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address, or a conference call telephone number, or could be a number of these combined. Any meeting that includes attendees that cannot be present in person will be deemed to be a remote meeting and covered by these RMR.
9. Agendas, reports, etc. of remote meetings will be deemed to be published and open to inspection provided that they appear on the Cheshire Fire and Rescue Service website. Hard copies of agendas and reports will be made available to members of the public and press where this is practicable.

RULE 4 – REMOTE ACCESS TO REMOTE MEETINGS

10. 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:

"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

"open to the public" includes access to the remote meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a remote meeting is accessible to the public through such remote means the remote meeting is open to the public and press whether or not members of the public and press are able to attend the remote meeting in person.

11. Members will attend a remote meeting using a video conferencing facility accessed via a link that has been provided to them by officers or by phone. Should the video conferencing facility fail Members are able to attend via a telephone conferencing facility.
12. Members of the public that have submitted a question and wish to speak at the meeting will have also been provided with a link to the meeting so that they can attend.

13. Other members of the public and members of the press that wish to attend the meeting can do so because it will be broadcasted.

RULE 5 – MEMBERS IN REMOTE ATTENDANCE AT REMOTE MEETINGS

14. A Member in remote attendance is present and attends the remote meeting, including for the purposes of the remote meeting's quorum, if at any time all three of the following conditions are satisfied:

To hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.

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

To be so heard and, where practicable, be seen by any other members of the public attending the meeting.

15. A Member in remote attendance will be deemed to have left the remote meeting where, at any point in time during the remote meeting, any of the conditions for remote attendance contained in 14 above are not met
16. Should any aspect of remote participation by Members fail, the Chair may call a short adjournment for a specified period to determine whether the connection can quickly be re-established, either by video technology or by telephone. If the connection is not restored within that time, the meeting should continue to deal with the business, provided that the meeting remains quorate and the public are able to attend by virtual means. If the provision of access through remote means cannot be restored to sufficient Members to achieve a quorum within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair.
17. The attendance of Members attending a remote meeting will be recorded by a Democratic Services Officer following a roll call of names at the start of the meeting by the Chair (with, or without the support of officers).
18. The normal quorum requirements for meetings as set out in the Fire Authority's Constitution apply to remote meetings.
19. In the event of a failure of remote attendance by Member(s) they will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established the presumption will be that the meeting should continue. If remote attendance is re-established, then the Member(s) attending remotely will be deemed to have returned to the remote meeting at the point of re-establishment.

RULE 6 – REMOTE ATTENDANCE BY MEMBERS OF THE PUBLIC AND PRESS

20. A member of the public entitled to attend the meeting in order to exercise a right to speak or present a petition at the meeting is in remote attendance at any time if all three of the following conditions are satisfied:

To hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;

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

To be so heard and, where practicable, be seen by any other members of the public attending the meeting.

In the alternative a member of the public entitled to attend the meeting in order to exercise a right to speak, or present a petition at the meeting may be accommodated by alternative arrangements, e.g. an officer may read out the question, or a prepared statement, or a video clip may be played.

21. A member of the public in remote attendance in order to exercise a right to speak or present a petition at the meeting will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions contained in 20 above are not met. In such circumstance the Chair may, as he or she deems appropriate:

Adjourn the meeting for a short period to permit the conditions for remote attendance in 20 to be re-established; or

Suspend consideration of an item of business which relates to the member of public's remote attendance until such time as the next 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, at an appropriate point before the end of the meeting, whichever is the earliest; or

Continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance – having an officer reading out the question and/or confirm details of the petition.

22. A member of the public with no right to speak and a member of the press will be in remote attendance at any time if the following condition is met:

The broadcast technology providing remote attendance is functioning.

23. If the Chair is made aware that attendance is no longer possible for members of the public and/or members of the press the Chair shall adjourn the remote meeting. If remote attendance by public and press cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair.

RULE 7 – RUNNING REMOTE MEETINGS

TAKING PART

24. Members and officers should ensure that they are familiar with the software and equipment that is to be used for the remote meeting.

25. Members and officers should ensure that their broadband is adequate to take part in the remote meeting, failing which they should join the meeting using the Join by phone facility.

BEFORE THE MEETING

26. Member and officers should join at least 15 minutes before the meeting is due to start.

27. In setting up the room and equipment Members and officers should consider these points:

- Ensure you set up in a place where you will not be disturbed throughout the meeting;
- Ideally have a neutral background;
- Arrange the equipment at an appropriate height and consider light sources so that your face is clear;
- Arrange the equipment so that you are close enough to the microphone and speaker in order to hear what is said and be heard when you are speaking;
- Keep the equipment plugged in to avoid problems with battery failure;
- Ensure that there is no confidential information visible;
- Have Join by phone details available in case of video-conferencing problems.
- Have details of Democratic Services/IT support available in case of problems with video-conferencing and/or Join by phone arrangements.

DURING THE MEETING

28. The Chair (with/without assistance of officers)

- Will explain how the meeting will be run and make sure that a member of the public attending to ask a question or present a petition is aware of how they will take part.
- May switch off attendees microphones and cameras.
- Will rely on the chat function to manage contributions during the meeting.
- Will invite contributors to take part by the use of 'Cllr [first name and surname]'
- Will regularly check that Members are connected and do so immediately before a vote takes place.
- Will regularly check that Members attending using the Join by phone facility remain connected and do so immediately before a vote takes place.

29. All Members (except Chair)

- Will mute their microphone and switch off their camera unless invited to speak.
- Will check that their microphone and camera are both operating before speaking.
- Will state their name (first name and surname) when beginning to speak.
- Will, when wishing to speak, indicate this by typing 'speak' using the chat function. Members using the Join by phone facility will need to orally draw their wish to speak to the attention of the Chair.
- Will, when uncertain about a procedural issue or when they need to raise a point of order will indicate this by typing 'order' using the chat function. This issue will take precedence over those Members that have indicated that they wish to speak.
- Will, when speaking, about a specific part of a report, or appendix, state the page and paragraph that they are referring to.
- Will, when speaking, be brief and to the point, focussing on the matter under consideration.
- Will, when asked to vote, indicate their vote by typing 'for', 'against', or 'abstain' using the chat function – for Members attending using the Join by phone facility they will be asked to state their vote.

N.B. The chat function is not to be used for any other purpose by Members

30. Members of the Public with a Right to Speak

- Will comply with the Chair's instructions.

RULE 8 – REMOTE VOTING

31. Voting cannot take place by a show of hands. However, the rules about recording votes will apply at remote meetings, i.e. before a vote is taken a Member:

With the support of two other members may request that the voting on a motion, or amendment, is recorded to show how each Member present and voting cast their vote, or whether they abstained; or

May ask that the minutes shows the number of votes for and against a motion or amendment and the number of abstentions; or

May request that the minutes show how he/she voted individually on any motion or amendment.

32. The Chair will:

- Where he/she reasonably believes that there is no dissent from any Member attending the remote meeting proceed to affirm the decision once he/she has given Members an opportunity to require a vote, e.g. the Chair will say something along the following lines: 'I believe that we are all in agreement and support the motion. I will pause for 10 seconds to allow any Member to request a vote.' Once the 10 seconds has elapsed the Chair will say something along the following lines: 'I believe that the motion is passed'; or
- Where he/she is uncertain as to whether there is no dissent, or believes a vote is required he/she (with or without the assistance of officers) will conduct a vote by
 - a. Asking Members using the video-conferencing system to use the chat function to indicate by typing 'for', 'against', or 'abstain'.
 - b. Asking Members using the Join by phone facility to confirm whether they are 'for', 'against', or wish to 'abstain'.
- At the conclusion of the vote, the Chair will announce the result of the vote and confirm whether the motion has been passed or lost.

RULE 9 – DECLARATIONS OF INTERESTS AND MEMBERS EXCLUDED FROM THE MEETING

33. Any Member participating in a virtual 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 virtual

meeting. An officer will confirm their departure from the meeting. The Member will be invited to re-join the meeting at the appropriate time.

34. Where a Member is required to leave the virtual meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business in which the Member may not participate.

RULE 10 – EXCLUSION OF THE PUBLIC AND PRESS

35. There are times when Fire Authority or committee meetings 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. An officer will ensure that there are no members of the public in remote attendance once the exclusion has been agreed by the meeting.
36. The Chair will check that all Members in remote attendance have no other persons present with them during the period where the public and press are excluded.

RULE 11 – REVIEW

37. The RMR will be kept under review and may be amended by the Monitoring Officer in light of experience.

Appendix 1

CHANGES TO CONSTITUTION: SECTION 4 – PROCEDURAL MATTERS

Arrangements for Meetings

REPLACEMENT

4.10 Venue

The venue of the meeting will be determined by the Monitoring Officer taking into account the arrangements for the meeting. It does not need to be a physical place.

Record of Attendance

REPLACEMENT

4.18 An officer will note the attendance of Members when the Chair carries out a roll call at the start of a meeting.

Rules of Debate

REPLACEMENT

4.33 (a) **Motions and Amendments**

Motions and amendments will be recorded by an officer and the Chair will ensure that Members are clear about the wording of motions and amendments before they are discussed and voted upon. If deemed necessary the Chair will ask for the motion, or amendment to be typed into the chat function so that Members can read it before they vote on it.

(c) **Only One Member to Speak at a Time**

When speaking at an Authority meeting and other meetings Members are expected to address the Chair. Members will use the chat function in order to indicate that they wish to speak. The Chair will call on Members to speak. Other Members will remain silent whilst another Member is speaking.

(n) **Points of Order**

A Member may raise a point of order or offer a personal explanation and will normally be heard immediately. Members will use the chat function in order to indicate that they wish to do so, typing 'order'. Members using the Join by phone facility will need to speak up.

(p) **Respect for the Chair**

Members will take the lead from the Chair during meetings. The Chair is able to mute Members.

Voting

REPLACEMENT

4.43 to 4.46 see Rule 8 of the Remote Meeting Rules.

Questions and Petitions by Members of the Public

REPLACEMENT

4.48 Questions must be submitted to the Monitoring Officer by email at least 5 clear working days before the meeting is due to take place. The person lodging the question must provide a full name and address.

4.55 Petitions must be submitted to the Monitoring Officer by email at least 5 working days before the meeting is due to take place. The Monitoring Officer will bring the petition to the attention of Members.

Disturbance by Members of the Public

ADDITION

4.64 If a member of the public with a right to speak is in remote attendance and fails to comply with the Chair's instructions and/or interrupts the remote meeting the Chair shall warn him/her. If the person continues to fail to comply/interrupts the meeting the Chair may order his/her removal from the remote meeting.

PROTOCOL ON REPORTING AT MEETINGS

PROTOCOL SUSPENDED AND REPLACED WITH THIS STATEMENT

Members of the public and press can access remote meetings. Remote meetings will be audio recorded.