

EAST DEVON DISTRICT COUNCIL

Minutes of the Extraordinary meeting of Council held at The Conference Room, Westpoint Centre, Clyst St Mary, Exeter, EX5 1DJ on 26 July 2021

Attendance list at end of document

The meeting started at 6.00 pm and ended at 6.45 pm

14 Public speaking

The Chair welcomed everyone to the meeting and reminded those present that the Council was meeting at Westpoint following the Government's recent decision to revert to the legal position for Local Authority meetings prior to the Emergency legislation introduced to deal with the COVID pandemic. This required Cllrs to meet physically together to make decisions as a Council and at various Committees. He also outlined the concerns felt by some colleagues, despite the easing of COVID restrictions by Government, and for this reason had requested that those attending took precautions to minimise any health risks before entering the building.

There were no members of the public who had registered to speak.

15 Declarations of interest

No Declarations of Interest were given.

16 Report - Time limited change to decision taking due to current COVID situation

In introducing the proposal within the report, the Chair stated that he considered that the Council was currently locked in a legislative vacuum, at the same time as dealing with a global pandemic.

The High Court judgement in April confirmed that, if the Council is to take decisions through any of its member decision making bodies, then those members must be physically present. The Council have responded to government consultation on the issues involved and hope modernised legislation will follow soon.

The proposal presented to Council is time limited and will have no bearing on the longer term approach it might choose to take once legislation has been delivered.

At the same time COVID-19 cases have increased rapidly, to a level where Devon has more Coronavirus cases than at any previous point in the pandemic. Since COVID-19 is an airborne virus this means infection risk increases with the number and proximity of contacts and the duration of that contact, hence the potential impact of 'in person' council meetings.

Whilst the vaccination programme has reduced hospitalisation and mortality, there remains an enormous level of uncertainty, and the clinically vulnerable are acutely challenged under such circumstances. This group includes a significant number of our member colleagues, officers and others.

The proposal presented is intended to help us complete Council business in the safest possible way.

EDDC will not be the first authority to consider a move to consultative use of 'virtual' meetings in support of delegated powers to Senior Officers. Neighbouring Councils, for example, South Somerset District Council resolved earlier this month to retain for a further six months a system similar to that proposed to Council. Dorset Council resolved last week to reinstate Standing Orders which allow 'virtual' meetings. Each authority has developed their own approach to reflect their specific circumstances, based on the principle of delegated authority.

The proposal as presented has been endorsed by EDDC's Chief Executive, Monitoring Officer, and Leader, and has resulted after a considerable amount of careful work by Officers to reflect the circumstances of EDDC.

This is an important opportunity to demonstrate care for the health and wellbeing of all colleague Members and Officers, their families and others who work with EDDC, as a top priority.

The Chair concluded by encouraging the support of all Council members to the proposal.

The Chair then invited members to speak before putting the recommendations to the vote.

Debate on the proposal included the following comments;

- If agreed, the proposal could diminish the democratic process.
- Council meetings organised with due diligence to safety issues are less risky than other venues which Cllrs may be visiting now.
- The dangers of meeting in person are more perceived than real.
- Not supporting the proposal does not mean a lack of trust by Cllrs in Officers.
- Whilst acknowledging health concerns, Hybrid meetings recently held at Blackdown House worked well.
- It would be better to propose measures to last three months rather than six.
- The proposal suggests a period of six months but also acknowledges that it can be reviewed earlier than this at any time.
- The approach at EDDC if agreed will be different to many other Local Authorities and could be challenged.
- COVID cases have been declining over the last few days.
- Business is going well with Committees meeting at Blackdown House and at Westpoint for Full Council.
- With cases and hospitalisations declining when will be the right time to meet in person?
- By delegating to officers, what is the point of Cllrs, and if all activities can be delegated what is the point of a democratic process?
- Cllr Pook stated that delegation away from Cllrs is not what is going to happen, and it would be very strange if officers actioned something Cllrs did not want. Whilst it would be good to return to in person meetings, Cllrs could continue to influence the democratic process by having a debate and making recommendations, so that officers will be able to enact the recommendations of Cllrs made at Committees. Whilst officers could reverse any recommendations, Council could meet within 24 hours to discuss this if it considered it necessary. The democratic process has been discharged very effectively over the last few months operating virtually and can do so for a while longer within the remit of the proposal until the direction of travel of COVID trends is clearer.

- When running meetings on Zoom, an intuitive understanding of how people are feeling on topics is lost. Why keep offices open and officers working from home.

An amendment to the proposal was proposed by Cllr Dent and seconded by Cllr Moulding, to review the recommendation every two months or when the R Rate reached a certain level.

The Chair put the amendment to a vote by a show of hands, and it was defeated by a majority of those present.

Further debate included the following comments;

- The number of tests has gone down, but this does not mean that the number of cases have necessarily gone down, but may relate more to the reduced number of tests being taken now the schools are closed for the summer, for example.
- Council members now include younger people with children and not just retired people who have already had two COVID vaccines.
- Cllr Arnott stated that the Council was meeting at Westpoint because members could not agree to a sensible proposal previously put by the Chair, that a quorum of fifteen Cllrs could be entrusted to take forward and act as delegates for decisions made by Zoom at a meeting the evening previously. The inference of this was that Senior Officers could not be trusted, whilst it was his view that they could be totally trusted to observe meetings and make decisions on the basis of what had been debated at meetings. While officers may take a different decision, if they did not operate in this way it would be difficult for the Council to continue its business.
- Other District Councils may well follow the example of EDDC if the proposal is agreed.
- Cllr Fred Caygill had asked the Chair to read out a statement to the meeting outlining his reasons for not attending the meeting. He expressed his view that the Council Chamber was not an adequate environment in health terms, while good IT systems available enable Cllr and officers to work safely and remotely. For a whole range of reasons, including environmental sustainability, business continuity, money saving and similar, working remotely remains a better option and he would not be attending meetings in person until there was no health risk to himself.

The Chair then put the proposal and invited members to vote by a show of hands.

The proposal was carried by a majority of those present.

RESOLVED;

That Council agrees;

1. That until 23:59 17th January 2022 (or such earlier period as may be decided by subsequent decision);
 - a. all meetings of the Council and its committees (but not sub-committees), panels and forums and the Cabinet shall be held virtually using available technology but shall be on the basis of being consultative only other than where specific legislation permits decision making at virtual meetings.

- b. decisions (including all executive and regulatory matters) that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force shall be delegated to the Chief Executive or relevant Senior Officer in consultation with those meetings.
 - c. In taking decisions under paragraph b, the Chief Executive or relevant Senior Officer shall have heard all of the debate having been at the consultative meeting or seen the recording of it.
2. Agree that until 23:59 17th January 2022 (or such earlier period as may be decided by subsequent decision) the Constitution shall be treated as having been amended to give effect to the above and shall be interpreted purposively on that basis with the final decision on its interpretation to rest with the Chair of Council (having regard to the advice of the Monitoring Officer and / or Head Paid of Service) in accordance with Part 1, Article 5.1.2 of the Constitution.
 3. Where it is necessary to convene any sub-committee for quasi-judicial purposes then the Head of Paid Service or the Monitoring Officer shall determine the appropriate way to hold the meeting.

The Chair thanked all those for attending and closed the meeting at 6.45pm.

Attendance List

Councillors present:

V Ranger (Vice-Chair)
M Armstrong
P Jarvis
S Jackson
P Arnott
K Blakey
K Bloxham
A Colman
R Lawrence
T Woodward
N Hookway
C Wright
O Davey
J Whibley
D Ledger
J Rowland
J Loudoun
D Bickley
J Bailey
P Hayward
S Hawkins
A Moulding

C Gardner
D Manley
C Brown
M Chapman
A Dent
P Faithfull
I Hall
M Hartnell
B Ingham
G Jung
H Parr
G Pook
G Pratt
M Rixson
E Rylance
B De Saram
I Thomas (Chair)
E Wragg
T Wright

Councillors also present (for some or all the meeting)

Officers in attendance:

Mark Williams, Chief Executive
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Susan Howl, Democratic Services Manager

Councillor apologies:

S Chamberlain
F King
F Caygill
P Millar
V Johns
D Key
M Allen
I Chubb
D Barrow
S Gazzard
M Howe
C Pepper
P Skinner
B Taylor
P Twiss
S Hughes

Chairman

Date: