

County Council
Wednesday 19 January 2022
12.00 pm Luttrell Room County Hall



SUPPLEMENT TO THE AGENDA

To: The Members of the County Council

We are now able to enclose the following information which was unavailable when the agenda was published:

CHAIRS SCHEDULE

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Democratic Services, B3, County Hall, Taunton, TA1 4DY

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CHAIR'S SCHEDULE AND MEETING BUSINESS PLAN

**Extra Ordinary County Council Meeting – Wednesday 19 January 2022
(12.00 noon)
Luttrell Room County Hall, Taunton**

Following apologies from the Chair of Council (still on sickness leave) and the recent resignation of the Vice Chair of the Council, the Council will need to nominate and appoint a Chair for the meeting.

Monitoring Officer to call for nominations for appointment of Vice Chair role to fill the current vacancy until the Annual General Meeting.

Acting Chair or Monitoring Officer to advise:

- **Remind everyone that in line with legal requirements this meeting is being held face to face but due to the urgent need and guidelines on Covid 19 safety only limited numbers of Councillors are present in the room with the remaining joining on-line.**
- **Remind all present that there you must wear a face mask when walking around the room, but it can be removed once you are sat down.**
- **Explain that it is only the County Councillors present in the room that are taking the decisions at the meeting - officers in attendance are there to provide advice to the Council**
- **The agenda and papers have been published on the council's website in advance of the meeting and the Council will be making an audio recording of the meeting and this will be published on the Council's website in due course.**
- **If Members wish to speak, please raise your hand, the Monitoring Officer and County Solicitor will note your name and invite you to speak in turn.**
- **Please only speak when invited to address the Council.**
- **Please say your name before speaking.**

1.

APOLOGIES FOR ABSENCE

Guide Time:12.02pm

The Acting Chair will invite the Monitoring Officer will announce any apologies for absence:

Cllr Nigel Taylor, Cllr Mark Keating, Cllr Leigh Redman, Cllr Fraschini

Minutes to record which members are present in the room and which members joining remotely.

2. **DECLARATIONS OF INTEREST**

Guide Time: 12.04pm

The County Solicitor will read out any prejudicial interests that have been declared by Members in relation to the business on the agenda.

Members are reminded that if any business of the Council relates to or affects a Disclosable Pecuniary Interest which you have declared you should disclose it at the meeting not later than the start of that consideration of the business in which you have an interest or (if later) the item at which the interest becomes apparent to you, you should leave the room whilst the business is being considered.

3. **PUBLIC QUESTION TIME** **Public Questions / Statements**

Guide Time: 12.10pm

Note: The questions / statements / public petitions submitted by each member of the public are detailed in **Annex A to this Schedule**.

Acting Chair to then invite all public speakers registered to address the Council and highlight that there will be a slight delay before speakers address the meeting. Each speaker reminded that they have up to 3 minutes to make any key points and to try and not repeat points made by other speakers on the same matter.

Acting Chair to highlight that every member has access to the statements and questions that have been submitted and therefore speakers may wish to summarise their key points and focus their available time to put their question(s) to the Council.

Members are reminded that there will be no debate on Public Questions

4. **FOR DECISION**

Proposed Temporary Democratic and Decision-Making Arrangements

Guide Time: 12.15pm

The Acting Chair will invite the Monitoring Officer to present the report and set out the recommendations for Members to consider.

Following the debate, the Acting Chair to highlight the recommendations on page 8 which are proposed by **Councillor Fothergill** and Seconded by **Councillor Revans**.

Recommendations:

That the Council:

- 1) Agrees that all council meetings that are not executive in nature should be held virtually as 'advisory boards' until the Annual General Meeting in May 2022, with committee members expressing a 'minded to' steer in respect of recommendations set out in officer reports.**
- 2) That as a temporary change to the Scheme of Delegation the Chief Executive, relevant Director, Head of Service or Strategic Manager be authorised to exercise delegated powers to make non-executive decisions in the light of 'minded to' steers expressed by members in the virtual 'advisory boards'.**
- 3) Agrees that all non-executive meetings where it is an Administering Authority meet virtually on the same basis as those meetings set out in recommendations 1 and 2, subject to partner authorities agreeing to that approach and delegations to officers being in place.**
- 4) Asks the Leader to confirm his proposed meeting arrangements for the Cabinet.**
- 5) Agrees that all members should be given a dispensation under section 85 of the Local Government Act 1972**
- 6) Authorises the Monitoring Officer to take forward the implementation of the recommendations above and make appropriate temporary changes to the Council's Constitution and Scheme of Delegation to allow those remote meetings (advisory boards) to function as consultative bodies and delegate decisions that would otherwise been taken by those meetings to relevant officers until the Annual General Meeting in May 2022 where the Council will then review the arrangements.**

Finish 1.15pm

Public Questions			
PQ	From	Topic	Question/statement
PQ1	Nigel Behan	Proposed temporary democratic arrangements	<p>Q1</p> <p>Why was Option "3) Continue to hold Full Council meetings face to face and all other meetings to be held on a hybrid basis with managed attendance to limit numbers present to a minimum and for all other participants to join remotely *" discarded?</p> <p>Q2</p> <p>In paragraph 3.2.5 it states:</p> <p>"3.2.5 Careful consideration has been given to the legal status of a "minded to" steer and how delegated officer decisions would be made. To ensure that the Council does not unlawfully restrict any delegated authority there can be no requirement that the officer making the decision must always comply with the "minded to" view of councillors. Nevertheless it is reasonable to stipulate that an officer should only make a decision contrary to the "minded to" view of members for clear and compelling reasons and if the decision cannot reasonably be deferred until a time when it can be made by councillors"</p> <p>Whilst it is understood that current arrangements are not ideal, are there any examples of the "minded to" approach in local government leading to issues/controversies and legal challenge?</p>
<u>Response – Monitoring Officer</u>			