
Report To:	Inverclyde Council	Date:	17 February 2022
Report By:	Head of Legal & Democratic Services	Report No:	LS/014/22
Contact Officer:	Iain Strachan	Contact No:	01475 712701
Subject:	Update Regarding Future Delivery of All Council/Committee/Board Meetings		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide an update and seek decisions on the future delivery of meetings of the Council, Committees and Boards in light of the relaxation of Covid restrictions announced by the Scottish Government due to the reduction in infection rates of the Omicron variant.

2.0 SUMMARY

- 2.1 Members have received and considered a number of reports regarding the delivery of Council/Committee and quasi-judicial Board meetings since the outbreak of the Coronavirus Pandemic in March 2020.
- 2.2 At its meeting on 23 September 2021 the Council agreed that approval should be given to all meetings of the Council, Committees, Sub-Committees and Boards continuing to be held on a hybrid basis except in the following circumstances:
1. The Chair/Vice-Chair or Convener/Vice-Convener is unable to attend the meeting in person;
 2. Holding a hybrid meeting would be contrary to the legislation, regulations and guidance of the Scottish Government regarding the COVID 19 pandemic with regards to public health and the requirement for social distancing measures.
- 2.3 At its meeting on 23 December 2021 the Policy & Resources Executive Sub-Committee considered a report prepared by the Interim Head of Legal and Democratic Services and agreed the following:
- (1) All meetings of the Council, Committees, Sub-Committees and quasi-judicial Boards would revert to remote online meetings;
 - (2) That public access to remote online Council and Committee meetings would be facilitated by live streaming fully remote meetings via You Tube;
 - (3) That the Remote Meeting Protocol and Hybrid Meeting Protocol would be amended in light of any changes ultimately agreed by Members;
 - (4) That the arrangements for the continued delivery of the Council, Committees and Council meetings and those of all quasi-judicial Boards would be considered by the Council at its meeting on 17 February 2022.
- 2.4 The First Minister in her statement on 25 January 2022 provided an update and advised that previous guidance in relation to working from home had changed and the Scottish Government is now recommending a phased return to the office. With effect from 31 January 2022 employers should consider implementing a hybrid working model.

- 2.5 In light of this it is recommended that the Council return to the meeting model approved on 23 September 2021 and that public attendance be facilitated by both physical attendance and the continuation of live streaming.
- 2.6 Given it is less than 6 months since the Council last considered this matter, and given the recommendations on the report, the Council will need to suspend the Standing Orders (Standing Order 47) if it wishes to consider this report.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that:
- (a) the Council consider the contents of this report and agree that the Council revert to the Hybrid Committee model approved by the 23 September 2021 Council with effect from 1 March 2022;
 - (b) public attendance be facilitated via reverting to physical attendance whilst continuing with live streaming of meetings onto You Tube (or such substitute medium as the Council might subsequently use); and
 - (c) the Council approve revisions to both the Remote and the Hybrid Meeting Protocols in relation to the issue of public attendance as set out in Appendix 3.

Iain Strachan
Head of Legal and Democratic Services

4.0 BACKGROUND

- 4.1 A number of reports have been submitted to Members since March 2020 regarding the delivery of Council, Committees, including Sub-Committees and Board meetings in light of the Coronavirus Pandemic. The approach adopted by the Council has been driven by both UK and Scottish Government regulations and guidance.
- 4.2 At its meeting on 23 September 2021 the Council agreed that approval should be given to all meetings of the Council, Committees, Sub-Committees and Boards continuing to be held on a hybrid basis except in the following circumstances:
 - (a) The Chair/Vice-Chair or Convener/Vice-Convener is unable to attend the meeting in person; or
 - (b) Holding a hybrid meeting would be contrary to the legislation, regulations and guidance of the Scottish Government regarding the COVID 19 Pandemic with regards to public health and the requirement for social distancing measures.

The Council on 23 September 2021 also approved the new hybrid meeting protocol set out in **Appendix 1** and approved the revised remote meeting protocol set out in **Appendix 2**.

- 4.3 Following the Council meeting on 23 September 2021 most meetings of the Council, Committees and Boards took place on a hybrid basis, were recorded and retrospectively placed on the Council website for public viewing. In the main these meetings operated successfully with appropriate social distancing measures in place within the Council Chambers. Additional measures were introduced to improve the ventilation in the Chambers. In particular two air purifiers and a CO2 monitor were installed within the Chambers whilst the main and side doors were left open during public business. The CO2 monitor readings were monitored and were well within acceptable limits even during warm weather.
- 4.4 Overall Officers believe the hybrid meeting approach was relatively successful and afforded Members the flexibility to either attend meetings in person or attend remotely. During this time very few members of the public attended a hybrid meeting.
- 4.5 Due to the high incidence and rapid spread of the Omicron variant and fears this may lead to increased hospitalisation, the First Minister announced on 14 December 2021 additional protective measures to mitigate the spread of the virus. Regulations published on 16 December 2021 imposed additional restrictions requiring any person responsible for carrying out a business or providing a service to put in place additional measures to minimise the incidence and spread of the virus. In particular, the regulations increased the distance in business and work places within which people required to wear a face mask if seated from 1-2 metres. The Scottish Government advised employers that employees should work from home where possible.
- 4.6 At its meeting on 23 December 2021 the Policy & Resources Executive Sub-Committee considered a report prepared by the Interim Head of Legal & Democratic Services and accepted the recommendation of the Corporate Management Team that meetings should be conducted remotely in light of the guidance of the Scottish Government and up-to-date risk assessment carried out by Officers. It was also agreed to trial live streaming meetings to facilitate public access.

5.0 CURRENT POSITION

- 5.1 On 18 January 2022 the First Minister advised that notwithstanding the very real challenges COVID continues to present the situation was beginning to improve. The temporary protective measures introduced in December 2021 had in her view helped to mitigate the impact of the Omicron wave. Whilst recommending a cautious approach, the First Minister confirmed that it would be appropriate to lift measures on a phased basis.

5.2 Whilst baseline mitigation measures are to remain in place and the requirement for businesses to take reasonable measures to minimise the spread of COVID on their premises retained, statutory measures introduced to respond to Omicron have been lifted with effect from Monday 24 January 2022.

5.3 The First Minister in her statement on 25 January 2022 advised that previous guidance in relation to working from home has changed and the Scottish Government is now recommending a phased return to the office and that with effect from 31 January 2022 employers should consider implementing a hybrid working model.

6.0 PROPOSALS

6.1 The recommendation of the Corporate Management Team is that all meetings of the Council, Committees and Boards revert to the hybrid model approved by the 23 September 2021 Council with effect from 1 March 2022. It should be noted that the rule regarding 2 metre physical distancing which had been reintroduced on a temporary basis in December 2021 to deal with the Omicron variant has now been removed by the Scottish Government. As at the date of this report physical distancing of at least 1 metre remains in place although further statutory guidance from the Scottish Government is expected.

7.0 PUBLIC ATTENDANCE

7.1 Members require to consider the issue of public attendance at Council and Committee meetings. There is a requirement for the Council to provide access to public meetings unless not required by law. The previous approach adopted for hybrid non quasi-judicial meetings was that members of the public could physically attend the Chambers if they so wished with provision for any excess members of the public being accommodated in the Grand Corridor. During the hybrid period very few members of the public physically attended a Council or Committee meeting.

7.2 Separate arrangements for online participation were in place for hybrid quasi-judicial meetings where there is a legal entitlement for applicants or others to make representation.

7.3 The decision of the Policy & Resources Executive Sub-Committee of 23 December 2021 was that remote meetings of the Council and Committees would be live streamed onto You Tube in order to facilitate access by the public to meetings.

7.4 Live streaming of non quasi-judicial meetings commenced with the Audit Committee on 11 January 2022 and thus far four meetings of the Council's Committees have been live streamed. Viewing figures for these Committees are provided in the box below. Whilst there are risks inherent in live streaming, guidance has been issued to all Members and Officers to minimise such potential risks. Thus far live streaming of Committee meetings appears to have operated smoothly with the advantage that members of the public have the opportunity to either watch the meetings live or at a later date at a much earlier juncture that was previously achieved through the retrospective posting of recorded meetings

Date	Committee	Concurrent Live Views	Post Stream Views
11/01/22	Audit	4	49
13/01/22	E&R	16	68
25/01/22	E&C		
	Communities	19	134
	Education	20	31
01/02/22	P&R	18	20

- 7.5 Should Members decide to revert to hybrid meetings, members of the public will have the option of attending the Municipal building in person subject to the legislation, guidance and regulations of the UK and Scottish Government. Retaining the option of live streaming would afford members of the public the same flexibility offered to Members in that they can choose to either attend in person or watch the live stream. Only the public part of any meeting is suitable for live streaming and where a confidential or “exempt” item is under consideration there will be no live streaming.
- 7.6 There are separate arrangements in place for quasi-judicial meetings of the Council. Those individuals who require to participate in such meetings will continue to receive an electronic invitation in order to facilitate online participation should they not wish to attend the Chambers in person. Due to the separate and distinct nature of quasi-judicial meetings it is not proposed to live stream these meetings.
- 7.7 In light of the foregoing proposals, if agreed, it is considered appropriate that changes are made to sections 3 and 8 of both the Remote and Hybrid Meeting Protocols, as set out in Appendix 3, to ensure that members of the public, for reasons of transparency and public accommodation, have access to both remote and hybrid meetings. Members are reminded that (as set out in paragraph 2 (c) of the Hybrid Meeting Protocol) they should contact the Committee Section at least 24 hours prior to the commencement of a meeting in order to indicate if they wish to attend remotely or in person.
- 7.8 Members have previously highlighted that the live-streaming of meetings from the Chambers is not an optimal solution, as noted in the above-mentioned report from 23 September 2021. In addition, there are limitations, financial and non-financial, around the enhancements that could be made to improve the position on the basis that the Council Chambers continues to be used for Council and Committee meetings.

8.0 IMPLICATIONS

8.1 Finance

Not appropriate at the present time.

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

It should be noted that the law relating to the conduct of Committee meetings is generally unaltered by COVID-19 legislation and therefore any deviation from how meetings are conducted from the pre-existing law (unless specifically covered by COVID-19 legislation) would leave the Council open to challenge.

8.3 Human Resources

None at the present time.

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

N/A

9.0 CONSULTATIONS

9.1 The Corporate Management Team have been consulted in relation to this report.

10.0 BACKGROUND PAPERS

10.1 Remote and Hybrid Meeting Protocols.

HYBRID MEETINGS PROTOCOL AND PROCEDURE RULES FOR COMMITTEES AND BOARDS

This protocol and these procedure rules provide guidance for the conduct of any hybrid meeting of the Council and its various Committees, Sub-Committees and Boards, including quasi-judicial meetings, whereby at their discretion Members can attend in person or can join meetings remotely.

This protocol and these procedure rules should be read in conjunction with the Council's Standing Orders and Scheme of Administration. In the event of a conflict between (i) this protocol and these procedure rules, and (ii) the Council's Standing Orders and Scheme of Administration, then this protocol and these procedure rules shall prevail while they remain in force and effect.

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. All Members will receive a Webex or other electronic invitation prior to each meeting. Members should contact the Committee Section at least 24 hours prior to the commencement of a meeting in order to indicate if they wish to attend remotely or if they wish to attend in person.
- d. To support the remote element of the meeting, the Committee Officer's role will be to issue the Webex or such other electronic invites, to host the meeting, to manage declarations of interest by moving remotely connected 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. It will also be the Committee Officer's role to make contact with any Member who loses connectivity by sending a text message to that Member with the number which will permit that Member to rejoin the meeting by phone if they are unable to reconnect by video. A note of the number will also be provided on the hard copy of the agenda/papers issued to Members.

- e. 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 remotely after the roll call, he/she is requested to use the chat function to notify everyone.
- f. The normal quorum requirements for meetings as set out in the Council's Standing Orders and Scheme of Administration shall apply to hybrid meetings.
- g. Members should not leave the meeting during any item of business. If Members do leave during an item of business which is not of a quasi-judicial nature they should consider carefully whether they should participate in the decision on any item of business for which they were not present. 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.
- h. It assists meeting management for remote Members to be logged in to all meetings as "Cllr" NAME.
- i. It will be necessary for the Convener/Chair of each hybrid meeting to physically attend the meeting in person. In the event the Convener/Chair is unable to physically attend the Vice-Convener/Chair will preside, failing which it will be necessary to hold a fully remote meeting. In the event the Convener/Chair or Vice-Convener/Chair are only able to attend remotely they should, where possible, provide the Committee Section with 48 hours' notice in order that suitable arrangements can be made to hold a fully remote meeting.

3. Meeting Procedure

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

(a) Meeting procedure for Members who attend a meeting remotely

- The Committee Officer will open the meeting 15 minutes prior to its commencement and Members who are joining remotely are asked to co-operate by joining the meeting as early as possible prior to the stated commencement time.
- All Members attending remotely should ensure their automatic Webex or other service identifier clearly states their name.

- Members must not allow exempt or confidential papers to be seen in the video feed.
- All Members attending remotely should have their microphones muted when not talking.
- Members attending remotely should indicate to the Convener that they wish to speak by sending a message “to everyone” through the chat facility, for noting by the Convener and Committee Officers. Messages sent “to everyone” in the chat facility are part of the public record.
- Members should only unmute their microphone when the Convener invites them to speak.
- Only one person may speak at any one time.
- If a remotely connected Member requires to leave the hybrid meeting temporarily for any reason other than connection failure, the Member must send a message “to everyone” through the chat facility for notice of the Convener and Committee Officers 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.
- If a Member participating remotely requires to leave the hybrid meeting early, the Member must send a message through the chat to everyone facility for notice of the Convener and Committee Officer to ensure this is recorded in the minute.
- Any Officer who is attending remotely who leaves the meeting must advise the Convener and Committee Officers of their departure by using the chat to everyone facility.

(b) Members participating by phone

- Members participating by phone should if possible mute their telephone microphone when not speaking.
- Any Member participating by phone who requires to leave the remote meeting temporarily must state this when departing from and rejoining the meeting.
- Any Member participating by phone who requires to leave the remote meeting early must state this when departing from the meeting.
- Members participating by phone should only speak when invited to do so by the Convener/Chair.

(c) Members attending the Chambers in person

- Members attending in person must indicate that they wish to speak by pressing their light.
- A Member must wait to be invited to speak by the Convener/Chair.
- All Members in the Chambers will require to project their voice and speak clearly.

- Only the Convener/Chair may attend the Chambers with their laptop for the purpose of monitoring the chat function.
- Members must wear masks at all times when not seated in the Chambers for so long as this remains a requirement of Coronavirus legislation and guidance of the Scottish Government.

(d) Officers attending remotely or in person will also require to comply with the above protocol.

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 or such other electronic system in use 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:
 - Members stating “motion” or “amendment” to indicate their vote when their name is called or otherwise to “abstain”;
 - 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 hybrid meeting. The Committee Officer will move any Member attending remotely 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 physical 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 who are joining remotely must ensure that there are no other persons present at their location who are not entitled to be present (either hearing or seeing) during consideration of such items, and/or recording the proceedings.

7. Connection Failure

- a. If any Member who is attending the meeting remotely loses connection they should try to rejoin the meeting. If unsuccessful, Members should call the *join by phone* number provided in the electronic meeting invitation. One of the Committee Officers, immediately upon becoming aware that a Member has lost connectivity, will notify the Convener and send a text message to the Member with a note of the phone number to enable the Member to rejoin the meeting by audio. It will be the responsibility of each Member attending remotely to ensure that their mobile phone is charged and within reach during the meeting. A note of the phone number will also be provided to Members on the hard copy of the agenda and papers issued.
- 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 the meeting is still quorate, then, at the discretion of the Convener, having regard to the nature of the item of business, **either**:
 - i. the business of the meeting may continue; **or**
 - ii. the meeting will be paused for a maximum period of 5 minutes to allow reconnection of the Member or Members affected, during which time no business will be considered or transacted, the presumption being that when **either** the affected Members have reconnected **or** 5 minutes have expired the meeting will continue to deal with business, provided it remains quorate.

- If the meeting is no longer quorate, then:
 - i. the meeting will be paused for a maximum period of 5 minutes, to allow reconnection of the Member or Members affected, during which time no business will be considered or transacted;
 - ii. if the affected Member or Members reconnect to the meeting and the meeting is once again quorate, the meeting will continue to deal with business;
 - iii. if after 5 minutes the meeting is still not quorate, the meeting shall adjourn for a further period specified by the Convener, expected to be no more than 15 minutes, to allow the connection to be re-established; and
 - iv. if, after such an adjournment, the meeting is still not quorate then the meeting shall be further adjourned to an appropriate date and time.

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 remote Member has a connection failure and is able to rejoin the meeting, the Member must use the chat “to everyone” to advised the Convener, the Committee Officers and the Committee and to indicate the items for which they were not present.
- e. In the event of a fully remote meeting if the connection to the 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, which period shall be specified by the Convener/Chair, the meeting will only proceed at the discretion of the Chair, and if the meeting is quorate 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. Members of the public can attend remotely or in person, subject to the

legislation, regulations and guidance of the UK and Scottish Government with regard to social distancing measures in place at any time.

- 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 issue electronic invites to those members of the community with an interest who make a request that they wish to attend the meeting but do not wish to attend the Chambers in person..
- 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 with electronic invitations being issued to those who wish to join remotely rather than attend the Chambers in person

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 including quasi-judicial meetings.

This protocol and procedure should be read in conjunction with the Council's Standing Orders and Scheme of Administration. In the event of a conflict between (i) this protocol and these procedure rules, and (ii) the Council's Standing Orders and Scheme of Administration, then this protocol and these procedural rules shall prevail while they remain in force and effect.

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. It will also assist if any Members who wish to speak on a particular agenda item could inform the Convener in advance of the start of the meeting, where it is possible to do so, and this will help the progress of 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 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. It will also be the Committee Officer's role to make contact with any Member who loses connectivity by sending a text message to that Member with a number which will permit that Member to rejoin the meeting by phone if they are unable to reconnect by video. A note of the number will also be provided on the hard copy of the agenda/papers issued to Members.
- 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 during an item of business which is not of a quasi-judicial nature, they should consider carefully whether they should participate in the decision on any item of business for which they were not present. 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.

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 on Webex 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:
 - Members stating “motion” or “amendment” to indicate their vote when their name is called or otherwise to “abstain”;
 - 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. One of the Committee Officers, immediately upon becoming aware that a Member has lost connectivity, will notify the Convener and send a text message to the Member with a note of the phone number to enable the Member to rejoin the meeting by audio. It will be the responsibility of each Member attending remotely to ensure that their mobile phone is charged and within reach during the meeting. A note of the phone number will also be provided to Members on the hard copy of the agenda and papers issued.
- 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, having regard to the nature of the item of business either:
 - (i) the business of the meeting may continue; or
 - (ii) the meeting will be paused for a maximum period of 5 minutes to allow reconnection of the Member or Members affected, during which time no business will be considered or transacted, the presumption being that when either the affected Members have reconnected or 5 minutes have expired the meeting will continue to deal with business, provided it remains quorate.

- If there is no quorum, then:
 - (i) the meeting will be paused for a maximum period of 5 minutes to allow reconnection of the Member or Members affected, during which time no business will be considered or transacted; (ii) if the affected Member or Members reconnect to the meeting and the meeting is once again quorate, the meeting will continue to deal with the business; (iii) if after 5 minutes the meeting is still not quorate, the meeting shall adjourn for a further period specified by the Convener, expected to be no more than 15 minutes to allow the reconnection to be re-established; and (iv) if, after such an adjournment, the meeting is still not quorate then the meeting shall be further adjourned to an appropriate date and time.

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, which period shall be specified by the Convener/Chair, the meeting will only proceed at the discretion of the Chair and if the meeting is quorate, 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. When meetings are held remotely the public will therefore be unable to physically attend the meeting.

- 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 issue electronic invitations to those members of the community with an interest to make a request that they wish to attend the meeting.
- 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 with electronic invitations being issued to those who wish to join remotely.
- d. A secure safe room with on-line meeting availability will be offered to any parties or their representative who do not have electronic means to join a meeting.

Effect of Proposed Changes to Sections 3 and 8 of the Remote Meeting Protocol Regarding Attendance of the Public

Section 3

- Members should only participate by phone where there has been a connection failure, for which see Section 7 (Connection Failure).

Section 8A

When meetings are held remotely the public will therefore be unable to physically attend the meeting. Members of the public will be able to view all Council and Committee meetings which will be live streamed on the Council's website.

Effect of the Proposed Changes to Hybrid Meeting Protocol Regarding Attendance of the Public

Section 3 (b)

- Members should only participate by phone where there has been a connection failure, for which see Section 7 (Connection Failure).

Section 8A

Members of the public can attend meetings of the Council, its Committees and Sub-Committees and Boards in person, subject to the legislation, regulations and guidance of the UK and Scottish Government with regard to social distancing measures in place at any time. Alternatively members of the public can view live streamed meetings on the Council's website.