

COUNCIL – 18 MAY 2021

CONSTITUTION CHANGES TO REFLECT RETURN TO PHYSICAL MEETINGS

Report by Director of Law & Governance

RECOMMENDATION

Council is RECOMMENDED to:

- (a) Note the amendments to the Constitution that the Monitoring Officer has made to ensure the safe return to physical meeting whilst covid restrictions remain;**
- (b) Agree that the Director of Law and Governance in consultation with the Chairman of the Council be authorised to make changes to the meetings process and, as necessary, the Constitution in the light of practical experience of meetings during covid restrictions and in the light of changing circumstances; and**
- (c) That the position be reviewed before the Council meeting on 13 July 2021.**

Executive Summary

1. The Government have confirmed that The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have not been extended to apply to meetings from 7 May onwards. These regulations have allowed the virtual meetings held in the past 12 months.
2. Legal moves to allow for the continuation of remote attendance at formal meetings were unsuccessful and physical meetings are now necessary for all formal meetings by which is meant Full Council and the Committee/Board meetings of the Council that must be held in public.
3. Whilst the covid restrictions remain in place it is necessary to ensure that meetings are held in a covid secure way to ensure the safety of all participants and attendees. In some instances, this has meant that meetings are being held at alternative venues including Full Council meetings at Spiceball Leisure Centre, and other meetings at Council Chamber, Bodicote House and Town Hall, Oxford City Council, Oxford.
4. The special procedures and protocols this Council adopted for virtual meetings in the Constitution (OCC - Part 3.1a Virtual Meeting Procedure Rules and CDC – Part 5 Virtual Meetings Procedure Rules) fall as meetings are no longer virtual.

5. This report sets out for information proposed temporary changes to the Constitution necessary for the effective running of physical meetings during the restrictions brought about by the corona virus pandemic.

The Changes

6. The virtual Procedure Rules covered notice of and summons to a meeting, voting and public participation.

Notice and Summons to a meeting

7. These arrangements will revert to that set out in the Constitution and more particularly under Part 8. Access to Information Procedure Rules.

Voting

8. With the return of physical meetings voting will revert to the rules set out in the Constitution. However, the section of Part 3.1, Council Procedure Rules that sets out the process for electronic voting has been disappplied to meetings of Full Council held at Spiceball Leisure Centre. Electronic voting will not be available at Spiceball and the method of voting in place during virtual meetings, namely the roll call of councillors will continue.
9. There is no provision for a Division bell at meetings of Full Council held at Spiceball Leisure Centre so Council Procedure Rule CPR 17.9 that relates to the Division bell has been disappplied to meetings held there.

Public Participation

10. Only Members of the Committee are required to attend and vote in person. Due to the limited space available to ensure distancing restrictions can be upheld public attendance will be limited. Meetings will continue to be livestreamed and where hybrid facilities are available speakers will be encouraged to attend and speak virtually. The OCC Constitution has been amended to disapply Council Procedure Rules 10.1.2(iv) and 10.2(iv) that relates to the physical presence of petitioners and speakers.
11. In order to manage the limited space available members of the public wishing to attend meetings in person whether to observe or speak will be asked to apply in person. The changed deadlines (4 working days before the meeting) for speakers introduced during virtual meetings will continue to apply to such requests to allow time to maximise public attendance so far as the limited space allows. Council Procedure Rule 10 has been amended to reflect the continuing amended deadline for speakers and virtual attendance the following rules have been amended:

Article 3 Rule1(b) (ix) Petitions

Article 3 Rule 1(c) Speakers

12. It should be noted that there is a legal requirement to allow physical public attendance and as such the requirement to apply in advance to observe a

meeting can only be encouraged and not enforced. However, public seating will be severely limited and members of the public turning up on the day may not be able to access the meeting.

13. In addition, Council Procedure Rule 21 relates to the requirement for a member of the public to leave the room in the event of a public disturbance and for clearance of the room. For those meetings held with hybrid capability where the public is attending virtually Rule 21 has been extended to include leaving the room to include removal from the virtual meeting.
14. It is proposed that changes be delegated to the Director of Law & Governance. This will allow the Constitution and meetings processes to be amended in the light of practical experience. It also allows the Council to respond quickly to changing circumstances as the Country continues to move through the lockdown road map.

Additional Support and Guidance for Physical Meetings during Covid.

15. Physical meetings during covid will feel very different to meetings held in the past. New venues, new room layouts in County Hall and covid safe requirements all contribute to a very different experience. All Members will have received a document setting out Guidance for Physical Meetings to support them, officers and members of the public to ensure the holding of safe and effective meetings whilst covid restrictions remain in place.

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