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Virtual Public Meetings Policy

Accessibility Information

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v0.1	Information Governance Manager, Member Services	24 April 2020	First draft
v0.2	Information Governance Manager	29 April 2020	Change of title to 'Virtual' to make consistent with internal guidance. Change of emphasis with regard to recordings, as confirmed will not be downloaded or made available for repeat viewing.
v1.0	Information Governance Manager	10 May 2020	Final version

Approval	Date
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Executive	19 May 2020

Contents

Accessibility Information	2
1 Introduction.....	4
2 Purpose	4
3 Scope	4
4 Policy Statement	5
5 Legal and Regulatory Requirements	5
6 Notification.....	6
7 Participation and Decision Making	6
8 Information Security.....	7
9 Roles and Responsibilities	7
10 Transcripts and Recordings of Meetings	8
11 Compliance	8
12 Review.....	8

1 Introduction

- 1.1 On 4 April 2020, the government brought The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 (The Regulations) into force to temporarily remove the legal requirement for local authorities to hold public meetings in person and to allow meetings to be conducted remotely (virtually). This means that during the Coronavirus pandemic, councils have new powers to hold meetings through electronic, digital, virtual locations and telephone conferencing.
- 1.2 The Regulations apply to meetings held before 7 May 2021.
- 1.3 The Regulations permit the holding of meetings without all, or indeed any elected Members being present in a room. 'Being present' at a meeting and 'open to the public' includes access by remote means. Where a meeting 'is held' includes different remote/virtual locations.

2 Purpose

- 2.1 The purpose of this policy is to provide a commitment and clear direction on the holding of the Council's virtual public meetings, to support democracy, accountability and business continuity throughout the Covid-19 pandemic and beyond. It is also to ensure compliance with all relevant legislative and regulatory requirements and our Constitution.

3 Scope

- 3.1 This policy covers video links, live streaming, telephone conferencing and any potential associated recordings of the Council's formal public meetings.
- 3.2 This policy applies to formal public meetings held virtually by Eden District Council, where decisions are made in respect of Council business. These include:
 - Council;
 - Executive;
 - Planning Committee;
 - Overview and Scrutiny Committee;
 - Budget Scrutiny Committee;
 - Licensing Committee;
 - Human Resources and Appeals Committee; and
 - Accounts and Governance Committee.
- 3.3 Portfolio Holder meetings are not included, as they are not open to the public or press.
- 3.4 This policy does not apply to private meetings, such as training sessions, task and finish group meetings, officer working group meetings or political group meetings, as these are not formal public meetings.

4 Policy Statement

- 4.1 We are committed to ensuring accountability and business continuity, through the holding of virtual public meetings. This will enable us to make effective and transparent decisions on the delivery of services for residents and ensure that local democracy continues to thrive in spite of challenging circumstances.
- 4.2 We welcome the use of modern communication methods to enable our meetings to take place virtually. This will facilitate elected Members, officers, the public and press to 'attend' meetings from the safety of their own homes during the Covid-19 pandemic. These methods also support our aim to make Eden District carbon neutral by 2030.
- 4.3 In preparation for and in conducting our virtual public meetings, we will refer to our 'Virtual Meetings Guidance for Members and Officers 2020-2021.'
- 4.4 In holding meetings virtually, we will seek to balance our obligations for accountability and transparency with our data protection and confidentiality duties. Where information is exempt from disclosure for data protection reasons or because we are subject to a duty of confidentiality, we will seek to edit that information. In the event of a breach involving personal information, we will follow our Personal Data Breach Policy.

5 Legal and Regulatory Requirements

- 5.1 We will seek to comply with The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 and all other relevant legal and regulatory requirements and guidance in relation to the holding of our virtual public meetings.
- 5.2 During virtual public meetings, there may be occasions when live streaming is not permitted, in accordance with provisions set out in Schedule 12A of the Local Government Act. This is when matters involving exempt or confidential information are under discussion.
- 5.3 We will hold our virtual public meetings in accordance with our Constitution and our Public Participation Scheme, details of which are available on our website.
- 5.4 In accordance with our Public Sector Equality Duty under the Equality Act 2010, we will ensure alternative arrangements are in place to support participants who are unable to attend virtual meetings using video links, such as the ability to join by telephone.
- 5.5 The main legal and regulatory requirements that apply to the holding of virtual public meetings are:
 - Common Law Duty of Confidentiality;
 - Equality Act 2010;
 - General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA);
 - Local Government Act 1972, Schedule 12A;

- Local Government Act 1985, S85;
- The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020; and
- The Openness of Local Government Bodies Regulations 2014.

5.6 The live streaming, transcript or any recording of any meeting does not replace the formal written minutes. Neither does it necessitate or dictate that minutes need to be a verbatim account. Minutes of a meeting are a summary of the business transacted at the meeting, with a record of the resultant decisions.

6 Notification

6.1 The Chair will announce at the beginning of a virtual public meeting that it is to be video linked and live streamed.

6.2 A statement will be included on agendas of virtual public meetings to announce whether all or part of the meeting is to be video linked and live streamed.

6.3 The Chair will advise that live streaming is to stop, when matters involving exempt or confidential information are under discussion according to Schedule 12A of the Local Government Act 1972.

6.4 The Chair will attempt to announce when video links and live streaming are to be stopped or suspended due to technical issues, or for any other reason.

7 Participation and Decision Making

7.1 The Regulations require that Members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other Members in attendance at the meeting.

7.2 The Regulations also require that all members of the public must as a minimum be able to hear (but if practicable be seen as well). In practice this means that Members and speaking members of the public can be heard and hear each other and other members of the public not speaking can hear.

7.3 All decisions made at our virtual public meetings will be in accordance with our Principles of Decision Making and our Constitution.

7.4 In conducting our virtual public meetings, we will refer to our 'Virtual Meetings Guidance for Members and Officers 2020-2021.'

7.5 We will seek to ensure that every vote, whether made visually or by telephone, is clear and unambiguous.

8 Information Security

- 8.1 We are committed to preserving the confidentiality, integrity and availability of our information systems and assets. We will seek to do this in accordance with our Information Security Policy, through a range of administrative, technical and physical controls.
- 8.2 We will seek to use appropriate technical and organisational measures wherever possible, including platforms and equipment, to ensure the security, integrity and availability of our virtual meeting video links, live streaming and any associated recordings.

9 Roles and Responsibilities

- 9.1 The Monitoring Officer has day to day responsibility for ensuring the proper administration of committee meetings and compliance with the Constitution.

The Monitoring Officer is:

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Assistant Director Governance (Monitoring Officer)
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- 9.2 The Chair has absolute discretion to adjourn a virtual public meeting if in the opinion of the Chair, continuing would prejudice the proceedings of the meeting.
- 9.3 Democratic Services officers will provide guidance and advice on procedures for the holding of virtual public meetings.
- 9.4 The Senior Information Risk Officer/Owner (SIRO) has overall responsibility for managing information risk in relation to all aspects of the holding of virtual public meetings.
- 9.5 The Head of Shared ICT and Lead for Digital Innovation will ensure appropriate technical support, information security and equipment for the holding of virtual public meetings.

10 Transcripts and Recordings of Meetings

- 10.1 We may make transcripts and/or recordings of our virtual public meetings, to improve accessibility and provide greater transparency and clarity on how decisions are reached.
- 10.2 Any transcript or recording will be edited or removed from public view if the Monitoring Officer considers it is likely to be in breach of any statutory provision or other legal requirement.
- 10.3 Transcripts and recordings and may be edited to:
- remove confidential items in accordance with 12A of the Local Government Act 1972;
 - remove obscenities or actionable remarks;
 - remove any images or audio of children or vulnerable adults (safeguarding);
 - comply with Human Rights legislation;
 - comply with Data Protection legislation;
 - address technical issues; and
 - remove any items out-with the scope of the meeting.
- 10.4 Transcripts and any edited and unedited recordings will be retained in line with the Council's Retention Policy and Schedule.

11 Compliance

- 11.1 All Council officers and Members must comply with this Virtual Public Meetings Policy.

12 Review

- 12.1 This Virtual Public Meetings Policy will be reviewed by 7 May 2021, in line with any changes to legal and regulatory requirements or relevant guidance and best practice. The review will be undertaken by the Member Services Team Leader, Information Governance Manager and Assistant Director Governance (Monitoring Officer).