



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	<b>COUNCIL – 13 MARCH 2024</b>
Subject	<b>RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP</b>
Wards Affected	None
Accountable Member	Councillor Mathew Parkinson – Chair of the Constitution Working Group. Email: <a href="mailto:mathew.parkinson@westoxon.gov.uk">mathew.parkinson@westoxon.gov.uk</a>
Accountable Officer	Andrea McCaskie – Director of Governance. Email: <a href="mailto:andrea.mccaskie@westoxon.gov.uk">andrea.mccaskie@westoxon.gov.uk</a>
Report Author	Andrew Brown – Business Manager, Democratic Services. Email: <a href="mailto:democratic.services@westoxon.gov.uk">democratic.services@westoxon.gov.uk</a>
Purpose	To present recommendations from the Constitution Working Group arising from a meeting held on 13 February 2024.
Annexes	Annex A – Constitution Working Group Terms of Reference Annex B – Draft Webcasting Protocol Annex C – Article 5, 2E.2 Committee Membership Annex D – Part 5A Rule 17.2, Chair’s Casting Vote Annex E – Part 5A Rule 3.2 Business (Ordinary Meetings) Annex F – Public Participation Rules Annex G – Constitution Working Group Work Plan
Recommendations	That Council Resolves to: <ol style="list-style-type: none"><li>1. Approve the changes to the Constitution Working Group Terms of Reference to include responsibility for oversight of electoral matters (Annex A);</li><li>2. Adopt the Draft Webcasting Protocol for inclusion in the Constitution as the new Part 6N (Annex B);</li><li>3. Agree an amendment to Article 5 of the Constitution to include at 2E.2 that committees will appoint a Vice-Chair at their first meeting following Annual Council (Annex C);</li><li>4. Agree an amendment to Part 5A Rule 17.2 to remove the</li></ol>

	<p>requirement for the Chair to have cast a deliberative vote in order to use a casting vote (Annex D);</p> <ol style="list-style-type: none"> <li>5. Agree to amend Part 5A Rule 3.2 to add Member questions to the business for ordinary Council meetings (after public questions) (Annex E);</li> <li>6. Agree to amend the Public Participation Rules to clarify the rules for speaking at Development Control Committee and Area Planning Sub-Committee meetings (Annex F).</li> <li>7. Note the progress the Constitution Working Group has made in during 2023/24 and the items to be carried forward into next year, as set out in Annex G.</li> </ol>
Corporate Priorities	<ul style="list-style-type: none"> <li>• Putting Residents First</li> <li>• Working Together for West Oxfordshire</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group.

## **1. EXECUTIVE SUMMARY**

- 1.1** This report recommends changes to the Council's Constitution following a meeting of the Constitution Working Group held on 13 February 2024. Council is recommended to expand the terms of reference for the Constitution Working Group to include responsibility for considering electoral matters. Council is also recommended to adopt a webcasting protocol and clarify the rules on public participation at planning meetings. Other minor amendments are recommended to ensure that the Constitution remains up to date and reflects current governance practices.
- 1.2** Proposed amendments to existing rules are shown in the annexes in red text (for words added) and red strikethrough text (for words removed).

## **2. BACKGROUND**

- 2.1** The Council's Constitution sets out how the Council operates, how decisions are taken and the procedures which are followed to ensure that decision-making is efficient, transparent and accountable to local people.
- 2.2** The Council has a legal duty to publish a constitution, which should be reviewed at least annually. The Council has an established, cross-party Constitution Working Group, which meets regularly and makes recommendations to Council regarding amendments to the Constitution, keeping it up to date with changes to legislation, governance practice and the wishes of the Council.
- 2.3** The Constitution Working Group met remotely on 13 February 2024 to consider a number of items on its work plan.

## **3. CONSTITUTION WORKING GROUP TERMS OF REFERENCE**

- 3.1** The Constitution Working Group considered a proposal from officers that the terms of reference for the Constitution Working Group be amended to include responsibility for overseeing electoral matters. The Local Government Boundary Commission is initiating a review of the number of councillors and the boundaries of electoral wards for the purposes of district council elections and a briefing for Members is scheduled to take place following the 13 March 2024 Council meeting. The suggestion is that the Constitution Working Group will provide member oversight of this review, together with the review of Polling Districts and Polling Places, which the Council will be consulting on following the 2 May 2024 local elections.
- 3.2** Other minor amendments to the terms of reference are intended to update the document and make it more future proof.
- 3.3** The revised terms of reference document, which Council is recommended to approve, is attached as Annex A.

#### **4. WEBCASTING PROTOCOL**

- 4.1** The Council has recently invested in the installation of webcasting technology, first in the committee rooms and now also in the Council Chamber, to facilitate the live streaming of Council and Committee meetings to improve public access and transparency.
- 4.2** The Constitution Working Group considered a draft Webcasting Protocol which is intended to provide guidance for attendees about how such meetings will operate and to ensure that remote viewers will be able to follow meetings effectively.
- 4.3** The proposed Protocol sets out some general principles, the role of the Chair and the etiquette which all attendees are advised to follow. There is also additional guidance and etiquette related to remote attendance, which is suggested as being an option for some attendees in exceptional circumstances (the Members of a meeting need to be physically present in the meeting room in order to vote).
- 4.4** The Constitution Working Group's discussion focused on the use of devices during meetings and whether attendees should be required to adhere to the etiquette, or advised to follow the etiquette, favouring the latter approach.
- 4.5** The Webcasting Protocol which Council is recommended to adopt at Part 6N of the Constitution is attached as Annex B.

#### **5. APPOINTMENT OF VICE-CHAIRS**

- 5.1** The Constitution Working Group recommend a minor amendment to include in the Constitution that committees will appoint a Vice-Chair at the first meeting following Annual Council. This had been raised by a Member as being an oversight in the Constitution, which currently only refers to the election of a Chair, and as such this item had been added to the Constitution Working Group's work plan.
- 5.2** The minor amendment to Article 5 2E.2 of the Constitution which Council is recommended to agree is shown in Annex C.

#### **6. CHAIR'S CASTING VOTE**

- 6.1** During the recent Charing Skills training it had been highlighted that the Council's provision for the chair of a meeting to use a casting vote was quite unusual in requiring the chair to have cast a deliberative vote before using a casting vote. This provision was identified as being out of step with current practice and the Constitution Working Group agreed that this requirement should be removed from the Constitution.
- 6.2** The amendment to Part 5A Rule 17.2 which Council is recommended to agree is shown in Annex D.

#### **7. MEMBER QUESTIONS**

- 7.1** The Constitution Working Group considered proposals from officers for some additional rules in the Constitution to govern member questions at Council meetings to guard against the system being abused in future.

- 7.2 The Constitution Working Group disagreed with the options put forward by officers, which included a word limit, a limit on the number of questions a member can submit to each meeting, a time limit for supplementary questions and rotating the order of questions between groups (as with motions).
- 7.3 The Constitution Working Group did agree that Member questions should be added to the order of business for ordinary Council meetings.
- 7.4 The amendment which Council is recommended to agree is shown in Annex E.

## **8. PUBLIC PARTICIPATION**

- 8.1 The Constitution Working Group considered some amendments proposed by officers to clarify the rules on public speaking at Development Control Committee and Area Planning Sub-Committee meetings. The public participation rules are set out on the website, with a signpost from the Constitution.
- 8.2 This item followed the recent Development Control Committee meeting where there was some confusion about whether the public speaking rules for planning sub-committees or the rules for committee meetings should be applied, given that the Committee was not meeting to determine an application.
- 8.3 It is also suggested that reference is included in the rules to the Chair having discretion to extend the time allocated for representations in exceptional circumstances.
- 8.4 The amended public participation rules, which Council is recommended to agree, are included in Annex F.

## **9. CONSTITUTION WORKING GROUP WORK PLAN**

- 9.1 The Constitution Working Group has made good progress in delivering its busy programme of work for 2023/24. The work plan is included as Annex G with items completed shown in green text and items to be carried forwards into 2024/25 shown in black text. Items are being carried forwards to next year either because they have only recently been added to the work plan or because they represent significant pieces of work for officers which there has not been capacity to deliver during 2023/24, for example due to staffing changes.

## **10. ALTERNATIVE OPTIONS**

- 10.1 An alternative to expanding the terms of reference for the Constitution Working Group to include responsibility for overseeing electoral matters would be for Council to agree to establish a separate cross-party working group. This is a viable alternative although the use of the established Constitution Working Group may be considered to be a more efficient approach.
- 10.2 The Council could choose not to adopt a Webcasting Protocol but given that webcasting is now a feature of Council and committee meetings this option is not recommended. Adopting a Webcasting Protocol will help to ensure that meetings will run effectively and will help to protect the reputation of the Council.

**10.3** Council could choose to not agree to recommended changes or to refer items back to the Constitution Working Group for further consideration.

**11. FINANCIAL IMPLICATIONS**

**11.1** There are no financial implications arising from this report.

**12. LEGAL IMPLICATIONS**

**12.1** There are no legal implications arising from this report.

**13. RISK ASSESSMENT**

**13.1** If Council does not adopt a webcasting protocol, there is an increased risk that webcast meetings will not operate effectively which could result in reputational damage.

**14. EQUALITIES IMPACT**

**14.1** Adopting a webcasting protocol will help to improve the accessibility of Council and committee meetings. There are no other equalities impacts arising from this report.

**15. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**15.1** There are no climate and ecological emergencies implications arising from this report.

**16. BACKGROUND PAPERS**

None.

(END)