

Report to: **Council**

Date: **23 April 2020**

Title: **Remote Meetings: Draft Procedure Rules**

Portfolio Area: **Leader of the Council –Cllr Pearce**

Wards Affected: **All**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: Remote Meetings Procedure Rules to be implemented on adoption

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## **RECOMMENDATION**

**It is RECOMMENDED that Council adopts the Remote Meetings Procedure Rules set out at Appendix A.**

### **1. Executive summary**

- 1.1 Prior to 4 April 2020 under the then-existing legislation the Council had to hold an annual meeting within the period between March and May each year together with such other meetings as it decided. Those meetings had to be held in person, so required attendance of all the members of the Council in one place. Accordingly, since the restrictions on the movement of people and public gatherings came into force to contain the spread of Covid-19, the Council, along with all other local authorities, had been unable to hold meetings.
- 1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020. The Regulations made amendments to the existing legislation to enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. The Regulations further modified existing legislative provisions to remove the requirement for local authorities to hold annual meetings, and to enable requirements for public and press access to

local authority meetings and associated documents to be complied with through remote means and website access.

- 1.3 This report proposes the adoption of Remote Meeting Procedure Rules which modify the application of existing procedure rules so that the Council can make decisions by remote means. Unless the Council adopts the Remote Meetings Procedure Rules any decisions that it might make will not accord with its Constitution and would be unlawful. The Remote Meetings Procedure Rules proposed for adoption by the Council are set out at Appendix A to this report. The Procedure Rules will be underpinned by a protocol for those taking part in meetings by remote access which will be circulated to all Councillors before the meeting with the aim of ensuring that from a practical perspective the meeting proceeds smoothly.

## **2. Background**

- 2.1 In response to the Covid-19 virus the Government announced on 16 March 2020 that it would consider bringing forward legislation to remove the requirement for annual council meetings to take place and to allow local authority meetings to be held virtually for a temporary period. Without that legislation being in place, the restrictions on movement and the gathering of people in one place, meant that local authorities were unable to meet.
- 2.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020 and apply to all local authority meetings required to be held before 7 May 2021. The Regulations make amendments to existing legislation to enable local authorities to hold meetings that are required remotely. The ability to hold meetings should be seen in the context of the provisions of the regulations being "measures will help local authorities redeploy their resources to deal with the pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of members, officers and the public in line with official public health guidance."
- 2.3 To give effect to the Regulations, the Council needs to amend temporarily, a number of procedure rules within its Constitution which are inconsistent with the purpose of the Regulations or would prevent/restrict remote attendance.

## **3. Outcomes/outputs**

- 3.1 As the Council would like to make decisions on 23 April 2020, the draft Remote Meetings Procedure Rules must be adopted before that business can be transacted. Adoption of the Procedure Rules will enable the current meeting to proceed in accordance with the Council's Constitution with both Councillors and members of the public being able to hear the proceedings.

- 3.2 Adoption of the Procedure Rules will enable further meetings that are required to take place while enabling the Council to maintain its priority of responding to the Covid-19 pandemic. Given the primary purpose of the Regulations is to relieve local authorities from the burden of unnecessary meetings so that their staff are able to deal with assisting the response to the pandemic, the Rules suggest that as a matter of policy the threshold for a meeting being required should be a high one.

#### 4. Options available and consideration of risk

- 4.1 The alternative of not adopting the Remote Meetings Procedure Rules would be that meetings could not take place and decisions, other than those that can be made under delegated powers, would not be taken. This would particularly affect those decisions that are reserved to Council exclusively, such as the designation of an officer as Head of Paid Service, but other decisions too eg delays in issuing planning decisions. This may result in damage to the Council's reputation, customer satisfaction and performance.

#### 5. Proposed Way Forward

- 5.1 The report proposes the adoption of the Remote Meeting Procedure Rules which modify the application of existing procedure rules so that the Council can make decisions by remote means between now and 7 May 2021. Unless the Council adopts the Remote Meetings Procedure Rules any decisions that it might make will not accord with its Constitution and would be unlawful.
- 5.2 The Remote Meeting Procedure Rules are consistent with the corporate priorities of responding to the Covid-19 pandemic and protecting the health and safety of Councillors and officers, while balancing this with the needs of the democratic process.

#### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The report sets out all the legal implications of the decision including the legal background to and legal authority for the decision; and the legal and governance issues to be addressed.
Financial implications to include reference to value for money	N	There are no financial implications arising directly out of this report

Risk	Y	The report identifies the risks in paragraph 4.1
Supporting Corporate Strategy	Y	The report identifies the corporate priorities in paragraphs 3.2 and 5.2
Climate Change - Carbon / Biodiversity Impact	Y	The adoption of the Remote Meetings Procedure Rules allows Councillors and members of the public to access meetings without needing to travel to a particular place.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	Y	While the technology will develop, it is expected that initially, meetings will be limited to those attending being able to hear each other and therefore those with a hearing impairment may be disadvantaged.
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	Y	One of the principal purposes of the Regulations and the Council adopting the Remote Meetings Procedure Rules is to protect Councillors, officers and members of the public from Covid-19 by avoiding any unnecessary meetings and where meetings are required, enabling them to be held by remote access.
Other implications	N	

### **Supporting Information**

#### **Appendices:**

Appendix A – Draft Remote Meetings Procedure Rules

#### **Background Papers:**

None