

**TONBRIDGE & MALLING BOROUGH COUNCIL
PROTOCOL FOR THE USE OF VIDEO-CONFERENCING
FACILITIES**

The following protocol shall be adopted in relation to the conduct of all meetings of the Council, Cabinet and all Committees and Boards. Participation via video conferencing will be permitted in accordance with the following provisions.

Application of Rules

These rules shall only apply until:

- (a) 7th May 2021;
- (b) In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or
- (c) such earlier date as may be determined by the Leader

Prior to the Meeting

- 1) In order to facilitate access to the virtual meeting, the following arrangements will apply:-
 - a. Members will be able to access all virtual meetings via a link in the meeting appointment.
 - b. It will be assumed that Members will be in attendance at all meetings of Cabinet/ Committees/ Boards of which they are a member. Any Member who is unable to attend a meeting should give their apologies in the usual way.
 - c. Any Member who is not a member of Cabinet, a Committee or Board but who wishes to attend and/ or speak at any such meeting is requested to let the Democratic Services Team know by no later than 5pm on the working day prior to the meeting taking place. Relevant officers will also be invited to the meeting, to provide advice (including any legal advice which may be needed) and to ensure the meeting follows proper procedures.
- 2) Any other person who is in attendance at the meeting for the purposes of exercising a right to speak e.g. a member of the public speaking at an Area Planning Committee, must register with the Democratic Services Team as early as possible but, in any event, no later than **5.00pm on the closest working day prior to the day of the meeting**. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbc.gov.uk. Anyone seeking to register to speak after this time will be refused
- 3) The Democratic Services Officer will notify the relevant Chairman, and will take steps to ensure that the link can be established, that support for this link and for the Member using it can be provided, and that all associated facilities, e.g. telephone, email, are available.
- 4) In the case of a number of requests being received for the establishment of multiple remote links for the same meeting, such requests will be considered in chronological order of receipt until the maximum number that the equipment can support has been reached, subject to priority being given to voting members of the relevant Committee/ Board.
- 5) Any person participating by video-conference link must test their link before the commencement of the meeting and should (insofar as practicable) join the meeting at least 20 minutes before the scheduled start time to ensure any connectivity issues can be addressed.

- 6) The video-conferencing equipment must be arranged in such a way that the Chairman can hear and, where practicable, see the remote Member(s) in attendance, as well as any members of the public in attendance exercising a right to speak.

At the meeting

- 7) Members and Officers should recognise that the virtual meeting is a public meeting and they will be visible and audible by the general public. All Members and officers should conduct themselves, and dress, accordingly. Mobile telephones should be switched off or on silent and not used during the meeting unless they are being used to access the meeting, or committee papers. Wherever possible, backgrounds should be free of distraction and care should be taken to ensure there are no sensitive or personal papers visible. A neutral or blurred virtual background should be used wherever possible.
- 8) A virtual “meeting chat” will be established (via the conversation function) between:
 - a. Members of the Cabinet, Board, Committee or other meeting (as appropriate) and the Chairman so that participating Members may indicate a wish to speak;
 - b. Key presenting officers, any council legal representative, and Democratic Services Officer present to ensure that officers are able to discuss questions raised by members so that an appropriate answer can be provided, and procedures are adhered to;
 - c. An appointed officer (either Democratic Services Officer or an appropriate presenting officer) and the meeting Chairman (or Mayor for Council). This is to ensure the Chairman/ Mayor is aware of any procedural issues requiring their attention or which may require the meeting to be adjourned or postponed or officer advice is needed to be sought.
- 9) No other “meeting chats” are to be used when the meeting is taking place, and those set out above are only to be used for the stated purpose. Members should proceed as if the content can be viewed by participants and the wider public. It should not be used to discuss the substantive issue – this should be done verbally.
- 10) The Chairman will confirm at the outset and at any reconvening of the meeting that he/she can hear and, where practicable, see all participating Members and any members of the public in attendance exercising a right to speak. Any Member participating by remote link must confirm their attendance at the outset and at any reconvening of the meeting. He/she must also confirm that they can hear and, where practicable, see the other participating Members and any members of the public in attendance exercising a right to speak. Members should ensure that their microphones are turned off unless they are speaking.
- 11) Any Member participating by remote link who declares an interest (either a Disclosable Pecuniary Interest or Other Significant Interest) in any item of business and is required to leave the meeting or determines to do so, shall leave the meeting for the duration of the item in question. Officers will make arrangements to be able to contact members to ensure they can be “invited back” to the meeting once the item in question has been concluded.
- 12) Should any aspect of the video-conference link fail, the Chairman may call a short adjournment of up to fifteen minutes to determine whether the link can quickly be re-established. If not re-established within this time, the Chairman may temporarily suspend discussion of the item under consideration at the time of link failure and continue with the remaining agenda items. Efforts should continue to re-establish the link. The Chairman will return to the suspended item on re-establishment, or on confirmation that this cannot be done, or before the end of the meeting, whichever is the earliest. For clarity, the item under consideration at the point of any re-establishment of a link will be concluded before returning to the suspended item.
- 13) If the Committee, Panel, Board or Council have to discuss confidential or exempt items under

“Part 2” the Chairman will make clear that the officers and Members will be moving into a confidential discussion. This will take place in a separate virtual meeting room to which there will be no access by the general public or press. Once the confidential item has been discussed, the Chairman/ Mayor will announce in the public meeting room that the Members are returning to the public discussion.

- 14) In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established then the remote Member(s) will deem to have returned at the point of re-establishment. However, any Member who is absent for all or any part of the item in question will not be able to participate in the vote.

Voting

- 15) Voting will be by way of a roll call. The Chairman shall ask Members to record whether they are for, against, or abstaining by way of roll call. Councillors will need to vote for or against the motion using the phrases ‘For’ or ‘Against’ or if wishing to abstain do so by starting that they wish to ‘Abstain’. No response shall be taken as an abstention. For the avoidance of doubt a vote conducted by way of roll call shall not be treated as a recorded vote for the purposes of the Council and Committee Procedure Rules set out in Part 4 of the Constitution.
- 16) Where a roll call is not able to take place, voting will be through a poll overseen by the Democratic Services Officer through the conversation function, with the Democratic Services Officer announcing whether the motion/amendment was agreed or not agreed once this has concluded. No response shall be taken as an abstention

Area Planning Committees/Licensing & Appeals Panel

- 17) As the Council must be able to demonstrate that decisions of a regulatory nature are taken on the basis of the same information being available to all Members involved in the decision, any additional papers tabled at a meeting of an Area Planning Committee or a Licensing & Appeals Panel must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to and read by the remote Members.
- 18) Supplementary reports must, therefore, be circulated in final form no later than 24 hours before the start time of the relevant meeting. Any additional updates required after that time will be in the form of an oral address by the relevant officers at the meeting.
- 19) Similarly, to help ensure that a remote Member can clearly follow any officer presentation, separate copies of the presentation should be shown simultaneously at all remote venues, in addition to using the video-conferencing link.
 - a. Please note that Paragraphs 17 and 18 will also apply to any other person who is required to take part in a Hearing.
- 20) All written representations to Area Planning Committees must be made no later than 48 hours prior to the start time of the relevant meeting.
- 21) The Chairman will conduct the meeting in accordance with the Interim Rules for public speaking at planning committee as set out at Appendix (x), Part 4 of the Constitution.

Confidential/Exempt Items

- 22) If a remote Member wishes to participate in discussion of a confidential/exempt item, he/she must verify that the venue from which they are participating is secure, that no member of the

public has access and that no recording of the proceedings is being made.

Amendment of Protocol

- 23) The Monitoring Officer is authorised to make any amendments to this Protocol and/ or the Interim Rules for public speaking at planning committee in consultation with Chief Executive and Leader.