
Report To:	Inverclyde Council	Date:	24 September 2020
Report By:	Head of Legal & Property Services	Report No:	GM/LP/103/20
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Online Remote Council and Committee Meetings		

1.0 PURPOSE

- 1.1 This report updates the Council on the remote online operation of the September 2020 cycle of meetings and recommends continuation of this until the implementation of Phase 4 of the Scottish Government Route Map – Through The Crisis.

2.0 SUMMARY

- 2.1 It was the decision of the Policy & Resources Executive Sub-Committee at its meeting on 2 June 2020 to approve all meetings of the Council, Committees, Sub-Committees and Board being held on a remote online only basis for one cycle ending with the meeting of the Council on 24 September 2020. It was requested that a report be submitted to this Council meeting, in consultation with Members, with views on the operation of the online meetings in the September 2020 cycle. This report recommends the continuation of remote online access until Phase 4, in the light of Members' experiences and in respect of the continuing impact of the COVID-19 public health emergency and in compliance with the Scottish Government's Route Map – Through The Crisis.
- 2.2 The operation of the September 2020 cycle has been positive. It is not possible with regard to the Scottish Government's guidance to recommence public meetings, as yet. In view of the effectiveness and general satisfaction with remote online access, it is recommended that the current arrangements be continued to the implementation of Phase 4. A protocol for remote meetings has been developed in consultation with Elected Members and Officers and its approval is requested.

3.0 RECOMMENDATION

It is recommended that:

- 3.1 the Council considers the terms of this report;
- 3.2 approval be given to all meetings of the Council, Committees, Sub-Committees and Boards being held on a remote online only basis until the implementation of Phase 4 of the Scottish Government Route Map – Through The Crisis, subject to the Council's review at that time; and
- 3.3 the Protocol for remote online meetings be approved.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 This report reviews the administrative arrangements for committee meetings for the annual cycle of Council, Committee, Sub-Committee and Board meetings to June 2021 in the light of the COVID-19 emergency arrangements and the Scottish Government Route Map – Through The Crisis.
- 4.2 The Policy & Resources Committee at its meeting on 24 March 2020 authorised the suspension of all Council, Committee and Sub-Committee meetings for the duration of the emergency and delegated full powers of all Committees to the Executive Sub-Committee which met in the period from April to July as an emergency business Committee.
- 4.3 At the 2 June 2020 meeting of the Executive Sub-Committee, approval was given to the dates set out in the administrative arrangements for the Council's committee cycle 2020/21 and Members and officers are working to that agreed timetable for meetings.
- 4.4 At the 2 June 2020 meeting, approval was given to all meetings of the Council, Committees, Sub-Committees and Board being held on a remote online basis for one cycle ending with today's meeting of the Council on 24 September. A report has been requested to this meeting to review the operation of the remote online meeting arrangements with Members' views. This report sets out proposals for the convening of future meetings in the light of the COVID-19 public health emergency and the Scottish Government's Route Map – Through The Crisis.
- 4.5 A draft Protocol for remote online meeting arrangements has been the subject of Member and officer consultation. A finalised draft, which seeks to take into account the comments made, is attached as **Appendix 1**.

5.0 RESUMPTION OF COUNCIL COMMITTEE CYCLE ON REMOTE ONLINE BASIS

- 5.1 Following the decision of the Executive Sub-Committee, the Council has resumed its usual cycle of Committee meetings. The September 2020 cycle has been on a remote online basis only and the experience thus far for Members and officers has been positive.
- 5.2 As requested by the Executive Sub-Committee, the views of Members were sought as a consultation. From the responses received, it is evident that Council business has been considered, debated and scrutinised effectively during this cycle. It is evident from experience to date that the terms and form of Member and officer engagement in discussing and reviewing items during online meetings have been relevant and effective. There have been no fundamental issues in respect of participation or communication identified. On occasions, there are temporary connectivity problems that have been experienced for brief occasions from time to time but none such as to adversely or materially affect the participation of Members nor impede the efficient progress of Council business.
- 5.3 Training has been made available to all Members and also to Conveners. If there are any further training needs identified, officers will ensure this is implemented for any Member or Members, as wished.
- 5.4 From the experiences over the September 2020 cycle, it is fair to observe that the video conferencing platform meets all of the requirements of the Council for purposes of its administrative and governance arrangements.
- 5.5 It is fully accepted that Elected Member confidence is necessary in all aspects of remote online meetings. The experience over the September 2020 cycle, it is suggested, justifies the Council in continuing this practice until implementation of Phase 4, subject to a review at that time.
- 5.6 In this regard, the Scottish Government's guidance in terms of public gatherings and meetings is critical. The guidance provided by the Scottish Government's Route Map – Through The Crisis indicates that public access to meetings may only be reinstated during the course of

Phase 4. At present, members of the public are excluded from all Council meetings on public health grounds. This is indeed a key and salient issue and is relevant, also, to the attendance of any person, Member, officer or member of the public at a meeting. It is especially important to note that the remote online access allows for effective and efficient governance arrangements as a reasonable and suitable alternative to physical meetings.

- 5.7 The general principles of the public health restrictions to avoid or minimise physical contact at gatherings are crucial for purposes of fairness and inclusivity for all Elected Members as some are within groups in the community that cannot attend meetings because of health issues. A number of our Members in terms of risk assessments should not be expected to attend meetings and, in compliance with the current advice, should be alert to the risks of attending formal meetings within the Chambers and in recognition of fairness and inclusivity for all Members it is requested that online participation at Committees be approved until implementation of Phase 4.

6.0 PUBLIC ACCESS TO COMMITTEE MEETINGS

- 6.1 Public access to Committee meetings has been restricted by the terms of the Coronavirus Act 2020. The current position is contained in Schedule 6 of the Act, in terms of which the public are excluded from Council and Committee meetings on health grounds. The provisions of the Act expire on 30 September 2020. However, the Act allows for the Scottish Ministers to make regulations to extend the expiry to 31 March 2021 and again to 30 September 2021, but these regulations can only be made after 30 September 2020. Relevant updates on any legislative alterations will, of course, be given to the Council.
- 6.2 With any decision by the Council to continue with remote online meetings until implementation of Phase 4, it will be possible to develop and improve public access to the meetings that are set out in the Council's administrative arrangements.
- 6.3 In order to ensure there is transparency of decision-making and provide the community with an opportunity to engage with the business of the Council, all online meetings are being recorded and will be made available through the Inverclyde Council website for purposes of public record for all relevant items and business. Additionally, for purposes of public interest relative to the Planning Board and Local Review Body, where applicants have no right or entitlement to make representations, it is proposed that officers investigate and implement as soon as possible means to live webcast at these meetings and, pending this, all meetings will also be recorded and made available through the Council's website.
- 6.4 At present, for purposes of transparency and public engagement, press representation at any scheduled meetings has been offered and this has been made available online to local and national press representatives.
- 6.5 Arrangements have been put in place for the quasi-judicial tribunals and there has been effective use of the secure Council facilities within the Municipal Buildings, Greenock so that applicants or members of the public who are entitled to be heard have available suitable facilities for purposes of participating at these meetings. Formal hearings have taken place in these terms and the use of the online platform and accessibility from external parties and from external users within the Municipal Buildings, Greenock have been successful. In this way, these meetings have been arranged to ensure there is a fairness of access by electronic means to all applicants so that no party is disadvantaged either in putting their case or in putting forward a representation (whether of support or objection) to any relevant item. The quasi-judicial tribunals of the Council have recommenced as from September 2020. These meetings have been conducted online and are in compliance with the various legislative responses to the COVID emergency. The quasi-judicial function of relevant Boards and the means to ensure fairness and compliance can be testing in practice and these important elements of Council and Licensing Board activities continue to receive considerable officer attention.

7.0 PROTOCOL

- 7.1 Following the 2 June 2020 Executive Sub-Committee meeting, a Protocol for remote

meetings has been drafted and has been circulated to Members and officers (**Appendix 1**).

7.2 The updated draft Protocol has incorporated, as far as possible, the representations which have been made. There are two significant alterations that are contained within the draft in **Appendix 1**

- the original consultative draft suggested that if two Members accidentally lost connectivity on a non-judicial item then an adjournment of up to 30 minutes would be implemented. In the light of experience to date, very temporary interruptions can occur without significant detriment to the conduct of normal business. It is proposed in the final draft that the Conveners have the discretion to deal with such temporary gaps in connectivity and that a formal adjournment, or prescribed time for such, is not needed.
- From the practical experience of the meetings to date, it would be helpful for Members and Officers to intimate through the chat function or verbally, if participating by phone access, prior to leaving the meeting either temporarily or permanently. Members and Officers are asked, similarly, to intimate any return to the meeting.

7.3 In general, the level of engagement and the Members' use of the video conferencing platform has been positive. The arrangements suggested within the Protocol, e.g. using the chat function to indicate questions and comments have been well-observed and used by all Members and there is an overall general satisfaction and acceptance of the arrangements which are set out in the Protocol.

8.0 IMPLICATIONS

8.1 Finance

There are no financial implications.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

8.2 Legal

The legal issues are contained within this report.

8.3 Human Resources

There are no HR implications related to this proposal.

8.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

8.5 Repopulation

There are no direct repopulation issues within this report.

9.0 CONSULTATIONS

9.1 There have been consultations with the CMT and with the Interim Head of Service – COVID Response.

10.0 BACKGROUND PAPERS

10.1 None.

REMOTE MEETINGS PROCEDURE AND PROTOCOL FOR COMMITTEES

This protocol and procedure rules provide guidance for the conduct of any remote online meeting of the Council and its various Committees and Sub-Committees and Boards.

This protocol and procedure should be read in conjunction with the Council's Standing Orders and Scheme of Administration.

1. Advance Questions

All Members are encouraged to support the meeting arrangements by asking questions of clarification or detail in advance of the meeting. This may assist Members on points of clarification before the meeting and will allow Members to focus on the key issues and items for decision at the online meeting. Questions can still of course be asked at the meeting.

2. Meeting Management

- a. All Members have been provided with the Webex meeting guide for attendees and have been invited to participate in Webex training. Any training requests will be supported by officers.
- b. At their discretion, Members can choose a neutral background for the meeting but Members should note that this may affect their connectivity.
- c. To support the videoconferencing meeting, the Committee Officer's role will be to issue Webex invites, to host the meeting, to manage declarations of interest by moving Members to the lobby and re-admitting them to the meeting at the appropriate time and expelling the public and press from the meeting at the appropriate juncture.
- d. The Convener will, at the beginning of the meeting, briefly recap the protocol for participation in the meeting. A roll call of Members will then be taken by the Committee Officer and declarations of interest will be requested. If a Member joins the meeting after the roll call, he/she is requested to use the chat function to notify everyone.
- e. The normal quorum requirements for meetings as set out in the Council's Standing Orders and Scheme of Administration shall apply to remote meetings.
- f. Members should not leave the meeting during any item of business. If Members do leave, they should not take part in the decision on any item of business they are not present for. If the item of business is of a quasi-judicial nature, the Member must be present throughout its consideration and, if not present continuously for that item, the Member cannot participate in the decision-making on that item. Failure of the remote meeting

connection is dealt with later in this note.

- g. It assists meeting management for Members to be logged in to all meetings as "Cllr" NAME.

3. Meeting Procedure

Members should follow the meeting procedure below. This procedure also applies to the outside representatives on the Education & Communities Committee.

- The Committee Officer will open the meeting 15 minutes prior to its commencement and Members are asked to co-operate by joining the meeting as early as possible prior to the stated commencement time.
- All Members should ensure their automatic Webex identifier clearly states their name.
- Members must not allow exempt or confidential papers to be seen in the video feed.
- All Members on video should have their microphones muted when not talking.
- Any Members participating by phone should, if possible, mute their telephone microphone when not speaking.
- Members should use the chat facility "to everyone" to indicate to the Convener that they wish to speak. This can be facilitated by sending a message to all participants. The chat facility "to everyone" is part of the public record.
- Members should unmute their microphone when the Convener invites them to speak.
- Only one person may speak at any one time.
- If a Member requires to leave the remote meeting temporarily for any reason other than connection failure, the Member must send a message through the chat to everyone facility to ensure their temporary absence can be noted and the Member must send a similar message when returning to the meeting to ensure this is recorded in the minute.
- The chat record is the official record of attendance.
- Any Member participating by phone who requires to leave the remote meeting temporarily must state this when departing from and rejoining the meeting.
- If a Member requires to leave the remote meeting early, the Member must send a message through the chat to everyone facility to ensure this is recorded in the minute.
- Any Member participating by phone who requires to leave the remote meeting early must state this when departing from the meeting.
- Any Officer who leaves the meeting must advise the Committee of their departure by using the chat to everyone facility.

4. Debate and Voting

- a. The Convener will introduce each item on the agenda and manage the business on the agenda.
- b. Normal Council and Committee procedures will be followed in terms of questions, discussions, motions, amendments etc. As stated above, Members on video feed must use the chat facility on Webex to indicate to the Convener that they wish to speak. The Convener will regularly monitor the chat function to ensure that Members are engaged. The chat function will not be available to Members who have joined the meeting by phone. The Convener will therefore ask those Members individually at each item if they wish to speak. Members who wish privacy for any reason can choose to disable temporarily, or for the whole duration of the meeting, their own video function but in this situation the chat function remains available to them for their participation in the progress of the meeting. If Members disable their video function temporarily to retrieve papers or to relocate their seating/access location this will not constitute leaving the meeting unless they are not able to hear meeting progress or participate in the meeting in which case they should instead notify everyone they are temporarily leaving the meeting as noted above.
- c. When the Convener is satisfied that there has been sufficient debate, the Convener will progress to making a decision.
- d. If there is a vote on an agenda item, the vote will be taken by roll call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.
- e. The Legal Adviser to the Committee will call out the name of each Member present with:
 - o Members stating “motion” or “amendment” to indicate their vote when their name is called or otherwise to “abstain”;
 - o the Legal Adviser to the Committee will clearly state the result of the vote and the Convener will then move onto the next agenda item.

5. Declarations of Interest

Any Member who declares an interest in any item of business which would normally require them to leave the room, must also leave the remote meeting. The Committee Officer will move that Member to the lobby and readmit the Member to the meeting at the appropriate time.

6. Exclusion of Public and Press

- a. Where a confidential or “exempt” item is under consideration, the Committee Officer and Legal Adviser to the Committee will ensure that there are no members of the public or press in remote attendance or remotely accessing the meeting and able to hear or see the proceedings once the exclusion has

been agreed by the meeting and the Legal Adviser to the Committee will confirm this to the Convener prior to any private business being conducted.

- b. Members must ensure that there are no other persons present at their location who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

7. Connection Failure

- a. If any Member loses connection they should try to rejoin the meeting. If unsuccessful, Members should call the *join by phone* number provided in the Webex meeting invitation.
- b. When it appears there has been a remote meeting connection failure affecting a Member or Members, the Convener should immediately determine if the meeting is still quorate:
 - If it is, then at the discretion of the Convener the business of the meeting will continue; or
 - If there is no quorum, then the meeting shall adjourn for a period specified by the Convener, expected to be no more than 15 minutes, to allow the connection to be re-established.

The presumption is that a quorate meeting will continue to deal with business.

- c. If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.
- d. If a Member has a connection failure and is able to rejoin the meeting, the Member must use the chat to everyone facility to advise the Committee and to indicate the items for which they were not present.
- e. If the connection to a Convener is lost, the Vice-Convener will exercise discretion in terms above. If the Vice-Convener is not present (or connection is lost), the remaining Members will elect a replacement Chair for the purpose only of exercising the Convener's discretion in terms above.
- f. If a connection to a Member is lost during a meeting of a Quasi-Judicial Board, 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 only proceed at the discretion of the Chair, but the Member who was disconnected will not be able to take part in the decision on the matter under discussion. If the Chair so chooses, the quasi-judicial item may be adjourned to an appropriate later time or

day. In the event of connection failure of more than one Member for a quasi-judicial item, the presumption will be that the Chair adjourns the meeting to an appropriate later time or day.

8. Attendance of the Public

- a. Meetings will be held remotely and the public will therefore be excluded from meetings in terms of paragraph 13 of Schedule 6 of the Coronavirus (Scotland) Act 2020.
- b. For quasi-judicial meetings where there is no legal entitlement for applicants or others to make representations, arrangements will be made in the interests of transparency and community engagement to webcast live the proceedings of the Planning Board and Local Review Body (to be introduced as soon as arrangements can be made).
- c. For those other quasi-judicial meetings where there are legal entitlements for applicants or others to make representations, arrangements will be made for online participation for parties involved. A secure, safe room with online meeting availability has been made available for applicants and those who may make representations. In this way, meetings of the General Purposes Board, Education Appeals Committee (Placing Requests & Exclusions) and HR Appeals Board etc. and, separate from the Council, the Licensing Board will be facilitated.
- d. The meeting room availability will be given to any parties making representations to the Petitions Committee.