

Appendix A

South Cambridgeshire District Council

Council Standing Orders

28. Remote Meetings

28.1. Remote Access to Meeting

- (a) For all purposes of the Constitution, the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:
 - (i) “place” is to be interpreted as where a meeting is held, or to be held, including reference to more than one place and electronic, digital or virtual locations such as internal locations, web addresses or conference call telephone numbers; and
 - (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming, 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.
- (b) 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, 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 they do not fix a date, the remaining business shall be considered at the next ordinary meeting.

28.2. Members in Remote Attendance

- (a) 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 where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable to 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.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstances the Chair may, as they deem appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

28.3. Remote Attendance by Members of the Public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak 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 where practicable see, and be so heard and, where practicable, be seen by Members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, 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.
- (b) A member of the public in remote attendance, in order to exercise a right to speak at the meeting, will be deemed to have left the meeting where, at any point in time during the meeting, any of the

conditions for remote attendance contained in Standing Order 28.3 (a) above are not met. In such circumstances the Chair, may, as they deem appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 28.3 (a) above to be re-established;
- (ii) suspend consideration of an item of business in relation to the member of the 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, whichever is the earliest; or
- (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

28.4. Access to Information

- (a) For the purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:
 - (i) "open to inspection", shall include for these and all other purposes, as being published on the website of the council; and
 - (ii) to be published, posted or made available at offices of the Authority, shall include publication on the website of the Authority.
- (b) The requirement to ensure meetings are open to the public includes access by remote means, including audio conferencing, video conferencing, live webcast and live interactive streaming. 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.

28.5. Record of Attendance

- (a) At the commencement of the meeting the Chair shall establish which members are present at the meeting.
- (b) Where a member leaves the remote meeting, they shall notify the Chair before so leaving, so that the Chair can be satisfied that a quorum remains.

- (c) Any substitution arrangements shall continue to be notified to Democratic Services before the start of the intended substitution in accordance with Council Standing Order 4

28.6. Order of Speaking

The Chair shall determine who may speak, as well as the order and priority of speakers. The Chair's ruling in this regard shall be final.

28.7. Public Questions and Petitions

(a) Questions by members of the public

- (i) The Chair shall have discretion to allow questions from the public, submitted in accordance with the procedure at Appendix A to these Council Standing Orders, to be asked at remote meetings.
- (ii) The Chair shall have discretion to vary or suspend the operation of the public questions scheme at Appendix A in advance of or during the meeting if they consider:
 - a. that it is necessary to do so for the purpose of maintaining order at the meeting; or
 - b. that it is convenient and conducive to the despatch of business to do so, having regard to prevailing technical and other considerations.

(b) Petitions

The Chair shall have discretion to vary or suspend the operation of the Council's Petitions Scheme where they consider:

- (i) that it is necessary to do so for the purpose of maintaining order at the meeting; or
- (ii) that it is convenient and conducive to the despatch of business to do so having regard to prevailing technical and other considerations.

(c) Order of Business

The Chair may re-order the agenda without the need for a motion to be passed in order to facilitate management of public questions and petitions at the meeting.

(d) Application

The public question scheme at Appendix A shall apply to all remote meetings of the Council and Cabinet open to the public and all remote meetings of committees and sub committees open to the public, other than regulatory committees and sub committees, subject to the powers and discretions afforded to the Chair in this Standing Order. Public participation in meetings of the Planning Committee shall be conducted in accordance with the separate scheme agreed by the Planning Committee. Public participation at sub committees and panels of the Licensing Committee shall be conducted in accordance with the procedures in Part 5 of the Constitution, as amended, as required for virtual meetings, under the powers conferred by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings (England and Wales) Regulations 2020.

28.8. Declarations of Interest

- (a) Members shall declare any disclosable pecuniary interests or other interests in any item(s) of business on the agenda, as required by legislation and the Members' Code of Conduct.
- (b) Any Councillor in remote attendance who has a disclosable pecuniary interest shall withdraw from the meeting. The Councillor will be advised when they may re-join the meeting. Any Councillor with a disclosable pecuniary interest who fails to withdraw from the meeting in accordance with this Standing Order shall be in breach of the Council's Code of Conduct.

28.9. Voting

- (a) The Chair shall normally take the vote at remote meetings by way of a recorded vote, or, if there is no dissent, by the affirmation of the meeting.
- (b) To take a recorded vote, the Chair shall normally conduct a vote by a roll-call of all members present and the number of votes for or against the motion (or amendment), or abstaining from voting, shall be recorded. At the conclusion of the voting, the Chair shall announce the numbers of votes cast for, against and abstentions and announce whether the motion (or amendment) has been passed or lost.

- (c) The Chair shall have discretion to vary the method of voting where they consider it convenient and conducive to the despatch of business to do so, for example, where a meeting is being conducted with members both physically present and in remote attendance.

28.10. Exclusion of the Press and Public

- (a) Where the Council resolves to exclude the press and public in order to enable the transaction of business involving the consideration of “confidential” or “exempt” information, as defined in Schedule 12A of the Local Government Act 1972, the Chair shall seek to establish that there are no members of the public at remote locations who are able to hear or see the proceedings during such meetings or parts of meetings.
- (b) Any Councillor in remote attendance who fails to disclose that there are persons present, such as those who may be able to see and/or hear the meeting, who are not so entitled shall be in breach of the Council’s Code of Conduct.

28.11. Interpretation of Standing Orders

- (a) The provisions of this Standing Order shall apply to all public meetings of the Council, Cabinet, committees, and sub committees conducted remotely (save as provided in Standing Order 28.7 (d) above).
- (b) The Standing Orders and Procedure Rules in this Constitution apply to remote meetings in the same way as they do for other meetings of the Council, except where they conflict, in which case this Standing Order takes precedence over other Standing Orders/Procedure Rules in relation to the governance of remote meetings.
- (c) Where the Chair is required to interpret this Standing Order or any of the Council’s existing Standing Order or Procedure Rules in light of the requirements of remote participation their decision in all cases shall be final.

Appendix A

Questions by the Public

1. General

1.1. At the discretion of the Chair, members of the public may ask questions at ordinary meetings of the Council, or at public meeting of the Cabinet, or a committee or sub-committee (other than regulatory committees, sub committees and panels) This standard protocol is to be observed by questioners:

- (a) The question shall be about a matter for which the local authority has a responsibility or which affects the district and may be rejected if it falls into any of the categories listed in paragraph 5.1 below;
- (b) Each questioner shall indicate whether he or she is speaking as a private individual, or as a representative of an organisation.
- (c) The questioner shall not be permitted to participate in any subsequent discussion and shall not be entitled to vote.
- (d) The Chair shall decide when and what time will be set aside for questions depending on the amount of business on the agenda for the meeting. Normally questions shall be dealt with as the first substantive item of the meeting. A maximum of ten minutes shall be allowed for public questions on any specific agenda item.
- (e) Where the Chair permits an individual questioner to ask their question in person, they shall be permitted to speak for a maximum of three minutes.

1.2. Questions may be directed to the Chair, the Leader, a Cabinet member or the Chair of any committee.

2. Order of questions

2.1. Questions shall be asked in the order notice of them was received, except that the Chair may group together similar questions.

3. Notice of questions

3.1. A question may only be asked if notice has been given by delivering it in writing by electronic mail, to the proper officer no later than midday four clear working days before the day of the meeting. If the questioner does not have access to electronic mail, they should telephone Democratic Services for advice on how to submit their question. The proper officer shall acknowledge the receipt of each question in writing. Each question shall give the name,

address, email address and/or telephone number of the questioner and shall state the person to whom the question is to be put.

4. Number of questions

4.1. At any one meeting no person may submit more than one question but, at the discretion of the Chair, one supplementary question may also be asked. More than one question shall not be submitted on behalf of any organisation.

5. Scope of questions

5.1. The Chair, having regard to the advice of the proper officer, may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the district;
- (b) is not a matter which falls within the remit of the Cabinet, committee, or sub-committee to which it is addressed, as appropriate.
- (c) is vexatious, defamatory, frivolous, discriminatory, offensive or otherwise inappropriate;
- (d) is substantially the same as a question which has been put at the meeting or a meeting of the Council (or Cabinet, committee or sub-committee, as appropriate, in the past six months;
- (e) raises issues about the competence or performance of a councillor or officer;
- (f) requires the disclosure of confidential or exempt information;
- (g) relates to a matter which is, or may be, the subject of legal proceedings;
- (h) relates to a planning or licensing application;
- (i) relates to any matter where there is already an existing right of appeal or a separate complaints process;
- (j) relates to any matter which is, or may be, the subject of legal proceedings.

5.2. The Chair shall have the discretion to limit the length of preamble or other background information supplied with the question.

6. Asking the question at the meeting

6.1. Where the Chair considers it practicable at a remote meeting, they shall invite the questioner to put the question. If a questioner who has submitted a written question is unable to join the remote meeting to put the question in person,

they may ask the Chair to put the question on their behalf or appoint a representative to do so. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given, normally within five working days or decide, in the absence of the questioner, that the question will not be dealt with.

6.2. If the Chair considers it impracticable to invite the questioner to put the question, they may put the question on the questioner's behalf, may make reference to a published question or may indicate that a written reply will be given, normally within five working days.

7. Supplementary question

7.1. At the discretion of the Chair, a questioner who has joined a meeting to put a question in person, may also put one supplementary question without notice to the member who has replied to their original question. A supplementary question shall arise directly out of the original question, or the reply. The Chair may reject a supplementary question on any of the grounds in Paragraph 5.1 above.

8. Written answers

8.1. Any question which cannot be dealt with during public question time shall be dealt with by a written answer. Written answers shall be circulated to the questioner, normally within five working days of the meeting, and shall be included as an appendix to the minutes.

9. Reference of question to the Cabinet or a committee

9.1. If a substantive answer cannot be given at the meeting of the Council, the Chair may refer the question to the Cabinet or a committee.

9.2. Discussion shall take place on a question only if the Chair agrees. However, any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10. Authority of the Chair

10.1. The Chair may vary or suspend the operation of this scheme in advance or during the meeting if they consider:

- (a) that it is necessary to do so for the purposes of maintaining order at the meeting

(b) that it is convenient or conducive to the despatch of business to do so. For the avoidance of doubt, such discretion shall extend to including:-

- (i) the means by which the questioner may put their question, for example, where technology permits, the Chair may permit the questioner to join the meeting by teleconference or video conference and to ask their question, or they may read out the question on behalf of the questioner, or may make reference to a published question; and
- (ii) whether to permit the asking of a supplementary question and the means by which such a question may be put.