

# **North Somerset Council**

## **REPORT TO THE COUNCIL**

**DATE OF MEETING: 16 JUNE 2020**

**SUBJECT OF REPORT: 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 MADE UNDER THE CORONAVIRUS ACT 2020 – CHANGES TO STANDING ORDERS AND MEMBER ABSENCE UNDER S85 OF THE LOCAL GOVERNMENT ACT 1972**

**TOWN OR PARISH: N/A**

**OFFICER/MEMBER PRESENTING: HEAD OF LEGAL & DEMOCRATIC SERVICES**

**KEY DECISION: NO**

**REASON: COUNCIL REPORT (NOT EXECUTIVE)**

## **RECOMMENDATIONS**

1. To note and ratify decision CSD166 2019/2020 adopting amendments to standing orders to meet requirements of virtual meetings
2. To grant permission to any Councillor to be absent from Council meetings for a period over six months provided that such absence is as a result of reasons related to either a requirement to self-isolate or sickness due to the corona virus;

## **1. SUMMARY OF REPORT**

The purpose of this report is for Council to note and ratify amendments to standing orders made in response to 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 which made provision for councils to implement business through meetings of the Council, its committees and panels operating in a virtual manner utilising audio and video conferencing and live streaming technologies.

The report also recommends granting any Councillor permission to be absent from council meetings for a period in excess of six months for corona virus related reasons.

## **2. POLICY**

Standing Orders form part of the Council Constitution.

Vacation of office by failure to attend meetings is directly covered by legislation

### **3. DETAILS**

As detailed in decision CSD166 2019/2020 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 made provision for virtual council meetings. The effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders. Accordingly, the Regulations, and therefore the standing orders, have an automatic amending effect on the council's existing. Nonetheless it is good practice, even with express mandatory standing orders, to have these adopted formally by the full council at the first opportunity to do so. The changes are detailed in CSD166 2019/2020.

Members will be aware that s85 of the Local Government Act 1972 provides for automatic vacation of office of any councillor who fails to attend any meeting of the authority for a period of six consecutive months unless the failure was due to some reason approved by the authority before the expiry of the six month period. Given that some members have been unable to attend meetings of the authority whilst self-isolating or caring for relatives it would be unfortunate if they became subject to s85. It is therefore proposed that Council grants permission to any Councillor to be absent from Council meetings for a period over six months provided that such absence is as a result of reasons related to either a requirement to self-isolate or sickness of themselves or a relative due to the corona virus.

### **4. CONSULTATION**

None – the standing orders changes flow from legislation and the purpose of this report is to record the impact for transparency and openness. The absence from meetings proposal is a matter for Members and does not require consultation.

### **5. FINANCIAL IMPLICATIONS**

None

#### **Costs**

None

#### **Funding**

None

### **6. LEGAL POWERS AND IMPLICATIONS**

As detailed in the report above

### **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

As referenced in CSD166 2019/2020

### **8. RISK MANAGEMENT**

None

### **9. EQUALITY IMPLICATIONS**

None

## **10. OPTIONS CONSIDERED**

None

## **AUTHOR**

Nicholas Brain – Head of Legal & Democratic Services

## **APPENDICES**

Decision CSD166 2019/2020

## **BACKGROUND PAPERS**

None

**DECISION OF: CHIEF EXECUTIVE  
WITH ADVICE FROM: MONITORING OFFICER  
DIRECTORATE: CORPORATE SERVICES**



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**DECISION NO:** CSD166 2019/2020

**SUBJECT:** STANDING ORDER AMENDMENTS FOR VIRTUAL MEETINGS

**KEY DECISION:** NO

**REASON:** No financial implications and no impact on two or more wards

**BACKGROUND:**

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 made provision for councils to implement business through meetings of the Council, its committees and panels operating in a virtual manner utilising audio and video conferencing and live streaming technologies. The Council is intending to utilise these flexibilities.

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 7th May 2021. The effect of the Regulations on the Authority's Constitution is to insert what are, in effect, mandatory standing orders. Accordingly, the Regulations, and therefore the standing orders, have an automatic amending effect on the council's existing rules and can be applied immediately in order to run committee and Executive meetings remotely. Nonetheless it is good practice, even with express mandatory standing orders, to have these adopted formally by the full council at the first opportunity to do so.

The Monitoring Officer has detailed, in the attached appendix, where changes will apply to the current standing orders relating to matters such as voting (usually by show of hands and now by alternate means or roll call) and public participation (providing for written submissions rather than attendance and verbal address).

These changes will apply with immediate effect and be reported to Council at its next meeting.

**DECISION:**

To adopt the amendments to Standing Orders as detailed in the attached appendix and to report to the next meeting of Council.

**REASONS:**

The changes are required in order to implement the 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

**OPTIONS CONSIDERED:**

Not holding virtual meetings, but that is not a realistic option and the Regulations have direct effect on the Council's standing orders in any event.

**FINANCIAL IMPLICATIONS:**

None

**Costs**

None

**Funding**

None

**LEGAL POWERS AND IMPLICATIONS**

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 made under the Coronavirus Act 2020

**CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

Minimal in the short term – virtual meetings will avoid the necessity for members, officers and other participants to travel to Council venues but the impact of this over the period to 7<sup>th</sup> May 2021 will not be significant. Any continuation of the flexibilities after this initial coronavirus response stage may have continuing affect.

**CONSULTATION**

None – the changes flow from legislation and the purpose of this decision is to record the impact for transparency and openness.

**RISK MANAGEMENT**

None

**EQUALITY IMPLICATIONS**

Have you undertaken an Equality Impact Assessment? No

**CORPORATE IMPLICATIONS**

Records changes to Standing Orders for the purposes of virtual meetings.

**APPENDICES**

### **1A No Requirement to Hold an Annual Meeting**

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7<sup>th</sup> May 2021, an Annual Meeting of Council may only take place:

- (a) where called by the Chair; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

**Amends Council Standing Order 1 (Annual Meeting)**

### **2A Access to Information**

For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
- (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

**Amends Council Standing Order 5 (notice of and summons to meeting) and**

**Access to Information Procedure Rule 5 (access to agenda and reports before the meeting)**

### **3A Remote Access to Meetings**

(a) For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:

- (i) “place” is to be interpreted as 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
  - (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and 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; and
- (b) If the Chair 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 Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**Amends Council Standing Order 5 (notice of and summons to meeting) and**

**Access to Information Procedure Rule 3 (rights to attend meetings)**

### **4A Members in Remote Attendance**

(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 in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (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.

Amends Council Standing Order 11 (quorum)

### **5A Public Participation by Members of the Public**

(a) A member of the public entitled to attend the meeting in order to exercise a right to speak e.g. at a licensing 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 wishing to make representations to the Council in accordance with Standing Order 17.4 or Executive Standing Order 6 or Scrutiny Standing Order 9 may do so by making written submission to the Council. The submission should accompany the request for public participation submitted under Standing Order 17.5 or Executive Standing Order 6.3 or Scrutiny Standing Order 9.3.

(c) A member of the public wishing to present a petition in accordance with Standing Order 17 may do so in writing and may submit an accompanying written submission in lieu of the oral submission provided for by Standing Order 17.13

(d) Standing Order 17A relating to public speaking at planning committees shall have effect as though all references to speaking at the committee were references to presenting written submissions to the committee and references to the Chairman selecting persons to speak shall be taken as references to the Chairman selecting a written submission

Amends Council Standing Order 17 and 17A (Public Participation),  
and Executive Standing Order 6 and Scrutiny Standing Order 9

### **6A Remote Voting**

Unless a recorded vote is demanded, and confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair, the Chair will take the vote

(a) by use of an electronic voting system(s) for remote voting and voting in the chamber or where an electronic voting system is not working correctly or unavailable; or

(b) by the affirmation of the meeting if there is no dissent; or

(c) by first seeking votes against the motion followed by any abstentions and taking the remainder of Members present in the meeting as voting for the motion; or

(d) the Chair will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

Amends Council Standing Order 23 (voting)

### **7A Members excluded from the meeting**

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business in which the member or co-opted member may not participate.

Amends Council Standing Order 37 (Interests of Members).

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 made under the Coronavirus Act 2020 and the Council's Constitution

This decision is being taken under the urgency/emergency powers provided in the officer delegations in the Constitution – General Director powers para 2.2:

To take emergency action on behalf of the Council on any matter in cases of urgency or emergency with, wherever possible, prior consultation with the Chief Executive and Director of Corporate Services and the Executive Member and the Chairman of the appropriate Policy and Scrutiny Panel or Committee and Subject to a report as soon as possible afterwards to the appropriate body.

SIGNATORIES:

DECISION MAKER:



Signed:

Note: If electronic signature used email from Director confirming decision and allowing use of electronic signature must be attached

Title: Director of Corporate Services

Date: 28.04.2020

Consultees:



Signed:

Note: If electronic signature used email from Chief Executive confirming consultation and allowing use of electronic signature must be attached. If consultation undertaken verbally Director must record date and time of the conversation and any agreement/concerns raised by consultee

Title: Chief Executive



Date: 28.04.2020



Re\_ Virtual meetings  
SO amendments reco

Signed: agreed by email 28.4.2020

Note: If electronic signature used email from Executive Member confirming consultation and allowing use of electronic signature must be attached. If consultation undertaken verbally Director must record date and time of the conversation and any agreement/concerns raised by consultee

Title: Leader and Executive Member for business management

Date: 28.04.2020



Re\_ Virtual meetings  
SO amendments reco


Signed: Agreed by email 28.4.2020

Note: If electronic signature used email from Chairman of P&S Panel confirming consultation and allowing use of electronic signature must be attached. If consultation undertaken verbally Director must record date and time of the conversation and any agreement/concerns raised by consultee.

Title: Chairman of Community & corporate organisation Policy & Scrutiny Panel

Date: 28.4.2020

WITH ADVICE FROM:

Signed: 

Title: Monitoring Officer

Date: 28.04.2020