

**MIDLOTHIAN COUNCIL  
INTERIM PROTOCOL FOR THE USE OF VIDEO CONFERENCING  
FACILITIES**

**The following protocol shall be adopted in relation to the conduct of hybrid meetings of the Council and its various Committees. Participation via video conferencing will be permitted from remote locations where a secure videoconference link can be established.**

**Prior to the Meeting**

- 1) Any Member wishing to participate by video conference link in any hybrid meeting of the Council, or of a Committee or Sub-Committee, must intimate his/her request in writing to the Clerk not less than **24 hours** in advance of the meeting taking place (excluding the day of the meeting)
  - a. Please note that the procedure and timescales quoted in Paragraph 1 of this protocol in regard to participation by video conference link will also apply to any other person who is required to take part in a regulatory or appeal hearing.
- 2) The Clerk will immediately notify the relevant Chair, and will take steps to ensure that the link can be established, that support for this link and for the Member using it can be provided, and that all associated facilities, e.g. telephone, email, are available.
- 3) For the avoidance of doubt, the Chair may not participate remotely in any hybrid meeting.
- 4) In the case of a number of requests being received for the establishment of multiple remote links for the same meeting, such requests will be considered in chronological order of receipt until the maximum number that the equipment can support has been reached, subject to priority being given to voting members of the relevant Committee.
- 5) Details of email facilities at the remote venue must be verified and tested.
- 6) The video conference link must be established and tested before the commencement of the meeting.
- 7) The video conferencing equipment must be arranged in such a way that the Chair can see the remote Member(s), as well as those present in the Chamber or meeting room.

**At the meeting**

- 8) The Chair will confirm at the outset and at any reconvening of the meeting that he/she can see and hear all participating Members. Any Member participating by remote link must also confirm at the outset and at any reconvening of the meeting that he/she can see and hear the proceedings at the main venue and at all other remote links.
- 9) Any Member participating by remote link who declares an interest in any item of business required to leave the room or determines to do so, shall log out of the meeting and will be advised by a member of the Democratic Services team by email when he/she may re-join the meeting.
- 10) Should any aspect of the video conference link fail, the Chair will call a short adjournment of up to fifteen minutes, the precise extent to be at the Chair's discretion, to determine whether the link can quickly be re-established. If not re-established within this time, the Chair will temporarily suspend discussion of the item under consideration at the time of link failure and continue with the remaining agenda items. Efforts should continue to re-establish the link. The Chair will return to the suspended item on re-establishment, or on confirmation that this cannot be done, or before the end of the meeting, whichever is the earliest. For clarity, the item under consideration at the point of any re-establishment of a link will be concluded before returning to the suspended item.

- 11) In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting (as detailed in 10) then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established then the remote Member(s) will deem to have returned at the point of re-establishment.
- 12) Should a remote Member wish to move a motion or amendment, the Member may arrange for this to be emailed on his/her behalf. In this case, if necessary, a short adjournment should be called to allow delivery of the email to the Clerk. Should the email equipment transmission fail, back-up arrangements for transmission by email should be available.
- 13) A remote Member participating in a vote will cast his/her vote as if participating in a roll call vote.

### **Regulatory Committees**

- 14) As the Council must be able to demonstrate that decisions of a regulatory nature are taken on the basis of the same information being available to all Members involved in the decision, any additional papers tabled at a meeting of a Planning Committee, General Purposes Committee or any other Regulatory body must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to and read by the remote Member.
- 15) Similarly, to help ensure that a remote Member can clearly follow any officer presentation, separate copies of the presentation must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to the remote Member in addition to using the video conferencing link.

Please note that Paragraphs 14 and 15 will also apply to any other person who is required to take part in a Hearing.

### **Confidential/Exempt Items**

- 16) **Should any member participate in the discussion of a confidential/exempt item, it is the member's responsibility to ensure that his/her location is secure and that proceedings cannot be heard by any member of the public not entitled to attend that part of the meeting. Members are specifically reminded of their responsibilities to maintain confidentiality in terms of the Councillor's Code of Conduct.**
- 17) The Chair will remind members of the terms of Paragraph 16 before entering into private session but it remains each member's individual responsibility to comply with the terms of the Councillors' Code of Conduct at all times

### **Appointments**

- 18) A remote Member may participate on the same basis as the other Members present in an Election, Selection or Appointment of Members of the Council to any particular office, Committee or other Group or outside body where the Council determines that the vote will be by show of hands. If the vote is taken, the remote Member will require to state his/her preferences via the link and will not be able to enjoy confidentiality.