

**Supplemental note to report on recommended changes to Standing Orders
(Agenda Item No 12)**

As indicated in the report recommending changes to Standing Orders to ensure that Council meetings are conducted safely, counsel's opinion has now been received.

Counsel supports and endorses the approach suggested in that report, confirming that whilst legislation provides that Councillors must physically attend meetings, there is less regulation as to the role of officers and a degree of flexibility in relation to the participation of the public and access for the press. As a result of that advice, the recommended Standing Orders have been amended to clarify the position for each. A copy of the amended draft is attached and is recommended to Council in place of the earlier version.

PROCEDURE RULES FOR THE REGULATION OF PROCEEDINGS – ALL MEETINGS

PROCEDURE RULE No. 45

45.1 Following the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 on 6 May 2021, it is no longer possible to hold remote meetings and the High Court has ruled that Members must be physically present at the same location at the same time, and the public must also have physical access to the meeting at that time. *There is however, some flexibility in relation to attendance of officers, press and those members of the public with a right to participate in meetings.* It is however, still necessary to ensure the safety of all those attending meetings.

The following Standing Orders have therefore been made under section 106 and paragraph 42 of the Local Government Act 1972 (the 1972 Act) to allow meetings to be arranged and held safely whilst there may still be risks to the public from Covid19.

45.2 Standing Orders number 1 and 24 shall allow the Chief Executive to arrange for meetings to be held at an alternative venue, either inside or outside the borough, if appropriate to safely accommodate Members, officers and the public. The venue of a meeting may not be changed after public notice of the meeting has been given.

45.3 Notwithstanding Standing Order number 1 the Chief Executive may, in consultation with the Mayor, change the date and time of any meeting of the Council. The time and/or date of a meeting may not be changed after public notice of the meeting has been given nor may the annual meeting of the Council be changed to a date which is not permitted by the 1972 Act.

45.4 The Council shall, *where practicable*, broadcast its meetings and those of its Boards and Sub-committees by live streaming onto the Council's YouTube channel to allow the public *and press* to view proceedings, rather than attend physically, should they wish to do so. The broadcast shall not include any part of the meeting during which the public are excluded whilst confidential or exempt information is considered. The Council will only admit as many Members of the public *and/or press* to the public gallery as it is safe to do so having regard to any risk assessment carried out in relation to the venue concerned. Appropriate precautions *including screens and provision of hand sanitiser* will be in place for the protection of those who attend.

45.5 (a) Any person who has a right to address a meeting of the Council, its Boards or Sub-committees whether under Standing Order 7, arrangements for speaking at Planning Board, or otherwise, may choose not to do so by attending the meeting in person but instead may do so by remote attendance using Microsoft Teams (or other similar facility adopted by the Council) or by submitting their question or speech in writing prior to the applicable deadline for giving notice of their intention to speak. Where the question or speech is submitted in writing a copy shall be forwarded to all Members of the body concerned and the content may be read out by the person presiding the meeting if they consider it appropriate to do so.

(b) Officers are not subject to the same legal requirements as Members to attend meetings, *therefore in order to minimise the number of persons who must be present in the venue for the purpose of ensuring the safety of those present, facilities will be made available for officers to present reports and answer questions from Members using remote means such as Microsoft Teams.*

(c) The Council will continue to make provision for the attendance of the press to report on meetings however, where having proper regard to the right of freedom of expression in Article 10 it is considered that the press may report accurately and fully on proceedings by viewing a broadcast of the meeting as it takes place, the person presiding at the meeting may limit their attendance if necessary due to the size and safe capacity of the venue concerned to allow those who have a right to participate to do so safely.

(d) Where it is necessary for:

- (i) a member of the public with a right to participate to physically attend a meeting; or*
- (ii) an Officer who is presenting a report to physically attend a meeting to do so; or*
- (iii) a member of the press to physically attend a meeting to accurately report on proceedings;*

the person presiding at a meeting may limit the number of members of the public who may attend to observe the meeting in order to ensure that there is sufficient space available for those persons to do so.

45.6 (a) Where a Member is unable to physically attend a meeting due to shielding from Covid19 they may submit written comments on any item of business to be considered at that meeting to the Chief Executive no later than 9.30 a.m. two working days before the day of the meeting. Those comments will be forwarded to all Members of the body concerned and the content may be read out by the person presiding at the meeting if they consider it appropriate to do so.

(b) A member may not use the process in paragraph (a) for the purpose of voting on an item of business.

(c) A Member who is unable to physically attend a meeting due to shielding from Covid19 may use this procedure to submit written comments to a body of which they are not a member in place of their right to attend and speak under Standing Order 34, provided that they have sought the permission of the Chair of the body concerned to do so not later than 9.30 a.m. two working days before the day of the meeting.

45.7 The person presiding at a meeting may give appropriate directions to any Member, officer, or member of the public or press *(whether or not relating to matters set out in Standing Order 45.5 (a), (b), (c) or (d))* for the purpose of ensuring safety of those present, including in relation to use of face masks or screens, occupation of seats, entering or exiting the venue or as *otherwise considered necessary to prevent risk to those present*. This may also include allowing Members to remain seated whilst addressing a meeting so that they remain behind any screens that have been provided.

45.8 During the time that these amended Standing Orders are in force for the purpose of restricting the spread of the Coronavirus, any notice which is required to be given by a Member of the Council under Standing Orders may be given electronically. During that time any signature which is required on any such document may also be attached electronically.

45.9 Standing Order 45.8 does not apply in relation to a formal notice which is served under the Local Government Act 1972 or other legislation, such as a declaration of acceptance of office or resignation of office or in relation to nominations for elections.

This Standing Order Procedure Rule Number 45 revokes and replaces the previous Standing Order No 45 which was last amended on 21st September 2020.