

Part 5: Virtual Meetings Procedure Rules

(Reviewed: December 2020)

The Regulations allowing for formal meetings to be held virtually ended on 7 May 2021. Elected Members must attend Committees they are appointed to (including as a nominated substitute) must attend in person. Officers and non-committee members (i.e. if addressing a meeting as ward councillor or speaking on a report) may attend virtually.

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5.1 Introduction

- 5.1.1 These Procedure Rules have been made by the Monitoring Officer in accordance with the provisions in the Council's Constitution to provide the means and guidance for the conduct of virtual meetings of the Cherwell District Council and its committees, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').
- 5.1.2 The Procedure Rules should be read in conjunction with the Standing Orders and Procedure Rules within the council's Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, these Virtual Meetings Procedure Rules take precedence in relation to any remote meeting.
- 5.1.3 The effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings virtually, either wholly or partially.
- 5.1.4 In these Procedure Rules the words Meeting, Committee and Sub Committee mean meetings formally constituted under the Local Government Act 1972 as amended.
- 5.1.5 Attached as an annex to these Procedure Rules is a protocol for Members on the running of meetings where there is virtual attendance.

5.2 General

- 5.2.1 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 MS Teams Live Event or such other platform as provided.
- 5.2.2 Attendance of the public and public address at virtual meetings open to the public will be via MS Teams Live Event or such other platform provided.
- 5.2.3 The Council, Executive 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.

5.3 Annual Meeting of the Council, May 2020

- 5.3.1 The Annual Meeting of the Council will not be held in May 2020 and appointments to the Chairman, Deputy Chairman of the Council and appointments to other Committees will remain the same until the Annual meeting is held or until such time as the Council determines.

5.4 Notice of and Summons to the Meeting

- 5.4.1 The Proper Officer will give notice to the public of the time and place of any meeting, the agenda and details of how to view the meeting by publication of the details on the website.
- 5.4.2 At least five clear days before a meeting, the Proper Officer will send a summons by electronic mail to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.
- 5.4.3 The Proper Officer may call an urgent virtual meeting without notice. The reasons for calling an urgent virtual meeting shall be clearly stated at the beginning of the urgent virtual meeting.
- 5.4.4 The Proper Officer may, following consultation with the Chair of the relevant committee, move or cancel a virtual meeting without notice.

5.5 Access to Virtual Meetings

- 5.5.1 Press and members of the public will be able to access virtual meetings using a link that will be made available on the website in advance of the meeting.
- 5.5.2 The press and members of the public will not be able to access those parts of the meeting where exempt or confidential information is being considered.

5.6 Management of Remote Participation

- 5.6.1 Any Member participating in a virtual meeting must, when they are speaking, be able to

be heard (and ideally seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating.

- 5.6.2 In addition, a virtual participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 5.6.3 The attendance of those Members at the meeting will be recorded by the Democratic Services Officer.
- 5.6.4 The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a remote meeting.
- 5.6.5 In the event of any apparent failure of the video, telephone or conferencing connection, the Chairman should immediately determine if the meeting is still quorate:
- if it is, then the business of the meeting will continue; or
 - if there is no quorum, then the meeting shall adjourn for a period specified by the Chairman to allow the connection to be re-established.
- 5.6.6 If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the Monitoring Officer and where appropriate, the relevant Lead Member, shall explore such other means of taking the decision as may be permitted by the Council's Constitution.
- 5.6.7 Should any aspect of an individual's remote participation fail, the Chairman may call a short adjournment of up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative (this is unlikely to be practical for a meeting of the full council). If the connection is not restored within that time, the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.
- 5.6.8 In the event of connection failure, the Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s) of business. If the connection is successfully re-established, then the Member(s) will be deemed to have returned at the point of re-establishment.
- 5.6.9 In order to maintain good administration of the meeting, Members are encouraged to notify the Democratic Services Officer if they wish to speak on a particular agenda item. Members who have not given notification will still be able to speak on an agenda item in accordance with the rules of debate.
- 5.6.10 Etiquette at the meeting is set out in the Protocol, which is an Annex to these Procedure Rules.

5.7 Public Participation at Virtual Meetings

- 5.7.1 Any member of the public who has been given permission by the Chairman to address a meeting in accordance with the Council's Rules of Procedure must meet the same criteria as Members. Members of the public attending a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating.
- 5.7.2 Requests to address a meeting and the submission of petitions will be determined in accordance with the Meeting Procedure Rules (Part 4 of the Constitution) and, in the case of requests to address Planning Committee, the Planning Committee Procedure Rules, (Part 11 of the Constitution). In such instances, an invitation to participate in the remote technology will be sent out.
- 5.7.3 In advance of the meeting, every effort will be made to facilitate a Member of the public joining the virtual meeting to address the meeting directly. If this will not be possible, members of the public who wish to address the meeting may submit a written statement that can be read out by the Chairman at the appropriate time. The written statement must be submitted to the Democratic Services Officer by noon on the day of the meeting.
- 5.7.4 The member of the public will only join the meeting for the item they will be addressing the meeting on and should leave the meeting at the conclusion of their address. The Democratic Services Officer will be able to remove the member of public them from the virtual meeting, in order to maintain the good administration of the meeting or to retain order.
- 5.7.5 A breakdown of the technology should not disadvantage the member of the public in virtual attendance wherever possible.

5.8 Motions And Questions at Full Council

- 5.8.1 The arrangements for motions and written questions will be in accordance with the Meeting Procedure Rules (Part 2 of the Constitution). In order to maintain good administration of the meeting, Members are encouraged to notify the Democratic Services Officer if they wish to speak on a motion. Members who have not given notification will still be able to speak on a motion in accordance with the rules of debate.
- 5.8.2 If a Member wishes to ask a question to the Leader (including on the minutes of Executive) or a Committee Chairman on the minutes, they must notify the Democratic and Elections Team by noon on the day of the meeting they wish to do so. It is not required for the topic to be notified. No questions without notice will be permitted at a meeting of Full Council.

5.9 Voting

- 5.9.1 At a meeting using virtual meeting technology any matter will be decided by a clear

majority of those in attendance, physically or virtually.

5.9.3 When the Chairman is satisfied that there has been sufficient debate, the meeting will move to the vote. Unless a Recorded Vote is requested, the method of voting will be at the Chairman's discretion and will be by one of the following methods:

- a vote by electronic means; or
- an officer calling out the name of each member present with:
 - members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called
 - the Democratic Services Officer clearly stating the result of the vote and the Chairman then moving onto the next agenda item
- by the general assent of the meeting.

5.10 Review

5.10.1 These rules will be kept under regular review and updated as necessary by the Monitoring Officer.

Annex**Member Protocol for Virtual Committee Meetings
(including public attendance)**

Additional protocol for virtual meetings, to be considered alongside standing orders:

General points about Members joining and participating in a virtual meeting

- Members are encouraged to join the meeting no later than fifteen minutes before the scheduled start time to ensure any technical issues can be resolved with ICT, and in order to avoid disrupting the meeting.
- Where using video-enabled equipment, Members should leave their cameras on throughout the meeting as far as practicable.
- Members should ensure they are in a quiet location for the Meeting with minimum disruptions and blur or show a non-descript background.
- Members are reminded that virtual meetings are generally meetings in public and members of the public will be able to view them. Members 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.
- The Chairman will remind Members to mute their microphones when not speaking. This is done in order to reduce feedback and background noise. Democratic Services Officers may perform this function as well.
- In all cases Members will need to unmute their microphone before speaking and mute when they have finished speaking.
- Please be patient with one another and the meeting Chairman.
- If you need to leave the meeting before the end, please put a message in the chat so the Chairman and officers are aware you have left.

Protocol for Members speaking at meetings

- The Council has put in place a technological solution that will enable Members participating in meetings virtually to indicate their wish to speak.

- Notwithstanding this, in the case of all meetings, in particular Council, Executive and Planning Committee, Members who wish to speak on a particular item are encouraged to notify the Chairman and to Democratic Services of their wish to speak in advance of the meeting.
- The Chairman will follow the rules set out in the Constitution and usual protocol when determining who may speak and the order of speakers. The Chairman's ruling in this regard shall be final.
- The length of speeches will be timed in accordance with the Constitution. The Chairman or Democratic Services Officer shall give a 30 second warning.
- Members should only speak when called by the Chairman and only one person should at any one time.
- Members should turn on their microphone and state their name before making a comment. Once finished, the microphone should be turned back to mute.
- When referring to reports or making specific comments, Members should refer to the report and page number so that all Members have a clear understanding of what is being discussed at all times.
- Interruptions, such as 'point of order' should be kept to an absolute minimum and raised at the end of a speech not during. The "raise hand" or chat function should be used to indicate wishing to make a 'point of order'.
- If felt necessary, at the end of the debate, when all speakers have been heard, the Chairman will ask those present if anyone else wishes to speak before completing the discussion on that item and moving to the vote.
- The Chairman's ruling on Members speaking shall be final.

Dealing with Disclosable Pecuniary Interests (DPI)

- To facilitate this process, Members are asked to notify the Democratic Services Officer in advance of a meeting if they will be declaring an DPI or other declaration that requires them to absent themselves for an agenda item.
- 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 Member should leave the virtual meeting for the duration of the item. Failure to do so would be a breach of the council's code of conduct.
- At the conclusion of the item, the Chairman and Democratic Services Officer will ensure that any member who has absented themselves from the meeting has re-joined the meeting before moving to the next agenda item.

Voting

- At a meeting using virtual meeting technology any matter will be decided by a clear majority of those in attendance, physically or virtually.

- When the Chairman is satisfied that there has been sufficient debate, the meeting will move to the vote. Unless a Recorded Vote is requested, the method of voting will be at the Chairman's discretion and will be by one of the following methods:
 - a vote by electronic means; or
 - an officer calling out the name of each member present with:
 - members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called
 - the Democratic Services Officer clearly stating the result of the vote and the Chairman then moving onto the next agenda item
 - by the general assent of the meeting.
- Details of how Members vote will not be kept or minuted unless a Recorded Vote is called/required or requested by a Member.

Participation by members of the public

- Members of the public who wish to observe the proceedings of a committee are able to do so by watching the live stream. The Council will make a live stream available on an appropriate channel and will publicise this on the website agenda page for that particular meeting.
- Public participation will be permitted in line with the procedures set out in the Constitution (as amended for virtual meetings).
- A member of the public who has requested to address a meeting in accordance with the Council's Meeting Procedure Rules (as amended for virtual meetings) will be invited to participate in the virtual meeting for the duration of the item in question and will address the meeting when invited to do so by the Chairman. Once a member of the public has addressed the meeting, they will leave the virtual meeting and resume viewing on the live stream
- The Chairman may re-order the agenda in order to facilitate this participation at the beginning of the meeting.
- As an alternative, if a member of the public who wishes to address the meeting but is unable to join for technological reasons, they may submit a written statement that can be read out by the Chairman or Democratic Services Officer at the appropriate time. The written statement must be submitted to the Democratic Services Officer by noon on the day of the meeting.

Dealing with exempt items of business

- There are times when council meetings are not open to the public, when confidential, or "exempt" information – as defined in Schedule 12A of the Local Government Act 1972 – is under consideration.

- Any Member in virtual attendance who fails to disclose that there are in fact persons present who are not so entitled will be in breach of the Council's Code of Conduct.

Dealing with technical difficulties

- In the event that the Chairman or Democratic Services Officer identifies a failure of the virtual participation facility, the Chairman will declare a recess while the fault is addressed.
- If it is not possible to address the fault and the meeting is inquorate, the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate, the meeting will continue. Those attending virtually would be aware and accept that the meeting would continue, and a vote would be taken without their attendance.
- In the event of connection failure, the Member(s) will be deemed to have left the meeting at the point of failure, and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s).
- If a connection is successfully re-established, then the Member(s) will be deemed to have returned at the point of re-establishment, but the Member(s) should not vote on a matter under discussion as they would not have heard all the debate.
- In the event of the Chairman losing connection, the Vice-Chairman will take the chair until the Chairman's connection is re-established.
- If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the Monitoring Officer and where appropriate/possible the relevant Executive Member, shall explore such other means of taking the decision as may be permitted by the Council's Constitution.

Interpretation of standing orders

- Where the Chairman is required to interpret the Council's existing standing orders in light of the requirements of remote participation, s/he shall take advice from the Monitoring Officer prior to making a ruling. The Chairman's decision in all cases shall be final.