

## **Licensing Committee Virtual Procedural Rules**

### **Introduction**

The Secretary of State for Housing, Communities and Local Government made [Regulations](#) (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020) (“the 2020 Regulations”) to ensure local authorities can conduct business during the current public health emergency and this legislation was passed on 4 April 2020. The 2020 Regulations will apply to local authority meetings (full council, executive, joint committee, committee or sub-committee) held before 7 May 2021 from 4 April 2020.

Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions.

### **Licensing Committee**

This meeting will be attended by Licensing Committee members, officers and Buckinghamshire Council members not appointed to the Committee (in part) and may be observed by other interested members of the public and the press via the webcast.

### **Prior to the meeting**

#### Access to Information

The Council can hold and alter the frequency and occurrence of meetings without requirement for further notice.

The 2020 Regulations make provision for local authority members and officers, and the public, to have access to documents without attending council buildings and it will be sufficient for local authorities to publish the documents on their website. This includes notices, agendas, reports, background papers and minutes. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the website.

The obligation under the old Regulations (Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) to supply copies of such documents in response to requests made by members of the public and on behalf of newspapers is disapplied.

The requirement in England for 5 clear days' notice to be given of principal council meetings, including annual meetings, still applies however notice can now be given on the council's website.

#### Time and Place of Meetings

Meetings can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming even if particular members of the public cannot access them. This Council will use Microsoft Teams to hold virtual

meetings and will invite external participants (including public speakers where necessary) to virtual meetings, if any, via email or telephone. Virtual meetings will be webcast via a link published on the meeting webpage.

#### Public Speaking

There may on occasion be items on the agenda where public speaking would be permitted at the Chairman's discretion. Should any member of the public wish to register an interest in speaking at a Licensing Committee on a particular agenda item they should contact the Democratic Services Officer (DSO) in advance of the meeting. Following liaison with the Chairman the DSO would contact the public speakers and make the necessary arrangements.

#### During the meeting

##### Quorum for Meetings

The rules for quorum will still apply (4 Councillors for the Licensing Committee). The constitution states that if a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, the business of the meeting will be adjourned. The Chairman may allow for flexibility around the start time of the meeting where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the meeting is still quorate. The Chairman could adjourn for 10-15 minutes to allow the connection to be re-established. If an individual Member's remote participation fails the Chairman may call a short adjournment of up to 5 minutes. However if the remote connection cannot be restored the meeting should continue providing it is quorate. The Member will have been deemed to have left the meeting at the point of failure. In relation to this meeting if the connection cannot be restored within a reasonable time the meeting can proceed but any Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

##### Attendance at meetings and webcasting

A roll call or introductions will be made at the start of the meeting to record those present. The Chairman will confirm at the outset that they can see and hear all participating members and any member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants. There is no requirement for councillors to sign their names on an attendance sheet when attending a meeting electronically. The Democratic Services Officer ("DSO") will maintain a list of attendance throughout the meeting.

To be classified as a 'member in attendance' and attend a meeting remotely, the following conditions must be satisfied;

(a) councillors must be able to hear and (where practicable) see; and be heard and (where practicable) be seen by, other councillors in attendance at the meeting.

b). All other members of the public must as a minimum be able to hear (but if practicable be able to view as well)

In practice this means that if councillors can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the requirements of holding a

virtual meeting.

Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Rules and if they are causing a disturbance (see below).

The 2020 Regulations state that meetings being open to the public include access by remote means. Such access includes (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. For clarity, a meeting recorded and then posted online after the event would not satisfy this requirement.

The people on the Teams call who are present throughout the meeting are the Committee Members 'round the table' and any officer supporting the meeting. The public gallery, where Members can sit and observe the meeting alongside members of the public, is the webcast version. It is important to keep numbers in the meeting (except for those allowed to be present as Members) to a minimum to enable the proper flow of the virtual meeting.

#### Conflicts of interest

Where a councillor has a conflict of interest during a meeting they need to declare their interest at the start of the meeting or when the interest becomes apparent. If the interest is 'personal' having declared a personal interest the councillor may continue to speak and vote on the item of business concerned. If the councillor has a prejudicial interest they will need to declare the existence and nature of their interest and withdraw from the virtual meeting by muting the microphone and only returning to the meeting once the chairman has invited them back in.

#### Minutes of meetings

The Minutes of meetings will be signed and kept by the Chairman until government guidance allows councillors and officers to return the signed copy to the office.

#### Voting

The requirements for voting at a virtual meeting will be the same as those for physical meetings. Any amendments will need to be moved and seconded and the Chairman will ask the meeting if there is any dissent to the motion. For items that require a decision, the Chairman will conduct the vote by reading out the names of voting members (like a recorded vote). Each voting member, when asked by the Chairman, will state if they are for, against or abstain. Voting will be recorded by the DSO. The DSO can then read out the total numbers of members voting in favour, against and abstaining. If Members are not present for the whole agenda item they cannot vote.

#### Questions

Questions will be asked in the normal way by Committee Members as set out in the Constitution.

When can the Chairman be interrupted?

There are circumstances allowed for in the Constitution where the Chairman can be interrupted such as:-

- Technology is not working effectively
- Officer needs to provide advice
- Point of order or personal explanation

or any other situation which the Constitution or Chairman allows.

Disturbance during proceedings

The Constitution states that if anyone interrupts proceedings, the Chairman will warn the person concerned and, if they continue to interrupt, the Chairman will order their removal from the virtual meeting room. There may be circumstances where the person needs to be removed immediately, for example, if they are being inappropriate, and the Chairman can do this by muting their microphone. If there is a general disturbance, making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

Adjournments

People will remain on the call with microphones muted and cameras off until the meeting starts again. The Chairman may also want to consider having a comfort (screen) break for longer meetings. If there is a problem with the technology, the Chairman should adjourn the meeting. However, it does not stop a meeting going ahead provided it is still quorate because a person does not have access to the required technology in the first place. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful, which renders the whole meeting incapable of proceeding. Therefore, the Chairman should adjourn until the remote meeting can be restored within a reasonable period, or at a time and date fixed by the Chairman or until the next ordinary meeting

The Council will try and achieve the best possible outcome.

Confidential/exempt items

There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Each Member in remote attendance must ensure and verbally declare that there are no other persons present with them who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

Where a Member can demonstrate a “need to know” they will be invited to any discussion on exempt items remotely as set out in the Constitution. They must confirm that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made.

## Contacts

All enquiries relating to the Virtual Licensing Committee Meeting procedures should be directed to Democratic Services.