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**CCL 27/04/21 – CODE OF MEETING PRACTICE - PROCEDURES
FOR COUNCILLORS ATTENDING COUNCIL AND COMMITTEE OF
COUNCIL MEETINGS REMOTELY**

PAGE 3 **ITEM-31** **Attachment A:** Procedures for Councillors attending
Council and Committee of Council
Meetings Remotely

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Procedure

Councillor attendance at Council and Committee of Council Meetings remotely

City of Newcastle

April 2021

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Part A Preliminary

1 Background

- 1.1 On 1 April 2021, the Local Government (General) Regulation 2005 (Regulation) was amended to temporarily exempt councils from the requirement under Clause 5.2 of the Model Meeting Code for councillors to be personally present at a meeting in order to participate in it (Regulation amendment).
- 1.2 For the period in which the Regulation amendment is in force, Council has the option to permit (by resolution of the Council) Councillors to attend and participate in Meetings remotely by audio-visual link, should Council choose to do so.
- 1.3 The Office of Local Government (OLG) has recommended that councils adopt procedures governing attendance by Councillors at Meetings by audio-visual link, to supplement their Code of Meeting Practice (COMP).

2 Purpose

- 2.1 The purpose of this Procedure is to provide guidance on Councillors' attendance at Council and Committee of Council Meetings (Meetings) by audio-visual link in a manner that is consistent with CN's Code of Conduct for Councillors Policy and COMP.

3 Scope

- 3.1 This Procedure applies to Councillor attendance at Meetings by audio-visual link.
- 3.2 This Procedure must be read in conjunction with CN's COMP and CN's Code of Conduct for Councillors Policy and all legislative requirements.
- 3.3 This Procedure remains in force while the Regulation amendment, which is due to expire on 31 December 2021, is in effect.

Part B Procedure

4 Definitions

- 4.1 **Audio-visual link** means an audio-visual link is a facility that enables audio and visual communication between persons at different places.
- 4.2 All other defined terms have the same meaning as CN's COMP.

5 Approval for Councillors to attend Meetings by audio-visual link

- 5.1 Councillors may request to attend one or more Meetings by audio-visual link for one of the following reasons:
- a) illness,
 - b) disability,
 - c) caring responsibilities, or
 - d) such other reason that is acceptable to Council or the Committee of Council.
- 5.2 Requests by Councillors to attend Meetings remotely by audio-visual link must be made in writing to the Lord Mayor / Chairperson and CEO (and copied to Councillor Services team) by 12pm on the day of the Meeting, and must provide the reason why the Councillor is prevented from attending the Meeting/s in person.
- 5.3 In response to a request, the Meeting may resolve to permit a Councillor to attend one or more Meetings remotely by audio-visual link if it is satisfied that the Councillor will be prevented from attending the Meeting/s in person for one of the reasons set out in clause 5.1.
- 5.4 The Meeting must reasonably consider granting a request to attend a Meeting by audio-visual link.
- 5.5 If more than one request is received, Council will consider each request in the order it is received in writing by the CEO.
- 5.6 A resolution by a Meeting permitting a Councillor to attend one or more Meetings by audio-visual link must note details of the grounds on which the councillor is being permitted to attend meetings remotely by audio visual link and the Meeting/s the resolution applies to.
- 5.7 The Meeting may permit more than one Councillor but not all Councillors to attend a Meeting by audio-visual link. This is to ensure a quorum can be maintained in person in the Council Chamber.
- 5.8 If a Meeting is to consider a request for attendance by audio-visual link, it should be considered after "Apologies / leave of absence" (item 11.1.4 of CN's COMP).
- 5.9 A motion to allow a Councillor to attend a Meeting by audio-visual link is a Procedural Motion.
- 5.10 A Meeting is under no obligation to permit a Councillor to attend a Meeting remotely by audio-visual link where the technical capacity does not exist to allow the Councillor to attend a Meeting by these means.
- 5.11 The Meeting may refuse a Councillor's request to attend a Meeting remotely by audio-visual link where an independent conduct reviewer has made a finding that the Councillor failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with CN's Code of Meeting Practice, on one or more previous occasions when attending a Meeting by audio-visual link.

6 Attendance by Councillors at Meetings by audio-visual link

- 6.1 Where a Councillor attends a Meeting by audio-visual link with the approval of the Meeting, they are to be taken as attending the Meeting in person for the purposes of CN's COMP and will have the same voting rights as if they were attending the Meeting in person.
- 6.2 CN's COMP will apply to a Councillor attending a Meeting remotely by audio-visual link, in the same way it would if the Councillor was attending the Meeting in person.
- 6.3 Councillors must give their full attention to the business and proceedings of the Meeting when attending a Meeting by audio-visual link. That is, a Councillor must have their video turned on in order to be recorded as present in the Minutes. Should a Councillor have their video turned off then it will be assumed they are absent from the Meeting.
- 6.4 Councillors must be appropriately dressed when attending Meetings by audio-visual link and must ensure that no items are within sight of the Meeting that are inconsistent with the maintenance of order at the Meeting or that are likely to bring CN into disrepute.
- 6.5 Where a Councillor attends a Meeting by audio-visual link, the minutes of the Meeting must record that they attended the Meeting by audio-visual link.

7 Disclosures of Interest

- 7.1 Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the Meeting and is required to leave a meeting to manage the conflict, the Councillor's audio-visual link to the Meeting must be terminated and the Councillor must not be in sight or hearing of the Meeting at any time during which the matter is being considered or discussed by the Meeting, or at any time during which the Meeting is voting on the matter (as set out in Annexure A – point 3f).

8 Maintaining confidentiality

- 8.1 Councillors attending a Meeting by audio-visual link must ensure that no other person is within sight or hearing of the Meeting at any time that the Meeting has been closed to the public under section 10A of the Act.
- 8.2 Refer to sections 20 and 32 of CN's COMP for further information on confidential information and closing Meetings.

9 Maintenance of Order

- 9.1 The following outlines the responsibilities relating to muting or expelling Councillors who attend Meetings by audio-visual link in order to maintain order, in accordance with sections 79 and 80 of CN's COMP.
- 9.2 Where a Councillor attends a Meeting by audio-visual link, the Chairperson (or Councillor Services team at the direction of the Chairperson) may mute the Councillor's audio link to the Meeting for the purposes of enforcing compliance with section 79 of CN's COMP.
- 9.3 Where a Councillor attends a Meeting by audio-visual link and is expelled from a Meeting for an act of disorder (in accordance with section 80 of CN's COMP), the Chairperson (or Councillor Services team at the direction of the Chairperson) may terminate the Councillor's audio-visual link to the Meeting.

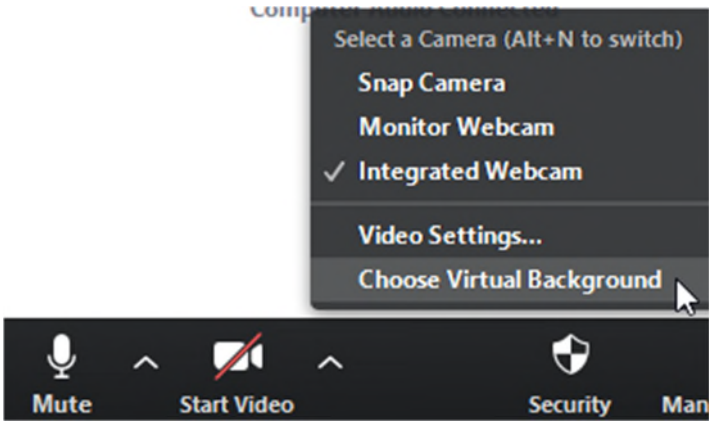
Annexure A – Guidance on practical and technical capacity or technical issues with audio-visual link

This section applies where a Councillor has been approved to attend a Meeting by audio-visual link in accordance with clause 5.3.

1. Preparing for the Meeting by audio-visual link

Action	Description	Responsibility
a) Technical requirements / Contact IT Support	<p>The Councillor should ensure their iPad or preferred device is accurately set up to support the audio-visual tool, Zoom, prior to the Meeting.</p> <p>The Councillor should contact CN's IT Support team for assistance if required.</p> <p>Note: For best audio quality, an iPad, laptop or similar device is preferred over a mobile phone. Some functions within Zoom may also differ between using the website or the application.</p>	<p>Councillors</p> <p>IT Support</p>
b) Download the relevant Agenda and Business Papers	<p>The Councillor should download the relevant Agenda and Business Papers on their iPad or preferred device in preparation for the Meeting.</p> <p>Note: If possible, the Councillor should use a separate device to access the Agenda and Business Papers. It is recommended that the Councillor use a laptop to join the Meeting and their CN-issued iPad to view the Agenda and Business Papers.</p> <p>All Councillors are not to access Confidential Business Papers on devices other than their CN-issued iPad.</p>	Councillors
c) Log in to the Meeting early	<p>Following receipt of a request under clause 5.2, Councillor Services team will email the Councillor a link to the Meeting.</p> <p>The Councillor should log in to the Meeting 15 minutes before the Meeting scheduled start time to ensure any technical issues can be addressed.</p> <p>Note: The Councillor must apologise to the Chairperson if they log in to the Meeting late.</p> <p>Once the Councillor has logged in to the Meeting, the Councillor will be placed in a virtual 'waiting room' for security purposes. The IT Support or Councillor Services team will verify the Councillor's identity prior to allowing the Councillor access to the Meeting.</p> <p>The Councillor Services team will assist the Councillor with displaying their name for consistency and other technical requirements as necessary.</p>	<p>Councillor Services team</p> <p>Councillors</p> <p>IT Support</p>

2. Setting up a Meeting space

Action	Description	Responsibility
a) Turn devices to silent	The Councillor should ensure all devices are turned to silent mode to avoid disruptions to the Meeting.	Councillors
b) Find a private, quiet space	<p>The Councillor should situate themselves in a private and adequately-lit location with minimal background noise.</p> <p>The Councillor will need to enable sound on their devices and ensure their device's camera is close to face height where possible. The Councillor should use a headset or headphones to improve audio quality and reduce background noise.</p>	Councillors
c) Set the background	<p>The Councillor should set the background to the CN Logo as per the below instruction.</p> <p>Click the up arrow next to the start video button, select "Choose Virtual Background".</p>  <p>The screenshot shows a Zoom video settings menu. The menu is open, showing options: 'Select a Camera (Alt+N to switch)', 'Snap Camera', 'Monitor Webcam', 'Integrated Webcam' (checked), 'Video Settings...', and 'Choose Virtual Background'. Below the menu is the Zoom video toolbar with icons for Mute, Start Video, Security, and a plus sign. Below the toolbar is the 'Choose Virtual Background' window, which displays a grid of background options: 'None', a Golden Gate Bridge scene, a green grass scene, a blue planet scene, a green aurora scene, a tropical beach scene, and a sunset scene.</p> <p>Select a different background or click the plus icon to select a custom background</p>	Councillors

3. During the Meeting

Action	Description	Responsibility
a) Muting	The Councillor should mute their microphone when not speaking during the Meeting. Note: The Chairperson will be able to 'mute all', as is the case with the microphone set up in the Council Chamber.	Councillors
b) Speaking	The Councillor Services team will list the item being discussed in the chat window on Zoom. If the Councillor wishes to speak to the item listed, the Council should enter their name in the chat window, to ensure a speaking order is maintained. Note: The chat function should only be used for this purpose, or to seek technical support, during the Meeting. The Chairperson will invite Councillors who are physically present at the Meeting (and have indicated they wish to speak) to speak before inviting Councillors who attend the Meeting by audio-visual link (and have listed their name in the chat indicating they wish to speak) to speak.	Councillors Councillor Services team
c) Standing during Meetings	The Councillor is not required to stand during instances where Councillors that are physically present are required to stand.	Councillors
d) Sharing documents	The Councillor must distribute proposed amendments to recommendations in the Business Papers to the Councillor Services team prior to the Meeting. Hard copy documents cannot be distributed. The Councillor must provide an electronic copy of all documents to the Councillor Services team prior to discussion to ensure the accuracy of the minutes of the Meeting. Note: The Councillor is not able to share their screen during the Meeting. This feature is only available to the Chairperson, IT Support and Councillor Services team.	Councillors Councillor Services team
e) Raising a Point of Order	Where the Councillor wishes to raise a Point of Order, they must un-mute their microphone, physically raise their hand to be seen on screen and say "point of order". The Councillor should continue to hold their hand up until acknowledged by the Chairperson.	Councillors Chairperson
f) Declaring a conflict of interest	The Councillor must declare and manage any conflicts of interest they may have in matters being considered at the Meeting in accordance with CN's Code of Conduct. Note: A Councillor that is required to leave a Meeting to manage a conflict of interest will be placed in a virtual 'waiting room' by the Councillor Services team. At the conclusion of the item, the Councillor Services team will admit the Councillor back into the Meeting.	Councillors Councillor Services team IT Support
g) Leaving the Meeting	Where the Councillor needs to leave the Meeting (either temporarily or retiring early from the Meeting), they must seek leave from the Chairperson before stepping away from their device or logging out of the Meeting.	Councillors

	The Councillor must indicate to the Chairperson if their leave will be temporary or if they are retiring early from the Meeting in accordance with CN's COMP.	
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4. Voting during a Meeting

Action	Description	Responsibility
a) Process of voting	<p>Where Council is voting on an item, the Chairperson will have control of the Meeting and determine the appropriate method of voting.</p> <p>Generally, the Chairperson will:</p> <ul style="list-style-type: none"> i. Advise that the Meeting will now vote on Item X. <p>The Chairperson will ask for votes in favour and all Councillors (in person and those attending remotely) will raise their hands until the Chairperson has finished a count and declared the motion carried or defeated.</p> <ul style="list-style-type: none"> ii. Advise that the Meeting will now vote on Item X by division. <p>The Chairperson will ask for votes in favour and Councillors (in person and those attending remotely) will raise their hands while the Chairperson reads out the names of Councillors voting in favour (hands are lowered once their name is read).</p> <p>The Chairperson then repeats for votes against, as required.</p> <p>Note: Microphones (other than the Chairperson) are not to be used during voting.</p> <p>Refer to sections 68 to 71 of CN's COMP for further information on voting requirements.</p>	<p>Councillors</p> <p>Chairperson</p>
b) Visible on screen for voting	The Councillor must be visible on the screen during the process of voting in order for the vote to be counted.	<p>Councillors</p> <p>Chairperson</p>
c) Discretion of the Chairperson	<p>In the extraordinary circumstance where a Councillor experiences technical difficulty and is not reasonably visible on the screen at the time of the vote, this will be managed at the discretion of the Chairperson in accordance with CN's COMP.</p> <p>For example, the Chairperson may exercise their discretion to proceed with the vote at that time; or call for a motion to adjourn the matter until the technical issue is resolved; or take such other procedural steps that are available under CN's COMP.</p>	Chairperson

5. Where a Councillor attends a Meeting by audio-visual link and experiences technical problems that cause them to not be able to fully participate in the Meeting (including but not limited to dropping out of the Meeting, temporarily freezing, audio lag) the Meeting will continue at the discretion of the Chairperson, only if the Meeting remains quorate (see also Annexure A – point 4c) regarding technical issues and voting).

Document Control

Procedure Title	Councillor attendance at Council and Committee of Council Meetings Remotely
Procedure owner	Chief Executive Officer
Procedure expert/writer	Manager Legal
Associated Policy Title (if applicable)	Code of Conduct for Councillors Policy Code of Meeting Practice
Policy owner (if applicable)	Chief Executive Officer
Prepared by	Legal
Approved by	Council
Date approved	To be completed after approval
Commencement Date	To be completed after approval
Next revision date	1 January 2022
Version	Version number 1
Category	Council
Keywords	Council, attendance, remotely, audio-visual
Details of previous versions	This Procedure supersedes: Practice Note: Code of Meeting Practice April 2020/2021ECM# Etiquette and Tips for Remote Council Meetings ECM# X
Legislative amendments	Local Government (General) Amendment (Exemption) Regulation 2021
Relevant strategic direction	Open and Collaborative Leadership
Relevant legislation/codes (reference specific sections)	This Procedure supports CN's compliance with the following legislation: – <i>Local Government Act 1993 (NSW) s10A</i> – <i>Local Government (General) Regulation 2005 (NSW)</i> – <i>Health Records and Information Privacy Act 2002 (NSW)</i> – <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
Other related policies/documents/ strategies	Office of Local Government Model Code of Meeting Practice for Councils in NSW
Relevant strategy	Nil
Related forms	Nil
Authorisations	Nil