

Report of the Monitoring Officer – Approving the accuracy of various Committee meeting minutes held in late 2021 and early 2022.

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1. Summary of proposals

- 1.1** This report from the Monitoring Officer sets out proposals for Council to agree the accuracy of seven sets of Committee minutes that were unable to be formally agreed under the Advisory Board model the Council implemented in January 2022 and these now require formal sign off by Full Council. In addition the minutes from the final Cabinet meeting prior to the election, 16th March 2022, also require formal approval by Full Council.
- 1.2** As part of the national response to the Covid-19 Pandemic Parliament gave the Secretary of State the ability to make regulations to enable councils to hold remote meetings where all participants could participate remotely and elected members could also vote on decisions remotely. Those regulations (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings ((England and Wales) Regulations 2020) were used by the County Council throughout the rest of 2020 and into 2021 to hold virtual committee meetings but they ceased to have effect after 6 May 2021.
- 1.3** In parallel, the Council along with other councils and through the Local Government Association has been lobbying for the Government to bring forward primary legislation to enable virtual / hybrid meetings to take place again so that remote voting can be permitted. Despite many councils responding to Government consultation on this matter in June 2021 the Government is yet to announce its proposals for bringing forward legislation regarding virtual/hybrid meetings
- 1.4** Between May 2021 and 19 January 2022, the County Council returned to face to face committee meetings with covid 19 safety arrangements in place, which included live broadcasts of the proceedings to enable the public, partners and non-committee members to participate remotely.
- 1.5** In order to help with minimising the spread of Covid-19, an Extraordinary meeting of Full Council was convened on 19th January 2022, where it was proposed and agreed that a temporary change be made by converting all current non-executive committee meetings to advisory boards. These advisory board meetings would be held virtually and enable members and other

stakeholders to participate and give a steer to officers to consider when taking formal decisions using delegated powers

1.6 The recommendation agreed by Full Council at the Extraordinary Meeting on 19th January 2022 was formally worded as 'continue to hold Full Council meetings face to face and all other meetings to be held remotely with officers using delegated powers to take any decisions following members giving a steer on proposed decisions.'

1.7 Since the Advisory Boards are not Committees under the Local Government Act 1972 they do not have the authority to formally agree previous Committee meeting minutes. As a result there are eight sets of Committee minutes (including the last Cabinet meeting – 16th March 2022) that require a formal agreement by Full Council on 27th April 2022, as there has been no further opportunity do so by the individual Committee. The eight sets of minutes relate to the following meetings:

1. Scrutiny for Policies, Adults and Health Committee – 3rd November 2021 – attached as Appendix A
2. Constitution and Standards Committee – 12th November 2021 – attached as Appendix B
3. Audit Committee – 30th November 2021 – attached as Appendix C
4. Scrutiny for Policies, Children and Families Committee – 1st December 2021 – attached as Appendix D
5. Pensions Committee – 7th January 2022 – attached as Appendix E
6. Scrutiny for Policies and Place Committee – 12th January 2022 – attached as Appendix F
7. Regulation Committee – 13th January 2022 – attached as Appendix G
8. Cabinet – 16th March 2022 – attached as Appendix H

2. Recommendations

2.1 Approving the accuracy of Committee Meeting minutes

That the Council:

- 1) Agrees the accuracy of the 8 sets of minutes attached to the report as Appendices A to H.
- 2) Agrees that the Vice Chair of Council signs a copy of each of the 8 sets of Committee minutes on behalf of their respective Committee Chair.
- 3) Authorises the Monitoring Officer to take forward the implementation of the recommendations above and ensure accurate records are kept.

3. Background

3.1. Covid - 19 and democratic arrangements put in place

- 3.1.1 The Government put in place emergency legislation including the Coronavirus Act during March 2020 and urged councils to continue delivering essential services including supporting vulnerable people and ensuring that important functions that have an economic impact such as planning and highways, continue to be delivered as close to normal as possible.
- 3.1.2 The legislation governing council decision making dates from 1972, a time before the technology to enable online remote meetings existed. Before changes introduced by the Local Government Act 2000 council decisions could be made only by councillors attending at a meeting of the Full Council, a committee or a sub-committee or by an individual officer with delegated powers. An individual councillor acting alone could not make a decision.
- 3.1.3 The 2000 Act introduced a distinction between executive and non-executive decision making. It enabled the Leader and other executive councillors to make individual executive decisions. Non-executive decisions such as planning decisions must still be made either by a committee of councillors or by an individual officer with delegated powers.
- 3.1.4 In April 2020, the Secretary of State for MHCLG agreed the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These regulations gave local authorities new powers to hold public meetings virtually by using video or telephone conferencing technology.
- 3.1.5 The Council embraced the new regulations and moved rapidly to implement virtual committee meetings from early May using Microsoft Teams technology.
- 3.1.6 The Council's Constitution and Scheme of Delegation already provided delegated powers to the Chief Executive (and any officer authorised by the Chief Executive) to take any and all actions necessary to protect and / or further the best interests of the Council, the County of Somerset and the public.
- 3.1.7 The Constitution also empowers Senior Leadership Team officers to manage the services for which they are responsible for commissioning and delivering and to act to safeguard, protect and promote the interests of the Council.
- 3.1.8 Extensive corporate work by Democratic Services and Corporate ICT enabled the Council to put in place new ways of working within a very rapid time for members, public, partners, press and staff to participate in virtual committee meetings and virtual school appeals hearings from early May 2020 until May 2021. These arrangements were supplemented by members' briefing meetings convened by the Chief Executive and supported by the Senior Leadership Team.

- 3.1.9 Following the expiry of the virtual meeting regulations in May 2021, the Council put in place face to face and 'hybrid' meeting arrangements with a range of Covid 19 safety measures for all participants. 'Hybrid' meetings are meetings where members and other participants can attend a venue as well as other members and the public participating in the meeting by virtual means.
- 3.1.10 In addition to this, from December 2021 there was growing safety and resilience concerns for delivering the face to face and 'hybrid' meetings at the same time as the council was managing essential service delivery, supporting the pandemic response and the Local Government Reorganisation in Somerset in the midst of the latest significant national and local increases in Covid 19 infection rates.
- 3.1.11 There were a range of options available to how the Council could proceed ahead of the next Annual General Meeting in May 2022, presented to Full Council at the Extraordinary meeting on 19th January 2022:
- 1) Continue to hold face to face meetings, managed to reduce Covid 19 risks as best as possible for all involved
 - 2) Continue to hold Full Council meetings face to face and all other meetings to be held remotely with officers using delegated powers to take any decisions following members giving a steer on proposed decisions *
 - 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 *

*- in relation to the Cabinet it is for the Leader of the Council to determine what arrangements he wishes to put in place

Full Council voted to agree on recommendation 2, which was the Monitoring Officer's recommendation following consultation with the Cabinet and SLT.

- 3.1.12 Option 2 involved all non-executive committee meetings (except Full Council) being temporarily converted into 'advisory boards' that meet remotely and with the members of the advisory boards (the current committee members) giving a 'minded to' steer on recommendations set out in officer reports. Other members, the public and other stakeholders would still be able to observe and participate in the advisory boards. After the advisory boards, officers with delegated powers would make the formal decisions after considering the debate at the advisory boards and the 'minded to' steers expressed by members at the virtual meetings of the advisory boards.

4. Implications

- 4.1 Legal & Risk:** This report complies with all current legal requirements. The main risk to the Council is in the instance that Full Council does not approve the accuracy of these minutes.
- 4.2 Financial, equalities, sustainability and community safety implications:** There are no specific equalities implications arising from any of the proposals in this report. There are no specific sustainability or community safety implications as a result of these proposals.

5. Background papers

- 5.1** Council's Constitution
Report of the Monitoring Officer – Full Council meetings May 2021 and January 2022