

WOKING BOROUGH COUNCIL

ADDENDUM TO THE CONSTITUTION – APRIL 2020

1.0 Introduction

- 1.1 This Addendum to the Council's Constitution gives effect to changes to the Council's operational arrangements necessitated by the Coronavirus pandemic.
- 1.2 This Addendum incorporates requirements of the Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (S.I.2020 No. 392).
- 1.3 In drafting this Addendum, regard has been had to The Remote Meetings Protocol and Procedure Rules published by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).
- 1.4 Save to the extent varied by this Addendum, the Council's Constitution shall remain in full force and effect. In the event of there being a conflict between the provisions of this Addendum and the Constitution, the provisions of this Addendum shall prevail.
- 1.5 The provisions of this Addendum shall apply until 7 May 2021 (unless varied beforehand).

2.0 Annual Meeting of the Council

- 2.1 The next Annual Meeting(s) of the Council shall be held on 20 May 2021 (Mayor Making) and 24 May 2021 (Formal Business).
- 2.2 Appointments made at the Annual Meeting(s) of Council on 16 May 2019 (Mayor Making) and 20 May 2019 (Formal Business) shall remain in force and effect.
- 2.3 Meetings shall take place on the dates and times set out in the Council's published Calendar of Meetings for 2020/21, with an additional meeting of the Planning Committee being held at 7.00 pm on 12 May 2020.

3.0 Conduct of Meetings

3.1 Access to Information

- (a) For the purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers", when referred to as being a document that is:-
 - (i) "open to inspection", shall include for this and all other purposes being published on the Council's website, and
 - (ii) to be published, posted or made available at the Council's Offices, shall include for this and all other purposes publication on the Council's website.

- (b) The summons, agenda, reports and background papers for meetings shall be published one week before the meeting. Hard copies of such papers will not be produced.

3.2 Remote Access to Meetings

- (a) For the purposes of the Constitution, the terms:-

“meeting”	is not limited to a meeting of persons, all of whom, or any of whom, are present in the same place;
“place”	in the context of where a meeting is held, or to be held, includes reference to more than one place, including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers, and
“open to the public”	includes access to the meeting being through remote means including video conferencing, live webcast, and live interactive streaming. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

- (b) If the Chairman of the meeting is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall immediately adjourn the meeting. If the provision of access through remote means cannot be restored within a reasonable period of time, the Chairman shall adjourn the meeting for such period of time that he/she considers reasonable and conducive to the dispatch of the remaining business.

3.3 Remote Attendance at Meetings by Members

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:-
- (i) to hear and, where practicable, see and be so heard and, where practicable, be seen by the other Members in attendance;
 - (ii) to hear and, where practicable, see and be so heard and, where practicable, be seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point during the meeting, any of the conditions for remote attendance in 3.3 (a) above are not met. In such circumstances, the Chairman of the meeting may, as he/she deems appropriate:-

- (i) adjourn the meeting for a short period of time (not exceeding ten minutes) to permit the conditions for remote attendance of a Member contained in 3.3 (a) above to be re-established;
- (ii) count the number of Members in attendance for the purposes of the quorum, or
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

3.4 Remote Attendance at Meetings by Members of the Public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:-
 - (i) to hear and, where practicable, see and be so heard and, where practicable, be seen by Members in attendance;
 - (ii) to hear and, where practicable, see and be so heard and, where practicable, be seen by any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point during the meeting, any of the conditions for remote attendance in 3.4 (a) above are not met. In such circumstance. The Chairman of the meeting may, as he/she deems appropriate:-
 - (i) adjourn the meeting for a short period of time (not exceeding ten minutes) to permit the conditions for remote attendance contained in 3.4 (a) above to be re-established, or
 - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as one or more following item(s) of business on the agenda have been transacted and the conditions for the member of the public's remote attendance have been re-established.

If the conditions for the member of public's remote access cannot be re-established before the end of the meeting, the item of business in relation to the member of public's attendance shall be determined in the absence of the member of public.

3.5 Declaration of Interests

Where a Member is required to leave a meeting as a result of having declared an interest in an item of business, the means of remote attendance to the meeting for that Member shall be severed whilst any discussion or vote takes place in respect of that item of business.

3.6 Part II Business

When a meeting goes into Part II to consider confidential/exempt items of business (as defined in Schedule 12A to the Local Government Act 1972), each Member in remote attendance shall ensure, and verbally declare, that there are no other persons present who are not entitled to hear, or see, consideration of such item(s).

3.7 Method of Voting

(a) A Member who considers that a vote on a recommendation before a meeting is required shall notify Member Services of that by noon on the working day prior to the meeting.

(b) Where a vote needs to be taken at a meeting, the Chairman of the meeting shall call, in alphabetical order, the names of the Members in remote attendance. The Member called shall state:-

“YES” if he/she is in favour of the recommendation, motion or amendment before the meeting, or

“NO” if he/she is against the recommendation, motion or amendment before the meeting, or

“ABSTAIN” if he/she does not wish to vote on the recommendation, motion or amendment before the meeting.

The result of the vote shall be announced by the Meeting Coordinator supporting the meeting.

(b) Where no vote needs to be taken, the Chairman of the meeting shall state that the recommendation, motion or amendment before the meeting is agreed.

3.8 Council Meetings – Notices of Motion

(a) When submitted to the Chief Executive’s office under Standing Order 5, a Notice of Motion shall include the names of the Proposer and Seconder of the Motion.

(b) Every valid Notice of Motion shall automatically be referred to a meeting of the Executive falling before the next ordinary meeting of Council for consideration and report.

(c) No motion under Standing Order 5 shall be debated and considered (i.e. “taken on the night”) at the Council meeting for which the Notice of Motion was given.

3.9 Council Meetings – Questions by Members

(a) Questions under Standing Order 8 shall be submitted to the Chief Executive’s office not later than noon, three working days before the Council meeting (i.e. by noon on the Monday prior to a Council meeting on a Thursday).

(b) Replies to questions shall be sent to all Members by 5.00 pm on the last working day before the Council meeting (i.e. by 5.00 pm on the Wednesday prior to a Council meeting on a Thursday).

- (c) If the Member asking the question wishes to ask a supplementary question, he/she shall notify Member Services of that fact, by email, by noon on the day of the Council meeting.
- (d) Subject to paragraph 3.9 (c) above having been complied with, the Mayor shall call the Member to ask the supplementary question at the Council meeting.

3.10 Executive and Committees – Time Limit for Speeches

- (a) A Member wishing to speak on an item of business before a meeting shall notify Member Services of that by noon on the working day prior to the meeting.
- (b) Unless the Chairman of the meeting agrees otherwise, no speech shall exceed the following time limit:-
 - (i) Five Minutes:- Executive, Overview and Scrutiny Committee, Standards and Audit Committee (and its Sub-Committee), Licensing Committee (and its Sub-Committees) and Appeals Committee.
 - (ii) Ten Minutes:- Planning Committee.

3.11 Executive Procedure Rules – Questions by the Public

- (a) A member of the public asking a question of a member of the Executive under Rule 3 of the Executive Procedure Rules shall not be entitled to attend the meeting to put the question in person.
- (b) All replies to questions of members of the Executive, submitted by members of the public, shall be in writing.
- (c) No supplementary questions shall be asked by a member of the public.

3.12 Urgent Business

- (a) If a Member considers that there is an item of urgent business, he/she shall notify the Chief Executive of that item.
- (b) Subject to the relevant Chairman agreeing, the Chief Executive may arrange for the item of urgent business to be considered at an appropriate forthcoming meeting.

Addendum Ends

