

TITLE	Addendum to the Constitution: Protocol for Holding Virtual Meetings
FOR CONSIDERATION BY	Council on 6 July 2020
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers

OUTCOME / BENEFITS TO THE COMMUNITY

There will be a clear protocol in place for how virtual Council meetings will be run and how members of the public will be able to participate and engage in such meetings.

RECOMMENDATION

The Constitution Review Working Group recommend that Council agree:

- 1) that the Protocol for Holding Virtual Meetings, as attached as Appendix A, including changes to the rules contained in the Council's Constitution will be adopted for all Council meetings that are held virtually; and
- 2) that the Protocol for Holding Virtual Meetings will be confirmed as an addendum to the Constitution until such time as Regulations state that virtual meetings are no longer permissible;
- 3) that it be noted that the Planning Committee intends to review its rules relating to public participation in August with a view to reporting back to Council in September;
- 4) that Rule 4.2.15.3 of the Constitution, relating to the requirement to have a show of hands, be suspended to allow for the various voting methods contained in the Protocol to be utilised, if required, at this meeting.

SUMMARY OF REPORT

As a result of 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"), which came into force on 4 April 2020, local authorities are now permitted to hold virtual meetings.

A Protocol for Holding Virtual Meetings has been produced which, as well as providing guidance on how such meetings will be conducted, includes some changes to the rules set out in the Council's Constitution. These changes relate primarily to public participation at Planning Committee meetings and the ability for different methods of voting to be adopted.

The Constitution Review Working Group considered the Protocol for Holding Virtual Meetings at its meeting on 25th June.

Council is requested to adopt the Protocol for Holding Virtual Meetings, including the resultant changes to the Council's Constitution, and include the document as an addendum to the Constitution.

1. Background

1.1 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”) came into force on 4 April 2020 and apply until 7 May 2021.

1.2 These regulations remove the legal obligation to hold local authority meetings at a specified physical location, by permitting Members and Officers attending the meeting to do so by way of ‘remote attendance’.

1.3 The above regulations also enacted provisions which provide flexibility to Councils in the manner in which they may hold such meetings.

1.4 A Protocol for Holding Virtual Meetings, as set out in Appendix A, has been produced to assist Members and Officers in the organisation and conduct of the Council’s virtual committee meetings. The principal aim of the Protocol is to facilitate as many of the rules and procedures contained in the Council’s Constitution as possible, whilst recognising the limitations and challenges that virtual meetings present.

2. Resultant Changes to the Constitution

2.1 There are a number of minor changes that are being proposed in the Protocol which accord with “the regulations” which include not posting notices of meetings at the Council Offices and the provision of hard copy agendas to Members and the public.

2.2 Planning Committee

When physical meetings were held members of the public (including applicants, agents, objectors and supporters), Ward Members and Town and Parish Council representatives had the ability to attend Planning Committee meetings in order to address the Committee on a particular planning application that was under consideration. For a number of reasons eg the emotive nature of planning applications which could lead to the risk of disruption, the extra time it takes to conduct a virtual Planning Committee meeting and wanting to ensure that business is completed it was decided not to allow the public, Ward Members and Town and Parish Council representatives to attend and address Planning Committee meetings. Instead a process has been set up whereby any of these groups can, in addition to any comments submitted previously, provide a further statement to the Committee. Section 6 of the Protocol sets out specific rules relating to Member and public participation at Planning Committee meetings.

Members of the public will therefore continue to have the ability to provide input into the decision making process, albeit by way of written rather than verbal representations.

When considering the Protocol the Constitution Review Working Group (CRWG) raised concerns about the above process as they felt public participation should be allowed. Following a discussion between the Chairman of the CRWG and the Chairman and Vice-Chairman of the Planning Committee it was agreed that the Planning Committee would review the rules around public participation in August with a view to reporting back on its deliberations at the September Council meeting.

2.3 Voting

Due to time constraints it is not practical at larger meetings for the Mayor/Chairman to ask each Member in turn how they wish to vote. The Protocol therefore sets out a number of methods of voting that can be used. It will be up to the Mayor/Chairman to decide which method of voting is appropriate for a particular agenda item.

3. **Suspension of Rule 4.2.15.3**

Rule 4.2.25.2 of the Constitution states that once amendments to Rules of Procedure have been agreed they cannot take effect until the following Council meeting. In order that the voting methods set out in the Protocol can be used at this meeting, if required, Council are asked to suspend Rule 4.2.15.3 of the Constitution, which relates to the requirement to have a show of hands.

4. **Conclusion**

The proposals detailed in the Protocol will mean that notwithstanding social distancing measures Members will be able to continue to take decisions that are currently reserved to them under the Constitution. The proposals will also ensure that the public continue to have the ability to participate and engage in the decision making process.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	
Next Financial Year (Year 2)	£0	Yes	
Following Financial Year (Year 3)	£0	Yes	

Other financial information relevant to the Recommendation/Decision

Any financial implications will be covered from existing budgets.

Cross-Council Implications

The Protocol is applicable to all Council committees.

Public Sector Equality Duty

An Equalities Impact Assessment has been completed and is attached to the report

List of Background Papers

Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020

The Council's Constitution

Contact Anne Hunter	Service Governance
Telephone No Tel: 0118 974 6051	Email anne.hunter@wokingham.gov.uk

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