
Subject: CONSTITUTIONAL AMENDMENTS FOR REMOTE MEETINGS

Meeting and Date: GOVERNANCE COMMITTEE – 25 JUNE 2020
COUNCIL – 22 JULY 2020

Report of: Democratic Services Manger

Classification: UNRESTRICTED

Purpose of the report: Article 15, paragraph 15.02(a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Recommendation:

Governance Committee *To recommend to Council that the changes set out in the Appendix 1 be approved and incorporated into the Constitution as Annex 1 to the Council Procedure Rules to be effective until 7 May 2021.*

Council *To approve the changes to the Constitution set out in Appendix 1 and incorporate them as Annex 1 to the Council Procedure Rules to be effective until 7 May 2021.*

1. Summary

- 1.1 The provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the ‘Regulations’) introduced a number of temporary provisions that permit local authorities to operate fully (or partially) remote committee meetings. This report sets out the changes that need to be incorporated into the Council’s Constitution.
- 1.2 It is suggested that these be in the form of an annex to the current procedure rules given the time limited nature of the Regulations.

2. Introduction and Background

- 2.1 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 Council governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict with the Constitution, the Regulations take precedence in relation to any remote meeting.
- 2.2 The Regulations exist only on a temporary basis, having effect between 4 April 2020 and 7 May 2021.

3. Constitutional Amendments

- 3.1 It is our view, also shared by the guidance issued by the Association of Democratic Services Officers / Lawyers in Local Government (ADSO/LLG), that the Regulations, have an automatic amending effect on an authority’s existing rules and can be applied immediately in order to run committee and cabinet meetings remotely. Notwithstanding

this we believe that as a matter of good practice the full Council should be asked to adopt these provisions at the first opportunity to do so.

4. Identification of Options

4.1 Option 1: To recommend to the full Council that it adopts the amendments to the Constitution set out in Appendix 1.

4.2 Option 2: To recommend another option to the full Council, including making no recommendation.

5. Evaluation of Options

5.1 Option 1 is the preferred option as it codifies the current position in respect of remote meetings.

5.2 Option 2 may require a further report on any proposals made by the Governance Committee. It is not recommended that the proposals be rejected as the Regulations are already in effect.

6. Resource Implications

6.1 There are no resource implications to this proposal.

7. Climate Change and Environmental Implications

7.1 The Constitution is primarily an electronic document. Remote meetings have a beneficial environmental impact by reducing the carbon footprint of members and officers travelling to the Council Offices. In addition, remote meetings facilitate social distancing for those in at risk categories.

8. Corporate Implications

8.1 Comment from the Strategic Director (Corporate Resources) (linked to the MTFP): The Head of Finance and Housing has been consulted on this report and has no further comments to add.

8.2 Comment from the Solicitor to the Council and Monitoring Officer: The Solicitor to the Council and Monitoring Officer has been consulted in the preparation of this report and has no further comments to make.

8.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

9. Appendices

Appendix 1 – Council Procedure Rules Annex 1

10. Background Papers

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

Contact Officer: Rebecca Brough, Democratic Services Manager

Annex 1 – Council Procedure Rules for Remote Meetings

Change	Rule No.	Text
INSERT NEW	CPR 28 28.1	<p>REMOTE MEETINGS <i>This rule applies to meetings of Council, Committees and Sub-Committees.</i></p> <p><i>The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the ‘Regulations’) apply until 7 May 2021.</i></p> <p><i>Where a conflict exists between the provisions the Regulations and/or Council Procedure Rule 28 and another procedure rule, the Regulations and/or Council Procedure Rule 28 shall be considered to apply in relation to any remote meeting.</i></p> <p>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:</p> <p>(a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and</p> <p>(b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.</p>
INSERT NEW	CPR 28.2	<p>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:</p> <ul style="list-style-type: none"> • “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 • “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

Change	Rule No.	Text
		<p>the demand verbally when called upon by the Chairman] the Chairman will take the vote by</p> <p>(a) by the affirmation of the meeting if there is no dissent [by assent]; or</p> <p>(b) requesting Democratic Services to take the vote by rollcall and the number of votes for, against or abstaining in respect of the motion or amendment will be collated and the result advised to the Chairman.</p>
INSERT NEW	CPR 28.8	<p>Members excluded from the meeting</p> <p>Where a Member is required to withdraw from a meeting where they have an interest that would preclude them from remaining in the meeting, or if required by the Chairman under Council Procedure Rule 22.3 (Disorderly Conduct) to leave the meeting, the means of remote attendance and access for that Member is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.</p> <p>The Member should not observe the meeting by any other meetings during the period during which they have withdrawn or been excluded from the meeting or attempt to communicate with any Member remaining in the meeting during the time they have left the meeting.</p>
Amends CPR 11.7 and Suspends CPR 11.8	CPR 28.9	<p>Council Procedure Rule 11.7 (Asking the question at the meeting) to be amended as if to read:</p> <p>“The chairman will ask the question be put to the executive member on the questioner's behalf.”</p> <p>Council Procedure Rule 11.8 (Supplementary Question) to be suspended.</p>
Amends CPR 20	CPR 28.10	<p>Council Procedure Rule 20 (Record of Attendance) to be amended as if to read:</p> <p>“A roll call will be conducted by Democratic Services at the start of each meeting. Any Member arriving after the start of the meeting must indicate that they are present to the Chairman at the first opportunity in the meeting.</p> <p>All members present during the whole or part of a meeting must indicate verbally that they are present before the conclusion of every meeting to assist with the record of attendance.”</p>
Suspends CPR 22.1 And	CPR 28.11	Council Procedure Rule 22.1 (Standing to Speak) to be suspended.

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Change	Rule No.	Text
Amends CPR 22.2		Council Procedure Rule 22.2 (Chairman Standing) to be amended to read: “When the chairman indicates during a debate, any member speaking at the time must stop speaking. The meeting must be silent.”