

Report on	Standing Orders for Council - Amendment
Date of Meeting	Thursday 26 th May 2022
Reporting Officer	Adrian McCreesh, Chief Executive
Contact Officer	P Moffett, Assistant Director (Org. Dev, Strategy and Performance) C McNally, Assistant Director (Corporate Services and Finance)

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	To consider an amendment to the Standing Orders of Council following the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (NI) 2022 being approved by the Assembly on 21 March 2022
1.2	In line with standing order 30.2 concerning amendments to Standing Orders this matter and request to amend them was notified to April 2022 Council and discussion stood adjourned until the next ordinary meeting of Council. Discussion on the proposed amendment can take place at this meeting (Thurs 26 th May 2022) in line with standing order 30.2, concerning amendments.
2.0	Background
2.1	Members were previously informed that in response to the COVID-19 pandemic, the Council amended its Standing Orders in May 2020 enabling it to transact its business by virtual means if required, with the inclusion of an interim Standing Order on remote meetings and an associated protocol. The ability to do this was under the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020 under powers contained in Section 78 of the Coronavirus Act 2020.
2.2.	The Meeting Regulations ceased to have effect on 6 th May 2021 because of Section 78(3) of the Coronavirus Act 2020. This expiration date was contained within our Standing Orders in line with the Regulations, applying to all UK council and local authority meetings.
2.3	Legislation "extending" the ability to hold remote meetings in the form of the <i>Local Government (Meetings and Performance) Act (NI) 2021</i> ("the 2021 Act") came into operation on 27 th August 2021. Following the lapse of legislative authority from 6 th May 2021 until the new Regulations came into operation on 27 th August 2021 the Council took proportionate steps to ensure continuity in the transaction of business.

2.4	Amendments were made in September 2021 to the interim Sanding Orders on remote meetings as contained within our Standing Orders. However, this provision allowing for remote meetings ceased on the expiration of the relevant Coronavirus Act 2020 provisions on 25 th March 2022.
3.0	Main Report
3.1	The 2021 Act allows for the Department for Communities to make Regulations to allow councils to hold remote meetings on a permanent basis beyond the expiration date of 25 th March 2022. These Regulations need to be brought forward by the Department and approved by a resolution of the Assembly. Whilst the Department has been given the scope to do this it has not been determined that this will be done.
3.2	Earlier this year, the Department for Communities undertook a <i>Call for Evidence</i> by way of consultation on whether the ability to extend provision for remote/hybrid council and committee meetings be extended and made on a permanent basis.
3.3	In-light of this exercise and in the absence of an amendment to the primary legislation (i.e., the Local Government (NI) Act 2014), further interim legislation was passed which extends the period of time for which councils can hold remote/hybrid meetings until 24 September 2022. This legislation is the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) Order (NI) 2022 and was approved by the Assembly on 21 st March.
3.4	It remains to be seen whether legislation will be passed to allow the current remote/hybrid arrangements for meetings to continue on a permanent basis. If legislation is passed by the NI Assembly, further changes to the Council's Standing Orders are likely to be proposed.
3.5	This report is recommending a change to the Standing Orders regarding Remote Meetings Protocol and Procedure Rules to allow them to continue to apply past 25 March 2022 reflecting the legislative extension referred to at 3.3 above. The matter has already stood adjourned from the April Council meeting and a decision can now be made on same.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable
	Human: not applicable
	Risk Management: Approval is required to ensure the proper administration in relation to the conduct of Council and Committee meetings that are held wholly or partially by remote means.

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	It is recommended that that discussion can now take place on the proposed amendment, discussion having stood adjourned from the April meeting of Council. It be further recommended that Council considers and approves the amendment to the Standing Orders regarding Remote Meetings Protocol and Procedure Rules as attached and highlighted in Appendix 6.1
6.0	Documents Attached & References
6.1	Amendment to Standing Orders of Mid Ulster District Council – Extract

ANNEX B

INTERIM STANDING ORDERS REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

These Interim Standing Orders have been produced for the purpose of proper administration, good order and clarity in relation to the conduct of any meeting that is held, either wholly or partly, by remote means.

This is as a consequence of the COVID19 pandemic and the enactment of legislation on 1st May 2020 that allowed for; remote meetings; remote attendance by members and members of the public, where applicable; and remote access by members of the public and press.

1. Definitions

“The 2020 Regulations” means The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 No.74;

“The 2020 Act” means the Coronavirus Act 2020;

“remote access” means the ability to attend or participate in a meeting by electronic means, including but not limited to, by telephone conference, video conference, live webcasts and live interactive streaming;

“remote attendance” means fulfilling conditions (i)-(iii) inclusive in Interim Standing Order 7 or 8 below, as appropriate;

“open to the public” includes remote access to the meeting and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

2. Introduction and Application of these Interim Standing Orders

These Interim Standing Orders provide for the good administration and proper order of any remote meeting, either wholly or partially, of the Council and its various Committees.

These Interim Standing Orders should be read in conjunction with the Council’s Standing Orders and Procedure Rules within the Constitution. The 2020 Regulations, made under section 78 of the 2020 Act and subsequent legislation applies notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Council governing meetings.

These Interim Standing Orders do not negate the validity of the Council’s Standing Orders. Wherever there is a conflict, these Interim Standing Orders take precedence only in relation to any aspect of the meeting, attendance or access that is by remote means.

3. Commencement and Duration

These Interim Standing Orders exist on a temporary basis, taking effect immediately from and including their adoption on 28 May 2020. **They remain valid and in existence unless revoked by the Council or in the absence of continuing legislative provision.**

4. References to “place” and “present”

Any references to a council meeting in the Standing Orders, is not limited to a meeting of members, all or any of whom, are present in the same place. Any reference to “place” where a meeting is held, or to be held, includes reference to more than one place, including electronic, digital or virtual locations, e.g., internet locations, web addresses or conference call addresses.

The Annual Meeting and meetings of the Council shall be held at 7pm in the place or places specified on the summons.

The ‘place’ at which the meeting is held may be at a Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a Council building with a proportion of the membership and any participating public additionally attending remotely. The place of the meeting will be specified on the notice.

Any references to being “present” in the Constitution and Standing Orders, includes being present through remote attendance.

5. Notice and Summons of Meetings

The requisite notice shall be given to the public of the time and place of the meeting, and the agenda, together with a link to view the meeting. The notice will be available on the Council’s website.

6. Public access

Subject to below, meetings will be open to the public and members of the press and public will be encouraged to use remote access facilities provided by the Council to access a meeting remotely.

If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision by the Council, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

Exclusion of Public and Press

When council meetings are not open to the public, i.e., when confidential, or “exempt” issues are under consideration, the meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

Where there is disturbance by the public, the Chair will warn the person concerned and can order that their remote access is severed, if the interruption continues.

7. Remote Attendance by Members

A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear and be so heard by and, where practicable, to see and be seen by, the other Members in attendance.
- (ii) to hear and be so heard by and, where practicable, to see and 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
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

Where a member who is in remote attendance is muted or has forgotten to unmute themselves when they are speaking, this does not mean that they are unable to be heard for the purposes of 7(i)-(iii) above.

If a Member in remote attendance is leaving the meeting, they must indicate to the Chair when they are doing so. A member will be deemed to have left the meeting where, at any point in time during the meeting, any one of the conditions for remote attendance contained in 7(i)-(iii) above are not met. In such circumstance the Chair may, as they deem appropriate and subject to any indication given by the Member to the Chair;

- o adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (i)-(iii) above to be re-established;
- o count the number of Members in attendance for the purposes of the quorum; or
- o continue to transact the remaining business of the meeting in the absence of the Member that is no longer in remote attendance.

A member who disconnects and re-connects to the meeting due to technological issues is still “present throughout” as long as any matters discussed during their absence are repeated.

8. Remote Attendance by the Public

A member of the public entitled to attend the meeting in order to exercise a right to speak, or make a deputation, at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear and be so heard by and, where practicable, to see and be seen by, Members in attendance;
- (ii) to hear and be so heard by and, where practicable, to see and 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
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

A member of the public in remote attendance and entitled to exercise a right to speak or make a deputation, will be deemed to have left the meeting where, at any point in time during the meeting, any one of the conditions for remote attendance contained in 8(i)-(iii) above are not met. In such circumstance the Chair may, as they deem appropriate:

- (a) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 8(i)-(iii) above to be re-established;
- (b) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following 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, before the end of the meeting, whichever is the earliest; or
- (c) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

Refer to Planning section for difference in proceeding in these circumstances.

9. Remote Voting

In relation to the Chair taking the vote by a show of hands, this will involve those members in remote attendance ensuring their video is turned on and raising their hands.

If the Chair is unable to see a Member in remote attendance, the Chair will ask that member to verbally indicate how they wish to cast their vote.

The Chair may, in their absolute discretion, decide to call a vote by remote means using an electronic voting system for remote voting.

10. Access to Information

Members of the public may access minutes, decision and other relevant documents through the Council's website.

11. Postponing a meeting

The Chair can postpone a meeting by giving 24 hours' notice to members, or such shorter period as the Chair may determine in cases of urgency. The same notice will be published on the Council's notice.

12. Planning

The Protocol for the operation of the Planning Committee is amended as follows:-

Addendum

Any additional papers tabled at a Planning Committee meeting by way of the Addendum must be emailed to each Committee member by 5pm on the evening of the Committee.

At the start of each meeting, the Chair will ask members to confirm that; (i) they've received the Addendum; and (ii) they've had sufficient time to review same. If any member indicates in the negative to 12(i) and/or (ii), the Chair will allow, by a short adjournment if necessary, for these to be delivered to and read by said member.

Visual Aids

To ensure that a member in remote attendance can clearly follow any officer presentation, copies of the presentation should be shown simultaneously and be able to be seen by the member in remote attendance.

Speaking Rights

Any reference to speaking rights and the exercise of same (with the exception of Pre Determination Hearings below) will be treated as follows:-

- a. In the first instance, the requester will be offered an opportunity to attend the meeting by remote access.
- b. If the requester is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the requester will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared (e.g., one person for applicant; one person against development); and
- c. If the requester is unable or unwilling to exercise speaking rights by virtue of 12a. or b. above, they will be able to provide Written Submissions no later than 12pm two working days prior to the meeting, which will be circulated to members the Committee.

The deadline for receipt of requests to speak including the submission of any written information remains as per paragraph 23 of the Protocol on the Operation of the Planning Committee, i.e., no later than 12pm two working days prior to the meeting.

Pre Determination Hearings

Any reference to speaking rights and the exercise of same in relation to Pre Determination Hearings will be treated as follows:-

1. In the first instance, the requester will be offered an opportunity to attend the meeting by remote access and the conditions in Interim Standing Order 8(i)-(iii) must be met;
2. If the requester is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the requester will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared (e.g., one person for applicant; one person against development).

Remote attendance by the public

Where a member of the public in remote attendance and entitled to exercise a right to speak has been deemed to have left the meeting when their particular application is under consideration, the Chair may, as they deem appropriate:

- (a) adjourn the meeting for a short period to permit the conditions for remote attendance contained in (i)-(iii) of Interim Standing Order 8 above to be re-established;
- (b) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following 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. If the conditions for the member of the public's remote attendance cannot be satisfied prior to the conclusion of the meeting and before the committee resolves to go in to closed business, the application under consideration will be deferred until the next available Planning Committee meeting.

Declaration of Interests

Where a Member in remote attendance has declared an interest in an application and would ordinarily be required to leave the meeting or sit in the public gallery, that member will be required to turn their video off and have their microphone muted whilst any discussion or vote takes place in respect of the item or items of business which the member may not participate.

13. Licensing

When considering any application relating to the licensing function of the council and there exists a statutory requirement that the Council gives an opportunity of appearing before and of being heard by the council to any person, or words to that effect, then the Committee can satisfy this requirement by:-

1. In the first instance, the Speaker will be offered an opportunity to attend the meeting by remote access and the conditions in Interim Standing Order 8(i)-(iii) must be met;
2. If the Speaker is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the Speaker will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared.