



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Council – Wednesday 28 October 2020</b>
Report Number	<b>Agenda Item No. 11</b>
Subject	<b>Review of Video Conference Meetings</b>
Wards affected	All
Accountable member	Cllr James Mills, Leader of the Council Email: <a href="mailto:james.mills@westoxon.gov.uk">james.mills@westoxon.gov.uk</a>
Accountable officer	Keith Butler Head of Democratic Services Tel: 01993 861521 Email: <a href="mailto:keith.butler@westoxon.gov.uk">keith.butler@westoxon.gov.uk</a>
Summary/Purpose	To review the arrangements for virtual meetings, i.e. Council, Cabinet and Committee meetings held via video conferencing.
Annexes	<a href="#">Annex 1</a> – Virtual Meetings Procedure Rules (with proposed amendments) <a href="#">Annex 2</a> – Councillor Protocol for Virtual Meetings
Recommendations	(a) That the report be noted; (b) That the Virtual Meetings Procedure Rules approved by Council on 13 May 2020 be amended in accordance with <a href="#">Annex 1</a> ; (c) That no changes be made to the Councillor Protocol for Virtual Meetings in <a href="#">Annex 2</a> ; and (d) That the Council considers whether it wishes to specify a retention period for the recordings of meetings held via video conferencing.
Corporate priorities	N/A
Key Decision	N/A
Exempt	No
Consultees/ Consultation	None

## I. BACKGROUND

- 1.1. The Coronavirus Act 2020, and Regulations made under that Act, make provisions as to the holding of meetings both in terms of when they are required and the ability, in the period to May 2021, for meetings to be held “remotely”, i.e. without the previous legislative requirement for members of a local authority to be present at the same place to conduct business.
- 1.2. At its meeting held on 13 May 2020, the Council approved Virtual Meetings Procedure Rules, and a Councillor Protocol for Virtual Meetings. The Procedure Rules included a requirement for them to be reviewed no later than this meeting.
- 1.3. This report also asks Council whether it wishes to specify the period during which a recording of a meeting shall remain available online, a point which was not addressed in May.

## 2. MAIN POINTS

- 2.1. The Virtual Meetings Procedure Rules approved on 13 May are included at [Annex 1](#) (page 4), with the proposed changes indicated via red and ~~struck-through~~ text. Aside from some small tidying up of wording, the main elements are:
  - (a) Making it clear that the possibility of holding physical meetings (as referenced in paragraph [1.4](#) of Annex 1) includes hybrid meetings, i.e. those where some attendees are physically present in a meeting room and others are attending electronically;
  - (b) enabling the public to join meetings via video conferencing in order to address the meeting, should they wish (see paragraphs [7.2](#) and [7.3](#));
  - (c) removing the provision prohibiting the giving of notice of a motion to be proposed at a meeting of the Council; and
  - (d) making provision for a further review no later than May 2021, which would of course be subject to the holding of virtual meetings continuing to be permissible at that time.
- 2.2. The recommended changes are hopefully self-explanatory, but it is appropriate to highlight the proposal that members of the public should be able directly to make a submission to a meeting should they wish to do so and subject to the requirements for notice etc. The key points with this are (i) the proposal that a meeting would proceed notwithstanding any technical or other reasons preventing the member of the public from making their statement, the “safety net” being that they will have been asked to supply the text of their submission, which would be read out by staff if necessary; and (ii) should unanticipated problems arise from taking this approach, the situation would subsequently be reviewed using the power in [paragraph 12.1](#) of Annex 1.
- 2.3. Should the Council approve this suggestion, it is intended that it will apply with effect from the meeting of the Lowlands Area Planning Sub-Committee on 9 November.
- 2.4. The Councillor Protocol for Virtual Meetings approved by the Council on 13 May has again been included, at [Annex 2](#). No changes are proposed.
- 2.5. The situation remains that the holding of meetings via video conferencing is permissible only for the period ending 5 May 2021. Should the government decide to extend the provisions beyond then, either because of the continuing implications of the pandemic and/or to enable local authorities to take decisions as to how they wish to hold meetings in the future, then the Council will need to give further consideration to that in due course.

### **3. RETENTION PERIOD**

- 3.1. As mentioned in paragraph 1.3 above, the report considered by Council in May did not make reference to any retention period during which recordings of meetings would continue to be available online. Accordingly, the recordings of all meetings from 13 May 2020 currently remain available.
- 3.2. Should the Council wish to determine a period, the most obvious options are:
- A period in the range of one month to one year from the date of the meeting
  - Until such time as the minutes of the meeting in question have been either approved or published in draft form – the latter being a shorter (and sometimes very short) period
- 3.3. If the Council does take a decision which leads to some or all of the recordings since 13 May being removed, it is nonetheless the case that one recording of a Lowlands Area Planning Sub-Committee will be retained, until such time as an appeal against a refusal has been determined. This is because the applicant sought an assurance that it would remain in place.

### **4. FINANCIAL IMPLICATIONS**

- 4.1. This report has no financial implications.

### **5. LEGAL IMPLICATIONS**

- 5.1. The recommendations in the report and the contents of the annexes are compliant with the statutory provisions in place further to the Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

### **6. ALTERNATIVES/OPTIONS**

- 6.1. Subject to any advice as to the statutory position which may be required to be given at the meeting, council is able to vary the recommendations in this report as it sees fit.

### **7. BACKGROUND PAPERS**

- 7.1. None

## Virtual Meetings Procedure Rules

These rules set out temporary arrangements for the effective management of virtual meetings. These arrangements override any equivalent provision in the Council's procedures and in the event of any conflict these temporary arrangements should take precedence. These rules have been made by the Council in order to implement The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the 'Regulations') and will remain in force until 5 May 2021; or until such time as the those Regulations are repealed.

### 1. General

- 1.1 A virtual meeting is a meeting of the Council, Cabinet, Committee or Sub-Committee of the Council held by remote access and where virtual attendance by Members of the Council is by way of Cisco Webex or such other platform as provided. Councillors in virtual attendance will not be able to sign an attendance list, but a list will be kept and completed for each meeting by Democratic Services.
- 1.2 Attendance of the public at a virtual meeting which is open to the public will be via the streaming of the meeting on the Council's facebook page, or such other platform as may be provided, **with the exception that members of the public who have registered to speak at a meeting will be sent an invitation to join the virtual meeting,**
- 1.3 The Council, Cabinet and all Committees of the Council may hold all such virtual meetings that are deemed necessary and where such meetings are held these rules of procedure shall apply.
- 1.4 Should the regulations allowing virtual meetings remain in force throughout the period to May 2021, the Chief Executive will nonetheless be able to call physical meetings should social distancing and other considerations allow, subject to prior consultation with the Leader of the Council and, for Council meetings, the Chairman of Council. Subject to this, all meetings of the Council, Cabinet, Committees and Sub-Committee for the period to May 2021 shall take place virtually. **The provision for physical meetings shall include hybrid meetings where permissible/technically feasible.**

### 2. Annual Meeting of the Council

- 2.1 The Annual Meeting of the Council will not be held on 20 May 2020 as previously scheduled, and the appointments to the Chairman and Vice Chairman of the Council and appointments to other Committees and Sub-Committees will remain the same until the Annual meeting is held or until such time as the Council determines.

### 3. Notice of and Summons to the Meeting

- 3.1 The Chief Executive will give notice to the public of the time and place of any meeting by publication of the details on the website.
- 3.2 At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her to every member of the Council, Cabinet, Committee or Sub-Committee. The summons will give the date and time of each meeting and specify the business to be transacted and will be accompanied by the reports which are available. The summons and papers may be sent by post or by electronic means, as desired by any councillor.
- 3.3 The business for any virtual meeting will be as determined by the Chief Executive in consultation with the applicable Chairman.

#### **4. Availability of Documents for the Public**

- 4.1 Agendas and reports and associated papers which are available for the public will be published on the Council's website at least five clear working days before the meeting ([www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings))
- 4.2 When the Council offices at Woodgreen, Witney, are again open to the public, agendas and reports and associated papers will also be available for inspection at those offices.

#### **5. Moving or cancelling virtual meetings**

- 5.1 The Chief Executive may, following consultation with the Chairman of the relevant meeting move or cancel a virtual meeting without notice.

#### **6. Access to Virtual Meetings**

- 6.1 Members of the public and the press will be able to access virtual meetings via streaming on the Council's facebook page or such other platform provided.
- 6.2 Members of the public and the press will not be able to access those parts of any meeting where the meeting has resolved to exclude them by reason of the consideration of exempt or confidential information.

#### **7. Petitions and Public Participation**

- 7.1 A person wishing to present a petition or address a meeting may make their request as they do under the Council's existing rules, whether in relation to Council, Cabinet and Committee meetings, or under the separate scheme which relates to meetings of the Area Planning Sub-Committees.
- 7.2 Where a request has been made and accepted, the requester may **either choose to be sent an invitation to join the meeting via video conferencing to make his/her submission at the appropriate time; or may** supply his or her submission by the deadline for making the request, **for that submission to be read to the meeting by an officer in attendance. Submissions may be no more than three minutes/450 words for meetings of the Area Planning Sub-Committees; and no more than five minutes /750 words for other meetings to which the scheme applies.**
- 7.3 **A member of the public who wishes to make their own submission will be requested to supply the text of that submission, so that it may be read at the meeting in the event of technical or other reasons preventing them from joining the video conference. Should they decline to do so, and subsequently not join the meeting or manage to make their statement, the meeting will proceed to deal with the business.**
- 7.4 Necessarily, different arrangements will have to apply to any meeting of a Licensing Panel which may take place. Should such a meeting be held during the restricted period, the arrangements for interested parties to participate will be made at that time, and advised accordingly, under the authority granted by the Council on 13 May 2020.

#### ~~**8. Motions**~~

- ~~8.1 Where Full Council meetings are held virtually the provision for members to submit a Motion will be disapplied.~~

#### **9. Voting**

- 9.1 At a meeting using virtual meeting technology any matter will be decided by a majority of those in attendance, physically or virtually by an electronic vote which shall record each member and how they have voted. Should this option not be available for

technical or other reasons, voting will be **by consent or** by roll-call, **as deemed appropriate by the Chairman.**

- 9.2 If, prior to a vote on any matter is taken, a request is made by any member and supported by three others, the minutes of the meeting shall record how each member present cast his or her vote. Such will be established by reference to the electronic vote on the matter, or via roll-call.
- 9.3 The Chairman or the host will ~~record the outcome of votes and~~ announce the **outcome of each** decision to the meeting.

## **10. Exclusion of the Public**

- 10.1 Where a meeting resolves to exclude the public during the consideration of exempt or confidential information, the live streaming of the meeting will cease. Should the meeting be re-opened to the public for further business, the live streaming will recommence.
- 10.2 Where the public has been excluded, each Member in remote attendance must ensure that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings. Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be likely to be in breach of the Council's Code of Conduct.

## **11. Quorum and Technical Failings**

- 11.1 The quorum for any **virtual** meeting shall not be affected by these rules.
- 11.2 In the event of any apparent failure of the technology being used for a virtual meeting, the Chairman shall determine whether the meeting is still quorate. Where a meeting remains quorate, the business of the meeting will continue. If it is not quorate the Chairman will adjourn the meeting for such period as deemed necessary to seek to resolve the technical issues.
- 11.3 Should any aspect of a councillor's remote attendance/participation fail, the Chairman may call a short adjournment to determine whether a connection can quickly be re-established. If the connection is not restored, the meeting should continue to deal with the business, providing the meeting remains quorate.
- 11.4 Where a meeting is open to the public, and the live streaming of the meeting fails, the meeting shall either be adjourned until such time as it is re-established, or closed and the remaining business transacted at a later date.

## **12. Review**

- 12.1 These rules will be kept under regular review by the Chief Executive and Monitoring Officer, who shall be authorised to update them if such is deemed to be immediately necessary.
- 12.2 These rules will, in any event, be reviewed by the Council no later than **at its annual meeting in May 2021, should the holding of virtual meetings remain permissible at that time. ~~the end of October 2020.~~**

## Councillor Protocol for Virtual Meetings

### General points about councillors joining and participating in a virtual meeting

- Councillors are encouraged to join the meeting well in advance (i.e. at least fifteen minutes before the scheduled start time) in order to avoid disrupting the meeting and to try to ensure any technical issues can be resolved.
- Where using video-enabled equipment, councillors should leave their cameras on throughout the meeting as far as practicable.
- Councillors should try to go to a quiet location for the Meeting.
- **In all cases councillors will need to unmute their microphone before speaking and mute when they have finished speaking.**
- The Chairman will remind councillors to mute their microphones when not speaking. This is done in order to reduce feedback and background noise.
- Councillors are reminded that virtual meetings are generally public meetings and members of the public will be able to view them and Councillors should be mindful of this in their conduct and dress code.
- Non-verbal communication such as body language may be picked up and broadcast even when not speaking.
- Please be patient with one another and the Chairman of the meeting.

### Protocol for councillors speaking at meetings

- Where a councillor is in attendance at a virtual meeting online, he/she will indicate his/her wish to speak via the host, by using the chat facility. The chat facility should not be used for any other purpose
- Notwithstanding this, in the case of Council and Cabinet meetings, councillors who wish to speak on a particular item are encouraged to indicate their wish to speak to Democratic Services in advance of the meeting. The Chairman will follow the relevant rules when determining who may speak, as well as the order and priority of speakers. The Chairman's ruling in this regard shall be final.
- **At the end of a discussion/debate, when all speakers have been heard, the Chairman will ask those present if anyone else wishes to speak.**
- Interruptions, such as 'point of order' should be kept to an absolute minimum and raised at the end of a speech not during.
- When referring to reports or making specific comments, councillors should refer to the report and page number so that all members and where applicable the public have a clear understanding of what is being discussed at all times.

### Dealing with Disclosable Pecuniary Interests (DPI)

- Where a member has disclosed a DPI or other declaration in an agenda item that requires them to be absent from the meeting for that item, the host will remove the member from the meeting for the duration of the item
- If the member has joined the meeting by telephone rather than online he or she must end the call and await email confirmation that the item has been concluded before re-joining it. Failure to do so would be a breach of the council's code of conduct and in the case of a DPI a criminal offence.

### Interpretation of standing orders

- Where the Chairman is required to interpret the Council's existing standing orders in light of the requirements of virtual participation, he or she shall take advice from the Monitoring Officer or, at a Cabinet, Committee or Sub-Committee meeting, the Democratic Services Officer prior to making a ruling. The Chairman's decision in all cases shall be final.