



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Council – Wednesday 13 May 2020
Report Number	Agenda Item No. 8
Subject	Virtual Meetings and Delegation Arrangements
Wards affected	All
Accountable member	Cllr James Mills, Leader of the Council Email: james.mills@westoxon.gov.uk
Accountable officer	Keith Butler Head of Democratic Services Tel: 01993 861521 Email: keith.butler@westoxon.gov.uk
Summary/Purpose	To report to Council for information and to seek decisions on a range of matters relating to the administration of Council decision making in the context of the coronavirus pandemic.
Annexes	Annex 1 – Virtual Meetings Procedure Rules Annex 2 – Councillor Protocol for Virtual Meetings
Recommendations	<p>(a) That the report be noted;</p> <p>(b) That the next annual meeting of the council shall take place in May 2021;</p> <p>(c) That, subject to the council's decision on recommendation (b), and to any alterations approved at this meeting, the proposed Virtual Meetings Procedure Rules in Annex 1 and the proposed Councillor Protocol for Virtual Meetings in Annex 2 be approved and incorporated into the Constitution until such time as the Regulations cease to have effect;</p> <p>(d) That, in the event of a Licensing Panel being required to meet, the Chief Executive is authorised, in consultation with the Chairman of the Licensing Committee, to establish arrangements for the participation of interested parties which meet the statutory requirements;</p> <p>(e) That the delegations set out in paragraphs 3.2 to 3.4 below be approved, and the Constitution amended accordingly; and</p> <p>(f) That the proposed changes to the previously approved meetings programme for 2020/21 set out below paragraph 4.5 of this report be approved, for the reasons explained.</p>
Corporate priorities	N/A
Key Decision	N/A
Exempt	No
Consultees/ Consultation	None

I. BACKGROUND

- 1.1. This report addresses a number of issues where decisions are required in order to organise and facilitate the conduct of Council meetings and business during the coronavirus pandemic, in particular arising from the current requirements for people to stay at home where possible, the social distancing requirements, and the redeployment of Council and Publica resources to maintain essential services and to provide support to residents and communities.
- 1.2. The report also proposes (i) amendments to officer delegations to seek to ensure the ability for the Council to act in situations of emergency or urgency; and (ii) some changes to the meetings programme for 2020/21 as a consequence of District Council elections now being scheduled to take place on 6 May 2021.

2. VIRTUAL MEETINGS

- 2.1. 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. The requirement for the Council to hold an annual meeting before the end of May has been removed, and this meeting has not been convened as such. Appointments which would have been made will accordingly remain in place either until the annual meeting of the Council in May 2021 or until such other time as the Council may decide. As far as memberships of Committees are concerned, Group Leaders can, as always, notify changes should they wish, subject to their allocations of seats on those bodies under the political balance provisions.
- 2.2. Included at [Annex 1](#) (page 5); and at [Annex 2](#) (page 8) are recommended Virtual Meetings Procedure Rules; and a Councillor Protocol for Virtual Meetings, respectively. These have been produced following some limited discussion with the Leader of the Council and the other political Group Leaders but are, of course, subject to Council approval. The following paragraphs seek to provide additional comment on some of what is proposed.
- 2.3. [Paragraph 2](#) of Annex 1 reflects the facts that (i) this meeting has not been convened as an annual meeting of the council; and (ii) there is now no statutory requirement for the council to hold an annual meeting until May 2021. Should the council wish to hold an annual meeting it is free to amend that paragraph accordingly. Recommendation (b) above is also relevant.
- 2.4. [Paragraph 5](#) of Annex 1 relates to the ability to vary the programme of meetings. This reflects the facts that (i) this report does not otherwise explicitly address the question of which meetings will take place in coming months; but (ii) for the time being, demands on the council are such that many staff who would potentially contribute to meetings are very heavily engaged in other matters relating to the current pandemic, and many have been redeployed from their usual roles. In this context it is also important to recognise that it may be some while before “business as usual” is fully in place again, and that virtual meetings in themselves present other challenges in how meetings are conducted and how easily that business can be facilitated.
- 2.5. Paragraphs [7.1 and 7.2](#) of Annex 1 propose amendments to the existing public participation provisions. The suggestion that participation at virtual meetings is by way of written submissions has been made in an attempt to balance ease of administration and the wish to minimise technological risks and the risk of

disruption, with the desire that the rights of the public are not unduly negated. The suggested maximum numbers of words for submissions are based on average speaking speeds and reflect the fact that under the existing scheme participants at planning meetings have a maximum of three minutes; with a maximum of five minutes at all other meetings.

- 2.6. [Paragraph 7.3](#) of Annex I proposes authority for arrangements to be made for any meeting of a Licensing Panel which may be required. Necessarily, these will be different, because of the statutory position whereby interested parties may attend and speak at such meetings, and the requirement for cross-examination to be possible.
- 2.7. [Paragraph 8](#) of Annex I suggests that the ability to submit motions to Council meetings is disappplied at any meeting held virtually. This suggestion reflects both the complications around the management of virtual meetings and the fact that other demands on staff resources mean that there may be a delay in the consideration of any motion referred to Cabinet or a Committee for consideration and report back.
- 2.8. The remaining content of both annexes is hopefully self-explanatory, but I will of course be able to try to answer any questions which may arise at the meeting.
- 2.9. Council's attention is also drawn to the recommendation relating to the review of the procedures contained in [paragraph 12](#) of Annex I.

3. EMERGENCY AND URGENCY DELEGATIONS

- 3.1. The current pandemic has highlighted the fact that there are insufficient emergency/urgency powers available to take decisions where it is not possible to obtain the approval of the Council, Cabinet or a Committee or Sub-Committee. Of course, the use of and need for emergency powers could apply to situations other than a pandemic.
- 3.2. It is recommended that Council authorises (i) the Chief Executive, in consultation with the Chief Finance Officer and/or the Monitoring Officer as appropriate, to take any necessary decision in cases of emergency; and (ii) the Chief Executive, in consultation with the Chief Finance Officer and/or the Monitoring Officer as appropriate, to take a decision in relation to any function of the Cabinet or of a Committee or Sub-Committee where the matter is urgent and cannot reasonably await the next meeting of that body, and subject also to consultation with the Leader or in their absence the Deputy Leader of the Council; or with the Chairman or in their absence the Vice Chairman of the Committee or Sub-Committee, as the case may be.
- 3.3. In the context of paragraph 3.2, emergency shall mean any situation in which the officer believes that failure to act would seriously prejudice the Council's or the public's interests. Such interests are to be interpreted widely and include (but are not limited to) the risk of damage to property or threat to the health or wellbeing of an individual; and also the power to commence or defend legal proceedings in any court or tribunal.
- 3.4. Any decision under the above provisions shall be recorded and published, and reported to Council, Cabinet or the appropriate Committee or Sub-Committee, such report to include the reasons that the powers needed to be used.

4. MEETINGS PROGRAMME FOR 2020/21

- 4.1. The meetings programme for 2020/21 was approved by Council on 22 January 2020.
- 4.2. The programme is influenced by scheduled elections, partly because of the demands of the administration of elections, and partly because of the statutory requirement

for the annual meeting of the council to take place very soon after councillors come into office on election or re-election. The annual meeting in May 2021 was scheduled for Wednesday 12 May, in the circumstances that there were no ordinary District Council elections scheduled, it being the year in the cycle when the County Council has its elections.

- 4.3. The ordinary elections to the District Council which would have taken place on 7 May 2020 are now scheduled instead for 6 May 2021 and the councillors elected will come into office on Monday 10 May, making it impractical to hold the annual meeting on the currently scheduled date.
- 4.4. Changing the annual meeting date will necessitate consequential changes to meetings of the Lowlands Area Planning Sub-Committee, and to the Cabinet meeting which would have taken place on the date now suggested for the annual meeting.
- 4.5. The proposed changes are as follows:

Original Meeting and Date	Revised Meeting Date
Lowlands Monday 8 March 2021	Monday 15 March 2021
Lowlands Monday 12 April 2021	Monday 19 April 2021
Annual Council Wednesday 12 May 2021	Wednesday 19 May 2021
Lowlands Monday 17 May 2021	Monday 24 May 2021
Cabinet Wednesday 19 May 2021	Wednesday 26 May 2021

5. FINANCIAL IMPLICATIONS

- 5.1. This report has no financial implications.

6. LEGAL IMPLICATIONS

- 6.1. 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.

7. ALTERNATIVES/OPTIONS

- 7.1. 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.

8. BACKGROUND PAPERS

- 8.1. 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.
- 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.

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)
- 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 supply his or her submission by the deadline for making the request, and that submission will be read to the meeting by an officer in attendance. Submissions may be no more than 450 words for meetings of the Area Planning Sub-Committees; and no more than 750 words for other meetings to which the scheme applies.
- 7.3 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 roll-call.
- 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 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 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.