

Public Document Pack

EMERGENCY DELEGATED NON EXECUTIVE DECISION

To the Chief Executive to take such action on behalf of the Council as appears to him/her necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council or the Chairman of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. (In accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.)

South Lakeland District Council

Emergency Non-Executive Decision

Remote Meetings Protocol and changes to South Lakeland District Council Procedure Rules Public Participation Scheme and Privacy Notice

Date: 11th May 2020	Reference: 009
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Reason for emergency

It is considered necessary in these circumstances, the Council is required to change its Standing Orders, Procedure Rules and Privacy Notice to hold virtual meetings under the Coronavirus Act 2020 and 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 standing orders and the protocol have taken into account feedback from Councillors and Officers and follow's guidance issued by Lawyers in local Government and ADSO where practicable.

While the Monitoring Officer has powers to amend the Constitution pursuant to legislative change, an emergency non-executive decision is considered appropriate to ensure there is transparency of decision making.

This will ensure that the Council can transact Council business virtually.

TYPE OF DECISION

Council Decision	
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Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. Committee Services will be keeping a record of these decisions.

Portfolio: Cllr Eric Morrell - Customer and Commercial Services and People

Report from: Linda Fisher – Monitoring Officer

Wards: All Wards

1.0 Expected Outcome

1.1 It is expected that the decision will be taken to agree the Remote Meetings Protocol and changes to South Lakeland District Council Procedure Rules Public Participation Scheme and Privacy Notice.

2.0 Proposed Decision

2.1 It is recommended that:

(a) the Remote Meetings Protocol and the changes to South Lakeland District Council's Procedure Rules, Public Participation Scheme and Privacy Notice are agreed; and

(b) the Council's Monitoring Officer is authorised to make the amendments to the Council's Constitution as attached at Appendices 1 and 2.

Review Date:	30th June 2020
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3.0 Background and Proposals

3.1 This Protocol and the resultant changes to South Lakeland District Council Procedure Rules are being put into place in light of the Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These regulations enable all local authority meetings to be held remotely, including allowing remote access by members of the public. Virtual and Remote have the same meaning throughout this Protocol and within the Procedure Rules.

These changes to the Procedure Rules are temporary and apply to Meetings taking place between the 4th April 2020 and the 7th May 2021.

This Protocol and Procedure Rules should be read in conjunction with the Authority's Standing Orders and Procedure Rules within the Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.

4.0 Consultation

4.1 Portfolio Holder, officers, Corporate Management Team and feedback from training sessions with representatives from all political parties.

5.0 Alternative Options

5.1 The Council could continue to make only emergency decisions and not hold virtual meetings.

6.0 Links to Council Priorities

6.1 The delivery of the Council's priorities is facilitated by the Council, Cabinet and Committee meetings and therefore this report is directly linked to meeting all the Council's priorities.

7.0 Implications

Financial, Resources and Procurement

7.1 The financial implications arising from this report are minimal.

Human Resources

7.2 There are no Human Resources implications arising from this report.

Legal

7.3 This Protocol and Procedure Rules should be read in conjunction with the Authority's Standing Orders and Procedure Rules within the Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.

7.3 This Protocol and Procedure Rules will be kept under review and changes will be made as required.

Health, Social, Economic and Environmental

7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: It is not applicable.

Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No

7.8 If you have not completed an Impact Assessment, please explain your reasons: It is not applicable

Risk

Risk	Consequence	Controls required
The Councils is not able to deliver virtual meetings.	Lack of decision making, reputational impact and delays in transacting important Council business.	Training has been provided, the system has been tested and this will be kept under review.

Contact Officers

Linda.Fisher@southlakeland.gov.uk

Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Remote Meetings Protocol and changes to South Lakeland District Council Procedure
2.	Rules Public Participation Scheme
3.	Privacy Notice

Background Documents Available

Name of Background document	Where it is available
The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020	http://www.legislation.gov.uk/ukxi/2020/392/contents/made

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	30/04/2020	
Monitoring Officer	Report Author	
CMT Directors	30/04/2020	

Approved by:	Signature and Date
Chief Executive	12/05/2020
In consultation with (Delete as appropriate)	
The Leader of the Council	12/05/2020
The Chairman of the Council	12/05/2020
The following interests were declared – disclosable pecuniary interest or other or none	None

Appendix 1

Remote Meetings Protocol and Changes to South Lakeland District Council Procedure Rules

This Protocol and the resultant changes to South Lakeland District Council Procedure Rules are being put into place in light of the Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These regulations enable all local authority meetings to be held remotely, including allowing remote access by members of the public. Virtual and Remote have the same meaning throughout this Protocol and within the Procedure Rules.

These changes to the Procedure Rules are temporary and apply to Meetings taking place between the 4th April 2020 and the 7th May 2021.

This Protocol and Procedure Rules should be read in conjunction with the Authority's Standing Orders and Procedure Rules within the Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.

1. Notice of the Meeting, Summons and Place of the Meeting

1.1 The proper officer will give the requisite notice to the public of the time of the meeting, and the agenda. Guides have been produced regarding how to access meetings and can be found on the Council's website.

1.2 The 'place' at which the meeting is held may be at an Authority building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.

1.3 The place of the meeting will be clearly referenced on the Summons for the meeting.

1.4 Members will be notified by email and the agenda and papers for the meeting will be available on the Council's website.

1.5 "Meeting" includes Cabinet, Committees or sub-committees of the Council as well as the Full Council itself.

1.6 The timings of the Meetings are as set out in the Council's Calendar of Meetings.

1.7 Virtual meetings' frequency can be altered, moved or cancelled without the requirement to provide further notice. Where adjournments are made, for whatever reason, the Council will endeavour to adjourn to a specific date.

Rule 1 Remote Access to Meetings, Notice, Summons and Place of Meeting – Changes to the Council's Procedure Rules

(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, includes reference to more than one place including electronic, digital or virtual locations such as internet 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; and

(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 he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

(c) Virtual meetings frequency can be altered, moved or cancelled without the requirement to provide further notice. Where adjournments are made, for whatever reason, the Council will endeavour to adjourn to a specific date.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 4 and 5 (Time and Place of Meetings and notice and summons to meeting) and Model Access to Information Procedure Rule 3 (rights to attend meetings)

2. Attendance at the Meeting and Quorum

A member of the Council (member in remote attendance) is classed as attending the meeting at any time if all of the conditions (2.1-2.3) below are satisfied;

These conditions are that the member in remote attendance is able at that time;

2.1 to hear, and where practicable see, and so be heard and, where practicable, be seen by, the other members in attendance,

2.2 to hear, and where practicable see, and be so heard and, where practicable, 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

2.3 to be so heard and, where practicable, be seen by any other members of the public, attending a meeting which includes that person attending by remote access.

2.4 Members and members of the press and public will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely.

2.5 If this is not possible, attendance may be through an audio link or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.

2.6 The Chair will normally confirm at the outset and at any reconvening of a committee or cabinet meeting that they can see and hear all participating members (this is unlikely to be practical for a meeting of full council). Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can where practicable see and hear the proceedings and the other participants

Technology Interruption

2.7 If technology fails for a wholly or partially remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful.

2.8 It is important to note that the public accessing the meeting by remote means, as described here, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means renders the whole meeting incapable of proceeding (as described above). A member of the public who attends to exercise their right to speak and is unable to do so renders only their item incapable of proceeding if in the Chair's discretion this is considered appropriate.

2.9 In the event of any apparent failure of the video, telephone or conferencing connection of any member attending remotely, the Chair or Vice Chair (if the failure is that of the Chairs) should immediately determine if the meeting is still quorate:

if it is, then the business of the meeting will continue; or

if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.

2.10 Should any aspect of a members remote participation fail, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the remainder of the business whilst this happens, providing the meeting remains quorate and the public are able to hear.

2.11 In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) within a reasonable time period to be determined by the Chair, then the presumption will be that the meeting should continue to deal with the item/s subject to rule 2.9 above regarding quorum.

2.12 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

2.13 If a connection to a Member is lost during a meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

Quorum

2.14 For a remotely attended meeting to be quorate, the Quorum figure Part 4 Rules of Procedure Rule 7 will apply with members being required to be in attendance at all times during the meeting. There will be a requirement for Nominated Officers to be aware of the number of members present at the virtual meeting and to be aware of any members who are disconnected or who drop out of the meeting. Members in attendance at the meeting will be monitored throughout the meeting by the Nominated Officer who will notify the Chair and Legal Governance and Democracy Specialist immediately if a member is disconnected or drops out of the meeting. If connection is lost then the process set out in 2.9 above will be followed.

Rule 2 Members in Remote Attendance – Changes to the Councils Procedure Rules

(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, 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 circumstance 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; or

(ii) count the number of Members in attendance for the purposes of the quorum; and

(iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 7 Quorum

Rule 3. Access to Information - Changes to the Councils Procedure Rules

3.1 For all purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:

(a) "open to inspection" shall include for these and all other purposes as being published on the website of the council; and

(b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 5 (notice and summons to meeting) and SLDC Constitution Part 4 Access to Information Procedure Rules (access to agenda and reports before the meeting)

4.Meeting Procedures and Voting

4.1 The Nominated Officer will manage the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chair.

4.2 The Authority will endeavour to put in place a solution that will enable Members participating in meetings remotely to indicate their wish to speak, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak.

4.3 In respect of Committees and at Cabinet meetings, it will assist the meeting if those Members who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Legal Governance and Democracy Specialist or Team Leader Case Management in advance of the start of the meeting where possible. Political groups are also encouraged to co-ordinate this activity wherever possible in respect of full Council/Authority meetings and other meetings likely to result in a high number of requests to speak. This is particularly important if Members are unable to participate via video conference.

4.4 The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

4.5 The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.

4.6 The Chair will ask all members to confirm their name, ward and attendance at the start of the meeting and ask whether they can hear and are being heard by others in the meeting. At each opportunity in a meeting for members to ask questions, the Chair may ask each member in attendance in turn whether he or she has a question to ask. At the opening of debate on each item, the Chair may also ask each member in attendance in turn whether he or she would like to contribute to the debate. This is in order to facilitate active and orderly participation in the meetings by all members.

4.7 Members are asked to adhere to the following etiquette during remote attendance at a meeting:

- Committee members are asked to join the meeting no later than 30 minutes before the start to allow themselves and the meetings facilitator or Nominated Officers the opportunity to test the equipment
- Any camera (video-feed) should show a non-descript background or, where possible, and members should be careful to not allow exempt or confidential papers to be seen in the video-feed. Where possible members should sit in a well lit area and should be mindful of shadows and lighting so that where practicable their face can be seen.
- All Members to have their microphones muted when not talking.
- All Officers to have their videos turned off and microphones muted when not talking.
- Rather than raising one's hand or rising to be recognised or to speak, Members should avail themselves of the remote process for requesting to be heard:
- The use of the Chat facility is at the Chair's discretion and would only be used by members to indicate to the chair that they wish to speak. Members will unmute their microphone and ensure they turn their cameras on when the Chair invites them to speak.
- The chat facility must not be used for private conversations between members.
- Only speak when invited to by the Chair.
- Only one person may speak at any one time.
- When referring to a specific report, page, or slide, mention the report, page, or slide so that all members and the public have a clear understanding of what is being discussed at all times.
- Members are reminded to speak clearly and slowly at all times.
- Members are reminded to dress appropriately as they would for non virtual meetings

4.8 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will as part of their introduction explain the procedure for their participation which will reflect those relevant elements of the above. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.

4.9 When the Chair is satisfied that (if the rules of the meeting require) there is a proposer and seconder for the item being discussed and there has been sufficient debate the Chair will progress to making a decision. Unless a Recorded Vote is called, the method of voting will be:

- *the Monitoring Officer or Legal Governance and Democracy Specialist* calling out the name of each member present and asking each member to confirm that they have heard without interruption the entire proceedings and full discussion in relation to the item and asking members to state 'for', 'against', or 'abstain' to indicate their vote when their name is called and
- *the Monitoring Officer or Legal Governance and Democracy Specialist* clearly stating the result of the vote and the Chair then moving onto the next agenda item

While the minutes will record the decision of the meeting the names of the members for, against or abstaining will not be recorded unless Part 4 Rules of Procedure Rules 15.5 or 15.6 apply (Recorded Votes/Recorded Votes at Budget Meetings)

4.10 Details of how Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask members in turn to signify verbally whether or not they support that request. The Legal representative will then take a Recorded Vote.

Rule 4. Remote Voting – Changes to Procedure Rules

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair,] the Chair will take the vote ...

the Monitoring Officer or Legal Governance and Democracy Specialist will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be Recorded .

Amends SLDC Constitution Part 4 Rules of Procedure Rule 15

5. Remote Attendance by Members of the Public (Please see further Public Participation Guidance)

5.1 Any member of the public participating in a meeting remotely in exercise of their right to speak at Council or in regulatory or other meetings must meet the same criteria as members of the Council. Members of the public attending a meeting remotely must, likewise, when they are speaking be able to be heard (where practicable be seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and where practicable be seen) those other members participating and be so heard and, where practicable, be seen by any other members of the public attending the meeting.

5.2 Please see links to to the Guides to Public Participation in Council meetings.

5.3 The Nominated Officer or meeting facilitator (see below) Officer will invite registered speakers to join by phone and, following their presentation, will remove them from the remote meeting

5.4 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible. To that end a member of the public participating in a meeting remotely in exercise of their right to speak will be asked to submit their representation in writing, or by video to officers before the meeting, so that in the event of a breakdown of technology the representation can be read out by an officer at the meeting or the video played.

Rule 5. Remote Attendance by Members of the Public Amendments to the Councils Procedure Rules

(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 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 5(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:

(i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 5(a) above to be re-established;

(ii) suspend consideration of the item of business in relation to the member of 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 or, on confirmation that this cannot be done, before the end of the meeting, 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.

(iv) a member of the public who has registered to speak will be asked also to provide a written copy of their submission in advance of the meeting or video.

Amends SLDC Constitution Part 4 Rules of Procedure Rule 9 (questions by the public),

Amends the scheme for public participation in respect of planning, licensing and the General Public Participation Scheme and Cabinet Procedure Rule 1.7

6. Declarations of Interest

6.1 In the event that a member has a disclosable pecuniary interest or otherwise leaves the meeting due to an interest that remote member must exit the communication link whilst the relevant item is being considered. The Nominated Officer will contact the member to request they rejoin the meeting once the business to which they held the interest has been transacted.

Rule 6 Members excluded from the meeting

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

Amends SLDC Part 4 Rules of Procedure Rule 19 (Member Conduct)

7. Access by the Press and Public to Information

7.1 Members of the public may access minutes, decisions and other relevant documents through the Council's website. The definition of access to information and available to the public is the same as at Rule 3 above.

7.2 A document being open to inspection includes being published on the website of the Council.

7.3 All documents to be presented at the meetings will be available on the website of the Council and be with the meeting papers.

Requests for access to the list of background papers and other relevant documents should be by email or by post to committeeservices@southlakeland.gov.uk

8. Confidential or Exempt issues

Exclusion of Public and Press

8.1 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. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

8.2 Any Remote Member should confirm by verbal declaration, prior to participating in any confidential and/or exempt item of business, that they are in a secure private location and that there are no other persons present (or other recording devices) who are not entitled to be (either hearing or seeing) consideration of such items and that no one else is able to hear the proceedings from the device being used by that Remote Member and that no recording is being made. Any member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of their Code of Conduct responsibilities.

9. Training

9.1 The Council accepts that there are technical and staffing implications connected with the introduction of remote attendance.

9.2 There will clearly be a need to provide appropriate training for officers and members who might become involved in remote attendance, both to familiarise them with the requirements of the legislation and to cover the practical issues involved.

10. Data Protection Implications

10.1 A Council may use information about Elected Members, members of the public and businesses to enable it to carry out specific functions for which a Council is responsible and to provide a statutory service. A Council publishes a record of all Council decisions and meetings, as well as any background information and reports that inform decisions.

10.2 A Council keeps records about members of the public (both residents and people living outside the District), Businesses, Council Employees and Elected Members. These may be written down (manual records), or kept on a computer (electronic records).

Processing of personal information is lawful to the extent that it is:

necessary for the compliance with a legal obligation (Article 6(1)(c) General Data Protection Regulation (EU) 2016/679 (GDPR)) to which a Council is subject. Including:

The Local Government Act 1972

Local Government Act 1985

Coronavirus Act 2020; and

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in a Council (Article 6(1)(e) General Data Protection Regulation (EU) 2016/679 (GDPR)), namely activities that support and promote democratic engagement (Section 8 of the Data Protection Act 2018).

In addition to holding personal information in paper and online forms, by telephone and email a Council will process personal information through audio and video recordings of Committee meetings using the collaboration and conversational platform Microsoft Teams.

A Council may share personal information both internally and externally as described below:

The general public as:

the majority of Council meetings are transacted in public;

agendas and reports for all Council and Committee meetings are made available to the public in advance of the meeting; and

minutes and details of decisions are also published on the relevant Council website once available.

When the law requires a Council to pass on information under special circumstances

Crime prevention or the detection of fraud as part of the National Fraud Initiative

A Council will keep personal information as long as required by law or by a Council's specific business requirements. Each Council has a Records Retention Policy and Schedule in place setting out the types of records they hold, and how long they we hold them

FINAL 11/05/2020

Appendix 2

Addendum to the Public Participation Guidelines

1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allows councils to conduct remote meetings on a temporary basis, between 4 April 2020 and 7 May 2021.
2. Any member of the public participating in a meeting remotely in exercise of their right to speak must, when they are speaking be able to be heard (and where practicable be seen) by all Members in attendance, and the remote participant must, in turn, be able to hear (and where practicable be seen) by those Members participating, be so heard and, where practicable, be seen by any other members of the public attending the meeting.
3. The Council is using the Microsoft Teams platform and for anyone with the right to make a representation they will be dialled into the meeting to be heard. It has not been practicable to make provision for those making representations to be seen.
4. It is advisable to prepare yourself to access the meeting 30 minutes before the notified start time for the meeting.

General Public Participation Scheme and Public Participation at Planning Committee regarding specific planning applications or enforcement agenda items and the ‘Public Participation at Licensing Sub Committees regarding specific licensing applications’

Process for Public Participants at Remote Meetings

5. The Guidelines of South Lakeland District Council’s General Public Participation Scheme, ‘Public Participation at Planning Committee regarding specific planning application or enforcement agenda items’ guidelines and the ‘Public Participation at Licensing Sub Committees regarding specific licensing applications’ and the Protocol for Hearings still apply save that in respect of remote meetings this addendum scheme takes precedence in the event of any inconsistency.
6. Anyone wishing to make a representation should follow the guidelines contained therein, by contacting, in the first instance, the Committee Services Group, as indicated.
7. Please note that an agenda item for Planning and Licensing Committees will not automatically be deferred if someone who has registered to speak on an application is not available on the contact telephone number(s) provided. It is important therefore that you are watching the Meeting for its duration on the links provided to ensure your representation can be made.
8. Members of the public who register to speak, and have the right to do so, at a remote meeting will be asked also to provide a copy of their submission in writing in advance of the meeting so that, in the event of a **breakdown of the technology** and with the prior consent of those making the representation consideration can be given to it being read out by the Chairman this will be taken into account in reaching any decision to defer the item of business to the next meeting. All reasonable efforts will be made to facilitate those wishing to make representations to be heard at the meeting.
9. Any member of the public who has registered to speak (no later than 00.01) one minute past midnight two working days before the meeting will be provided with process for the day of the actual meeting. Please note that hearings heard by the Licensing Sub Committee meetings are

different in that there is no right to public participation unless a valid representation has been made within the specific timescale. **Your contact telephone number(s) will be required to be provided so that our Officers can dial you into the meeting to make your representation.**

NB: Once you have accepted the call, you will be placed on mute. The Chair will inform you that it is your turn to speak you will be asked to unmute yourself. In order to do this, you will have to type *6 on the key pad on your phone, once you have done this you will be able to start speaking, the chair will confirm when you should begin your speech. If you have not unmuted yourself, you will be given instruction on how to unmute yourself by the meeting producer.

10. The meeting, in its entirety, will be streamed live and can be accessed by all members of the public via the hyperlink which will be displayed alongside the appropriate Agenda on the relevant page of the Council's Website. These details will also be provided to the speaker prior to the meeting by the Committee Services Group within communications regarding arrangements. A recorded version of the meeting will also be available to members of the public to view on the Council's Website following the meeting.

11. Where members of the public have registered to speak and it is their turn to make their presentation, the Chairman will ask the meeting producer to contact them by telephone at their chosen number in order to enable them to join the remote meeting and address Members. At the end of the presentation, or the end of the member of the public's allotted time, the producer will disconnect the public speaker from the meeting. Should the member of the public so wish, they can continue to watch the live stream of the event via the relevant hyperlink.

12. Where responsible authorities/other persons have made a valid representation within licensing hearings, parties may be asked questions by the Committee or other parties and therefore the Chairman will exercise discretion as to when the party will be disconnected from the meeting as a speaker. The individual is encouraged to continue to watch the live stream of the event via the relevant hyperlink.

13. The Annex to the Council's Public Participation Guidelines is dis-applied for Virtual Meetings this governs the use of mobile phones, social media, filming and recording at Council meetings. The Council cannot control third parties who may record the meeting and use the contents on social media platforms.

14. For the purposes of virtual meetings, references in South Lakeland District Council's General Public Participation Scheme and the 'Public Participation at Planning Committee regarding specific planning application or enforcement agenda items' guidelines and the Addendum Public Participation at Licensing Sub Committee regarding specific Licensing applications to 'chamber' or 'room' shall be interpreted as references to the place in which the virtual meeting is held.

15. The Privacy Notice will apply to all Virtual Meetings and information provided by public participants.

16. For those using an Apple Device to access the meeting, please note that Safari is not compatible with Microsoft Teams, so you will not be able to watch the meeting using this web browser. If you wish to watch a virtual meeting on any Apple device (iPad, iPhone or Mac) you will need to download the Microsoft Teams App from the App Store, then click the link on the relevant SLDC webpage or Agenda and follow the instructions on screen. The Agenda is divided into two parts, with Part I items being considered in the presence of the press and public.

17. Part II Items will be considered in the absence of the press and public for the reasons indicated on the Agenda and relevant reports.

18. It should be noted that discussions held in Part I are recorded and that the recordings are uploaded to the Council's Website.

19. In the event of problems, please contact committeeservices@southlakeland.gov.uk 01539 733333

Public Participation at Licensing Sub Committee regarding specific Licensing applications – Remote Meetings

The Licensing Sub Committee process for Licensing hearings has, in addition to the above, the following rules:-

20. The applicant/person who made relevant representations within any consultation period/responsible authority (and where there is a review of a premises licence, the holder of premises licence) and has registered to speak (no later than 00.01 one minute past midnight five working days before the meeting) will be allowed to speak at a Hearing in line with the updated agreed protocol for hearings.

21. Please note not all Licensing hearings are open to the public.

Version – 11/05/2020

Privacy Notice for Virtual - Remote Access Meetings

The Coronavirus Act 2020 provides for '*persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place*'.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 provides us with greater flexibility in the conduct of our meetings, including allowing Councillors to attend remotely and for public and press access to those meetings.

Processing activity - we use Microsoft Teams conferencing technology for remote attendance at meetings by Councillors, where they are able to hear and where practicable see and be similarly heard or where practicable be seen by:

- a) **other Councillors, whether attending in person or in remote attendance; and**
- b) **any members of the public who are attending remotely to exercise a right to speak at the meeting in accordance with constitutionally adopted procedures; and**
- c) **any other members of the public and press attending the meeting remotely to observe.**

Information requirements - our processing activities may include:

- full name and names of those on whose behalf you may be speaking
- email address
- job title
- physical office address
- personal address
- telephone number
- audio and video call recording
- images

Lawful bases - our lawful bases for processing your personal information are:

- our legal obligation(s) under the Local Government Act 1972
- our legal obligation(s) under the Local Government (Access to Information) Act 1985
- our legal obligation(s) under the Local Government Act 2000
- our legal obligation(s) under the Localism Act 2011
- our legal obligation(s) under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- our legal obligation(s) under the Openness of Local Government Bodies Regulations 2014

- where needed for the performance of a task carried out in the public interest under the laws that apply to us or the exercise of official authority vested in us

The personal data [Microsoft Teams](#) collect from you will include your:

- name
- IP address
- telephone number

This is needed to allow video conferencing to function properly. The legal basis for collecting this data is consent. Microsoft Teams will record and collect meeting activity (such as joining or leaving), including activity related to third-party integrations, together with the date, time, person engaged in the activity, and other participants in the meeting with the date, time, duration, and quality ratings that you provide. It will also route audio and video call content and screen sharing content between call participants, but will not retain or store the content. Data is not retained beyond the session joined.

Data sharing - minutes and details of decisions are published on our website once available. Audio and video recordings made by the Council will be kept in accordance with the retention period set out below and may be published on our website. If you have asked a question, or participated in a discussion for example at a quasi- judicial meeting, some information about you may be included in our minutes. Please note that websites can be seen throughout the world, and not just in the United Kingdom where UK law applies.

We may share your data if we are required to do so by law - for example, by court order, or to prevent fraud or other crime. We rely on a number of exemptions, which allow us to share information without needing to comply with all the rights and obligations under the Data Protection Act 2018.

Retention period - we will keep your information for as long as it is required in order to comply with legal and regulatory requirements. Audio and video recordings will be published on our website and available for the public to view online for a period of six months. At the end of this period the Council will delete the recording and no longer hold a copy. All information will be held securely and disposed of confidentially.

Right to object - where processing your personal information is required for the performance of a public interest task (see our lawful bases above), you have the right to object on 'grounds relating to your particular situation'. We will have to demonstrate why it is appropriate for us to continue to use your personal data.

Changes to this Privacy Notice - we review this Privacy Notice regularly and will place updates on our website.

Please refer to our [website](#) for further details of how we process your personal information and for details on your additional rights.

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