



## **Remote Meetings after 7 May 2021 and the Delegation of Decision Making. Also Change of Date of Annual Council Meeting**

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### **Purpose of the Report**

1. To inform members of possible changes from 7 May 2021 to their powers to meet remotely during the Covid-19 pandemic and suggest how SSDC meetings can continue to be held remotely with the appropriate use of delegated powers, to be reviewed on or before 31 July 2021 as circumstances evolve. To suggest that the date of the 2021 Annual Meeting is changed to 29 April 2021 to enable it to be held remotely.

### **Public Interest**

2. Part 3 of the Council's Constitution sets out who within the Council has the power to do what, sets out any associated limitations and, in particular, sets out which decisions can be taken by members and which can be taken by officers.
3. The District Executive and Full Council have previously agreed to allocate certain executive and non-executive matters to others, and it is important that these changes are made clear on the face of the Constitution.
4. This report is seeking Council approval for any necessary constitutional changes to ensure that (i) the Council's decision-making processes continue to operate in accordance with the law and in line with safe practice under the Covid-19 guidance and requirements issued by the Government from time to time while remaining transparent and (ii) the Constitution is kept up-to-date.

### **Recommendations**

5. The Council agree to make the following changes to the Council's Constitution:
  - a) To continue to enable members to hold remote, virtual meetings using available technology;
  - b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime



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Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;

- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;
  - d) To delegate authority to the Monitoring Officer and Chief Executive to amend the Constitution to reflect these changes.
6. The Council further agrees that its Annual meeting for 2021 will take place on 29 April 2021.

### Background

7. On 19 March 2020 an urgent decision was taken by the Council to delegate decision making to the Chief Executive to enable business to continue and decisions to be taken following the prohibition of in-person meetings and other public gatherings to prevent the spread of infection.
8. On 4 April 2020 the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force. Regulation 5 was designed to enable remote attendance at meetings by members and remote access to meetings for the press and public. Meetings could be held in multiple places, including via electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. SSSDC has been holding its meetings remotely in accordance with the Regulations since 7 May 2020. The Regulations are however time-limited and apply only to meetings held before 7 May 2021.
9. On 25 March 2021 Luke Hall, the Minister of State for Regional Growth and Local Government, wrote to all local authorities to inform them that the Government did not intend to extend the application of the Regulations beyond 6 May 2021 as "...the successful rollout of the vaccine and the reduction in cases of Covid-19 should result in a significant reduction in risk for local authority members meeting in person...". Mr Hall goes on to suggest that those uncomfortable with the idea of meetings in person should consider moving their annual meeting to a date before 7 May and the use of delegated powers. The **Covid-19: Guidance for the safe use of council buildings** has updated to reflect the content of Mr Hall's letter. Mr Hall also announced that the MHCLG (Ministry for Housing, Communities and Local Government) was opening a call for evidence on the experience of local authorities and remote meetings to inform a decision about whether or not to promote primary legislation to allow remote and/or hybrid meetings in the future. This call for evidence closes on 17 June 2021 and is not covered further in this report.



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10. Before Mr Hall issued his letter, LLG (Lawyers in Local Government), ADSO (Association of Democratic Services Officers) and Hertfordshire County Council had applied to the High Court, on the back of Counsel's opinion, for a declaration that as it stands, the pre-existing legislation covering local authority meetings set out in Schedule 12 of the Local Government Act 1972 and meetings of an executive or executive committee set out in the Local Authorities (Executive Arrangements (Meetings and Access to Information) (England) Regulations 2012 already enables local authorities to hold meetings remotely. The hearing has been listed for the week commencing 19 April 2021. NALC (National Association of Local Councils) and the LGA (Local Government Association) have applied to be interested parties and are filing statements in support of the application.
11. If the LLG/ADSO application is successful, SSDC can continue to hold remote meetings. If the application is unsuccessful or is not decided before 7 May, SSDC will need a contingency plan if remote meetings are to continue beyond that date.
12. Although it would be physically possible to hold meetings of members in person from 7 May in compliance with social distancing rules and the Covid-19 safe use guidance, there are many reasons to suggest that it would be sensible to continue to meet remotely for the time being. Initial consideration of space constraints and social distancing requirements suggests that members of the public and officers would still need to attend meetings remotely. This type of hybrid arrangement (some in person, some remote) would be more technologically challenging than the current arrangements where all participants are remote. Any members who were previously shielding (for themselves or for family members) would need to attend in person to be able to vote. There is also the not insignificant risk that if a member were to attend and subsequently test positive, all meetings would have to be stop during the self-isolation period.
13. For the reasons set out above it is recommended that SSDC meetings continue to be held remotely for the time being with the position being reviewed in July 2021.

### Remote Meetings

14. If the LLG/ADSO application is unsuccessful, remote meetings can continue as consultative bodies with decisions, including Executive and Quasi-Judicial decisions, not already delegated being delegated to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution. This reflects SSDC's position on 6 May 2020 immediately before remote meetings in accordance with the Coronavirus Regulations began.

### Annual Meeting of Council 2021

15. The SSDC 2021 Annual Meeting of Council is due to take place after 6 May. The annual meeting deals with certain matters that cannot be delegated, such as the appointment of committees. This means that a remote meeting as described above will not be possible unless the LLG/ADSO application is successful or the meeting is moved to take place before 7 May. It is therefore recommended that



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the Annual meeting for 2021 take place on Thursday 29 April 2021. For information, the other districts and the county are all understood to have moved their Annual Meetings to dates before 7 May.

### Financial Implications

16. There have been budget savings in travel allowances to attend meetings. The amount varies from month to month but is in the region of £1,000 to £1,400 per month. The likely cost of the works necessary to adapt Council premises and provide enabling technology to enable meetings in person to take place while complying with the current social distancing rules is not yet available.

### Legal implications (if any) and details of Statutory Powers

17. These are set out and/or referred to in the body of the report.

### Council Plan Implications

18. To ensure a modern, efficient and effective council that delivers for its communities, we will:
  - Deliver a high quality, effective and timely service to our customers and communities

### Carbon Emissions and Climate Change Implications

19. The use of Zoom software to hold virtual meetings has reduced the need to travel to attend Council meetings and therefore resulted in reduced carbon emissions from vehicles across the district.

### Equality and Diversity Implications

20. There are no specific equality or diversity implications arising from the subject matter of this report.

### Background Papers

Council Constitution - Part 3

Agenda and minutes of Council meetings – 19 March 2020 and August 2020

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 - <https://www.legislation.gov.uk/ukxi/2020/392/contents/made>

Letter from Luke Hall MP, Minister of State for Regional Growth and Local Government -

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/973494/Letter\\_to\\_council\\_leaders\\_-\\_remote\\_meetings.pdf?fbclid=IwAR3Ik0\\_9RDUFKiNHQIzARGaU2L3AYy3xvXPjqQd\\_oNCcNEc0P5\\_NIijjMT0](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973494/Letter_to_council_leaders_-_remote_meetings.pdf?fbclid=IwAR3Ik0_9RDUFKiNHQIzARGaU2L3AYy3xvXPjqQd_oNCcNEc0P5_NIijjMT0)



## **South Somerset District Council**

Updated Guidance on the Safe Use of Council Buildings -

<https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings>