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15 March 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **GOVERNANCE COMMITTEE** on Thursday 17 March 2022 at 6.00 pm, the following report that was unavailable when the agenda was printed.

8 **ARRANGEMENTS FOR THE BROADCAST OF MEETINGS** (Pages 2 - 8)

To consider the report of the Monitoring Officer.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written in a cursive style. The signature is positioned below the "Yours sincerely" text and above the "Chief Executive" text.

Chief Executive

Subject: ARRANGEMENTS FOR THE BROADCAST OF MEETINGS

Meeting and Date: GOVERNANCE COMMITTEE – 17 MARCH 2022
COUNCIL – 18 MAY 2022

Report of: MONITORING OFFICER

Classification: UNRESTRICTED

Purpose of the report: To seek Council approval for the necessary Constitutional amendments to provide for the online broadcast of some Executive, Council and Committee meetings.

Recommendation:

Governance Committee: That it be recommended to the Council that the Constitutional amendments set out in Appendix 1 of this report be approved and incorporated into the Council's Constitution (Issue 24).

Council: That the Constitutional amendments set out in Appendix 1 of this report be approved and incorporated into the Council's Constitution (Issue 24).

1. Summary

This report seeks approval from the full Council for the permanent introduction of broadcasting meetings of the Executive, Council and Committees following a successful trial of the new system installed in the Council Chamber. As part of this a number of Constitutional amendments are required.

2. Introduction and Background

2.1 Under 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 Council introduced the live broadcast of Executive, Council and Committee meetings that would in normal circumstances be open to the public. This was the first time that the Council had broadcast its meetings and during lockdown resulted in levels of public viewing that exceeded the Council Chamber's rated public seating capacity.

2.2 A sunset clause in the Regulations meant that remote meetings ended on 6 May 2021 and with it the Constitutional grounds used for the broadcast of in-person meetings. The Council therefore at an Extraordinary meeting held on 19 May 2021 agreed a six-month trial period for testing the live broadcast of Executive, Council and some Committee meetings. This trial was subsequently extended for a further period following supplier delays with the installation of new broadcast system.

Trial Period of Meeting Broadcasts

2.3 The trial period has allowed Democratic Services to develop internal operational procedures and identify needed Constitutional adjustments to accommodate not just the broadcast of meetings but also the operation of the new electronic voting system.

2.4 The new processes in place have also been assessed against equalities requirements and GDPR compliance. This has included matters such as the use of colours on the voting screen that are suitable for those with visual impairments or colour blindness and a change to the layout of seating in the public gallery to ensure that faces of members of the public are not broadcast without their consent.

Meetings that will be broadcast

- 2.5 The proposals are that meetings of the following bodies will be broadcast:
- Council
 - Cabinet
 - Dover Joint Transportation Advisory Board
 - Electoral Matters Committee
 - General Purposes Committee
 - Governance Committee
 - Planning Committee
 - Overview and Scrutiny Committee
- 2.6 The Council will not broadcast any exempt or confidential business or any meetings that are not open to the public.
- 2.7 In respect of Project Advisory Groups (PAG), these meetings are not covered by the provisions of Part VI of the Local Government Act 1972, The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 so as to require its meetings to be open to the public. It is therefore not proposed to broadcast these meetings except in instances where Democratic Services in consultation with the Chairman of the relevant Project Advisory Group feel that there is a benefit to do so, and it will only be in instances where the substantive business to be transacted by the PAG is not exempt or confidential.
- 2.8 The following meetings will not be broadcast as they are likely to contain significant personal information from and about applicants, objectors and customers, some of which (for the regulatory function committees) may be in dispute.
- Appointments Committee
 - Licensing Committee
 - Licensing Sub-Committees
 - Regulatory Committee
- 2.9 It is also the view of the Solicitor to the Council & Monitoring Officer and the Head of Governance that the Council cannot make a decision to broadcast meetings for the Licensing Committee as it is responsible for its own arrangements under the Licensing Act and the Gambling Act.

Data Protection

- 2.10 A Data Privacy Impact Assessment into the broadcast of meetings has been undertaken and the Data Protection Officer is satisfied that risks associated data protection laws can be adequately mitigated.
- 2.11 There are several considerations around the broadcasting of members of the public that will need to be considered. The view of the Data Protection Officer in respect of members of the public is that their express consent will be needed for them to be broadcast. This has a particular impact in respect of public speaking at committees and during the trial period Democratic Services have had the opportunity to test the processes put in place to comply with the consent requirement. All members of the public who register to speak through the website are required to indicate whether they wish to be broadcast or not and the cameras have been configured to minimise the amount of the public gallery that is in camera shot. The current technical processes also permit the withholding of the public speaker's image and/or audio without impacting on their ability to speak in person to the members of the relevant committee.

Delegations to Manage the Broadcast of Meetings

- 2.12 In developing these proposals, it has been identified that while the presumptive position is that those meetings that meet the criteria to be broadcast will be broadcast there could be several circumstances where the Council would not want to broadcast a meeting, will need to suspend the broadcasting of a live meeting, or through technical issues be unable to broadcast.
- 2.13 The grounds for suspending a live broadcast would include cases such as disruption to meetings that cause proceedings to be halted or where something has occurred that is not suitable for broadcasting, such as an outburst from a member of the public making unfounded personal allegations against a member or officer or a medical incident.
- 2.14 The delegation to the Monitoring Officer, Head of Governance & HR (who is also the Deputy Monitoring Officer) and the Democratic and Corporate Services Manager enables decisions to be made in respect of the broadcast of meetings in response to circumstances as they arise.

Retention of Broadcasts

- 2.15 It is not proposed that any of the proceedings broadcast will be recorded or retained by the Council. The broadcast will only be viewable live. This is in keeping with the position adopted by the Council during the broadcast of remote meetings under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.
- 2.16 This proposal is due to concerns that the recording of meetings and the retention of these broadcasts would require measures to be put in place manage the archive and deal with Freedom of Information and Subject Access requests.

Electronic Voting

- 2.17 The meeting broadcast system has a facility for electronic voting that has been tested at the previous two council meetings, backed up with a show of hands count in the first trial of the system. These trials have demonstrated that the electronic vote takes slightly longer to undertake than a show of hands for full Council although this may speed up as Members and Democratic Services become more used to the system. However, the basic principle of electronic voting has been successfully tested and shown to be a viable option.
- 2.18 The constitutional amendments set out in Appendix 1 seek to incorporate electronic voting into the Council Procedure Rules as a third voting option rather than as a replacement for the two existing voting methods.
- 2.19 For full Council meetings electronic voting is not a significant impediment to the flow of decision-making due to the number of Members present and it is proposed to move to electronic voting (with the exception of recorded votes) for all Council meetings in future.
- 2.20 In respect of other meetings, with the possible exception of the 10-member Planning Committee and Overview and Scrutiny Committee, the use of electronic voting would, on the basis of the experience of full Council, slow the decision-making process. It is therefore not proposed to use electronic voting for the smaller committees, although the necessary constitutional provisions for those committees to use the option of electronic voting will be put in place.
- 2.21 Democratic Services will consult with the Chairman of the Planning Committee and the Chair of the Overview and Scrutiny Committee to ascertain their views on the use of electronic voting for their committees should this report be approved.

- 2.22 It is not proposed to use electronic voting for Recorded Votes. The current system of the roll call vote for Recorded Votes enables the public (both present and watching online) to be able to clearly identify how each Members has voted.

Constitutional Arrangements for the Broadcast of Meetings

- 2.23 There are a number of constitutional amendments required to facilitate the broadcast of meetings beyond the trial period and utilise the features of the new meeting broadcast system (such as electronic voting). These are set out in appendix 1.

3. Identification of Options

- 3.1 Option 1: To approve the arrangements to allow for the broadcast of meetings to continue beyond the trial period and to make the proposed constitutional amendments to support this
- 3.2 Option 2: To not approve the arrangements to allow for the continued broadcast of meetings.
- 3.3 Option 3: To amend the proposed arrangements to allow for the broadcast of meetings beyond the trial period. This could include operating a further trial period.

4. Evaluation of Options

- 4.1 Option 1: This is the recommended option as it allows for the introduction of formal arrangements to continue the broadcast of Executive, Council and Committee meetings and makes the necessary changes to the Constitution.
- 4.2 Option 2: As part of this option, Members could opt to extend the trial period rather than approve the broadcast of meetings on an on-going basis. This is not the recommended option given the work undertaking to upgrade the Council Chamber's technical infrastructure to a standard that is suitable for broadcasting meeting.
- 4.3 Option 3: This option covers a variety of possible amendments and Members are encouraged to contact the Democratic and Corporate Services Manager prior to the meeting so that the feasibility of any proposed amendments could be investigated. For example, if Members wanted to explore the retention of broadcasts this would need to be the subject of further work and a future report.

5. Resource Implications

- 5.1 As the technical infrastructure for the broadcasting of meetings has already been installed the residual resource implications relate to staffing for Democratic Services. As a general principle, the more functions of the broadcast infrastructure in use (presentations, voting, etc.) the more officer support that is required.

6. Climate Change and Environmental Implications

- 6.1 The use of broadcast meetings via the internet reduces the need for members of the public to have to travel to the council offices to watch meetings in person with the resultant reductions in emissions.

7. Appendices

Appendix 1 – Constitutional Amendments to permit the broadcast of meetings and electronic voting

8. Background Papers

None.

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Constitutional Amendments for the Broadcast of Meetings

Amendments to Procedure Rules

Section	Paragraph	Nature of Change	Details
Part 4 Council Procedure Rules	5	AMENDMENT and INSERTION	<p>Number existing text '5.1' and add a new 5.2</p> <p><i>Meetings of the Council, Dover Joint Transportation Advisory Board, Electoral Matters Committee, General Purposes Committee, Governance Committee, Planning Committee and Overview and Scrutiny Committee will generally be broadcast via the Council's website whilst the meeting is open to the public and unless otherwise determined by the appropriate officer under the Scheme of Officer Delegations or by resolution of the Council, Committee, Sub-Committee or other body concerned.</i></p>
Part 4 Council Procedure Rules	18.3	AMENDMENT Insertion of additional text (<i>in red italics</i>)	<p><u>Show of hands</u></p> <p>Unless a recorded vote is demanded under Rule 18.4, the chairman will take the vote by show of hands, <i>or by means of an electronic voting system</i>, or if there is no dissent, by the affirmation of the meeting</p>
Part 4 Council Procedure Rules	18.8	AMENDMENT Insertion of additional text (<i>in red italics</i>)	<p><u>Voting in Committee and Sub-Committee</u></p> <p><i>This rule only applies to Committees and Sub-Committees.</i></p> <p>All questions in Committee and Sub-Committee shall be determined by show of hands <i>or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting</i> by majority of the members present and voting.</p>

Part 4 Council Procedure Rules	18.9	INSERTION Insertion of new paragraph (in red italics)	<u>Electronic Voting</u> <i>Any vote cast from a delegate unit other than a Member's own is not a valid vote unless the Chairman is satisfied that a Member's delegate unit is not in working order and/or has directed that a Member sit in a seat other than their own and use another delegate unit.</i>
Part 4 Leader and Executive Procedure Rules	1.6	AMENDMENT and INSERTION	Number existing text '1.6(a)' and add a new 1.6(b) <i>Meetings of the executive will generally be broadcast via the Council's website whilst the meeting is open to the public and unless otherwise determined by the appropriate officer under the Scheme of Officer Delegations or by the executive.</i>

Amendment to the Scheme of Officer Delegations

INSERT NEW DELEGATION

Delegation to: Solicitor to the Council

Head of Governance and HR

Democratic and Corporate Services Manager

Council Function

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
Broadcast of Meetings	To manage all aspects of the broadcast of meetings of the Council, its committees, sub-committees and any other bodies including determining not to broadcast or to suspend a live broadcast of a meeting	

Executive Function

Column 1 Legislation	Column 2 Brief Description	Column 3

		Conditions/ Exclusions Limitations/Notes
Broadcast of Meetings	To manage all aspects of the broadcast meetings of the executive including determining not to broadcast or to suspend a live broadcast of a meeting	