

Council

8 October 2020

Report of Director of Corporate and Customer Services

PUBLIC PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS

PURPOSE OF REPORT

This report seeks approval to introduce provisions for public attendance for the purposes of participation at virtual Council and committee meetings, replacing the existing provisions whereby representations are emailed in and responded to in such meetings.

RECOMMENDATION

1. That approval be given to introduction of public attendance for the purposes of participation at virtual Council and committee meetings.
2. That authority be delegated to the Director of Corporate and Customer Services to give effect to the revised arrangements for public participation within Council Procedure Rule 14.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The proposals within this report directly link to the corporate priority of 'Providing you with a high quality customer experience', in that they will enable public participation at Council and committee meetings.

1 BACKGROUND

- 1.1 The Council has modified its governance arrangements since the restrictions introduced by central Government in response to the Covid-19 pandemic. The provisions 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, which became effective on 4 April 2020, enabled Councils to hold virtual meetings and provided discretion to amend rules to enable the efficient discharge of functions and procedures in response to the emergency caused by the pandemic.
- 1.2 Derbyshire Dales District Council responded promptly to amend its decision making and public participation arrangements as the authority transitioned to virtual meetings

to conduct its business. This report examines the way in which public attendance can be introduced at virtual meetings for the purpose of enabling direct participation in proceedings.

2 REPORT

- 2.1 Having operated virtual meeting arrangements for much of 2020, the Council, its Members and officers are experienced practitioners at conducting business remotely. The previous emergency arrangements were rescinded in July with the introduction of the ordinary calendar of meetings and the restoration of decision making committees. In this sense, the Council's decision making processes are working seamlessly.
- 2.2 Public participation at Council and committee meetings is presently restricted to written questions or comments being submitted in advance of a meeting and being answered verbally at meetings. This presents no opportunity for Members to hear directly from the public.
- 3.3 Other local authorities who have also been holding virtual meetings during this period of restrictions arising from the coronavirus pandemic, have re-introduced public participation at meetings of Council and its committees. Whilst there have been one or two notable incidents of inappropriate language or images shared by members of the public attending virtual meetings at other authorities, the broad experience is that the public have been able to participate in and contribute to the decision making process and this has enhanced Members' deliberations.
- 3.4 It is recommended that the Council approves the reintroduction of the provisions for public speaking which are detailed in Council Procedure Rule 14.
- 3.5 The provisions of the Council's Constitution require the public to give notice by midday on the working day prior to the meeting of their intention to participate. When such notice is given, the Committee Team will provide members of the public with instructions on how to join a virtual meeting through Zoom. Guidance will be provide on how to download the application and the way in which they will be admitted to the meeting. They will also be provided with a link to the Council's YouTube channel in order to continue viewing the meeting after they had concluded their participation in th meeting.
- 3.6 During the meeting, those members of the public attending to participate will be admitted from the beginning of the meeting and the Chairman will invite them to confirm that they are present. At the appropriate point in the meeting, the Chairman will invite them to unmute and participate in the meeting by making a statement, asking a question or presenting a petition. At Planning Committee, applicants or their agents, objectors, supporters and town and parish councils will have the opportunity to remain in the virtual meeting for the duration of the matter for which they are present. At Council and other committee meeting, the Chairman or Committee Clerk will remove the member of the public following the conclusion of the public participation agenda item.
- 3.7 Where inappropriate remarks are made or inappropriate images are shown by a member of the public, the Chairman ask for the Committee Clerk to remove the individual immediately from the meeting in accordance with Council Procedure Rule 23.1 which concerns the removal of a member of the public from a meeting. Any

inappropriate remarks or images will be removed from the recording of the meeting before publication on the Council's YouTube channel.

- 3.8 No other option is set out in this report on the basis that continuing with the present format of public participation is no longer sufficient. The Government have indicated that restrictions on physical meetings will likely continue well into the new year and direct public participation is a necessary consideration at this point.

3 RISK ASSESSMENT

3.1 Legal

The statutory authority to hold remote or virtual meetings is conferred on the Council through The provisions 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. The proposal in this report is compliant with the requirement of the regulations and is submitted to enable the provisions of the Council's Constitution in respect of public participation to be re-enabled in virtual meetings. The legal risk is considered to be low.

3.2 Financial

There are no financial implications directly associated with this report and, as such, the financial risk is assessed as low.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property

5 CONTACT INFORMATION

- 5.1 James McLaughlin, Director of Corporate and Customer Services,

- 5.2 01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

- 6.1 [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

- 6.2 Constitution of the Council

- 6.3 Protocol and Procedure for Meetings Conducted Remotely – approved by the Council on 12 May 2020.

7 ATTACHMENTS

- 7.1 None