

**Senior Officer Decision****Consultative meeting:** Council**Consultative meeting date:** 3<sup>rd</sup> May 2022**Exempt from publication**

No.

**Title: Temporary continuation of virtual meetings****Links to consultative meeting:**[Agenda for Council on Tuesday, 3rd May, 2022, 6.00 pm - East Devon](#)**Recommendation:**

1. Continue with virtual meetings as per the current arrangements detailed in Recommendation 3 below until 31st October 2022 (Option 1), and
3. That whichever of Option 1 or Option 2 is agreed the following shall apply;
  - a) Save as provided for in paragraph c) below, that either until 23:59 on 31st October 2022 or such earlier period as may be decided by subsequent decision (including a decision by the Strategic Lead Governance & Licensing where Option 2 is agreed);
    - i) 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.
    - ii) 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.
    - iii) in taking decisions under paragraph a) ii), 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.

- b) Until 23:59 on 31st October 2022 (or such earlier period as may be decided by subsequent decision including a decision by the Strategic Lead Governance & Licensing where Option 2 is agreed) 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.
- c) Paragraph a) above is not intended to apply to any of the following;
- i) the May 2022 Annual Council which will be held in person with arrangements to be agreed in consultation with the Chair, and
  - ii) any sub-committee for quasi-judicial purposes (e.g. Standards Hearing Sub Committee or Licensing Sub Committee when considering taxi licensing matters) where the Chief Executive 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,
  - iii) decisions that legislation already permits as ones that can be made by virtual meetings (e.g. Licensing Act 2003).
  - iv) where in the opinion of the Chief Executive or the Monitoring Officer either the matter should be decided by Members or it would otherwise be inappropriate for the Chief Executive or a Senior Officer to decide the matter, in which case the Chief Executive 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

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**Authority:**

Decision of Council on 26<sup>th</sup> July 2021 to delegate decision making to officers until 23.59 17<sup>th</sup> January 2022. [Minutes 26th July 2021 Council Meeting](#). Senior Officer Decision of 10<sup>th</sup> December 2021 to implement Council's wish to extend the arrangements until 23.59 on 10<sup>th</sup> May 2022. [Senior Officer Decision Record 10th December 2021](#)

## Officer Decision

### Consultations:

I was present at the recording of the consultative meeting which considered this item

Yes  No

Detail any other consultations carried out:

N/A

### Other considerations:

Do the legal and finance comments and equalities impact, climate change and risk assessments as detailed in the officer reports remain the same.

Yes  No

If no, provide the updated assessment below;

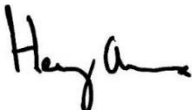
### Decision:

- a) Save as provided for in paragraph c) below, that either until 23:59 on 31st October 2022 or such earlier period as may be decided by subsequent decision;
  - i) 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.
  - ii) 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.
  - iii) in taking decisions under paragraph a) ii), 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.
- b) Until 23:59 on 31st October 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.
- c) Paragraph a) above is not intended to apply to any of the following;

- i) the May 2022 Annual Council which will be held in person with arrangements to be agreed in consultation with the Chair, and
- ii) any sub-committee for quasi-judicial purposes (e.g. Standards Hearing Sub Committee or Licensing Sub Committee when considering taxi licensing matters) where the Chief Executive 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,
- iii) decisions that legislation already permits as ones that can be made by virtual meetings (e.g. Licensing Act 2003).
- iv) where in the opinion of the Chief Executive or the Monitoring Officer either the matter should be decided by Members or it would otherwise be inappropriate for the Chief Executive or a Senior Officer to decide the matter, in which case the Chief Executive 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

**Reasons for decision:**

The consultative meeting of the Council considered the matter thoroughly. There is nothing I am aware of that suggests any alternative decision should be taken.

Signed .....  ..... Dated: 4<sup>th</sup> May 2022

Senior Officer job title and name:

Henry Gordon Lennox, Strategic Lead Governance & Licensing

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Website publication Date: