

Report to: Council



Date of Meeting 8<sup>th</sup> December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Temporary continuation of virtual meetings

### Report summary:

At the Extraordinary Council meeting of 26<sup>th</sup> July 2021, members agreed to put in place arrangements for the holding of virtual 'consultative' meetings with decision taking delegated to Senior Officers due to concerns around the impact of COVID. The arrangements were time limited to 17<sup>th</sup> January 2022. This report seeks member's approval to extend the arrangement for approximately a further four months in light of the current COVID situation.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

Council agrees that;

1. Save as provided for in Recommendation 3, until 23:59 10th May 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. Until 23:59 10th May 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. Recommendation 1 is not intended to apply to any of the following;
  - a. The Full Council meeting of 23<sup>rd</sup> February 2022 to set the budget, which shall be held in person with arrangements to be agreed in consultation with the Chair,

- b. any sub-committee for quasi-judicial purposes (e.g. Standards Hearing Sub Committee or Licensing Sub Committee when considering taxi licensing matters) where the Head of Paid Service or the Monitoring Officer shall give specific consideration to what are the most suitable arrangements to use at the relevant time and determine the appropriate way to hold the meeting,
- c. decisions that legislation already permits as ones that can be made by virtual meetings (e.g. Licensing Act 2003).

**Reason for recommendation:**

To ensure that the Council’s decision making arrangements continue to be appropriate to deal with the current COVID situation.

Officer: Henry Gordon Lennox, Monitoring Officer

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Medium Risk;

**Links to background information**

[Extraordinary Council 26<sup>th</sup> July 2021](#)

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
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**Introduction**

1. The previous report to Council (see background links) covers the wider background. Since that report, and despite the Government having consulted on a future approach to local authority meetings, there has been little sign of the matter being dealt with. So the legal position remains as previously reported, essentially that for meetings to be lawful they need to be held in a physical location and for those voting to be physically in attendance and also that members of the public are entitled to attend.

## **Current approach**

2. At the July meeting, members agreed that meetings would be held virtually, as they had been throughout the pandemic, with consultative views expressed. The authority to actually take the decision is delegated to the Chief Executive or relevant Senior Officer who then takes a decision taking into account the views of the consultative meeting.
3. Despite there being an increase in administrative work associated with this approach, the arrangements have worked well and there does not appear to have been any significant public concerns or criticisms around the approach. Indeed there are a number of wider benefits too in terms of the opportunity for increased public engagement as well as reduced travel which results in savings in member expenses and benefits in terms of the Council's approach towards climate change.

## **Looking forward**

4. There is still an unclear picture locally around COVID, particularly with the Omicron variant now emerging, as well as there being known pressures on the NHS. Therefore there remains a risk to the public, staff and councillors of returning to physical meetings and a need to protect people and the NHS.
5. Council is therefore asked to consider whether it wishes to extend the current arrangements (subject to the comments below) for a further short period of approximately months until May 2022. This would mean a potential return to physical meetings after the winter period. If there is agreement to this then the suggestion is to hold Annual Council immediately after the temporary arrangements have lapsed. It is expected that there would be a review a few weeks prior to the expiry date, as there has been now, as to whether there should be a different approach adopted to enable current circumstances to be taken into account.
6. The advice is that the budget setting meeting should be held physically due to the legalities around having to take a recorded vote and to avoid the risk of any subsequent challenge to it. It is also expected that bespoke arrangements would continue to be put in place for the quasi-judicial decision making bodies and that those bodies that can already operate virtually will continue to be able to do so.
7. In addition, should Government legislate in near term on a future approach to meetings then a further report would be brought back to the Council with an assessment and to enable consideration of the way forward.

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## **Financial implications:**

There are no implications in terms of adjustments to budgets approved. There are however savings from the current arrangement in terms of finance and carbon reductions as covered in the report.

## **Legal implications:**

The legal position is as detailed in the report.