

## Review of Remote Council Meetings after 31 July 2021

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### Purpose of the Report

1. To seek members instructions on whether or not to continue to hold SSDC meetings remotely with the appropriate use of delegated powers. This decision was originally made on 15 April 2021 to be reviewed by 31 July 2021.

### 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 instructions on the continuation of remote consultative meetings and associated delegation 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. Members instructions are requested on the following options:
  - a) Extend the delegation given on 15 April 2021 for a further period of time; or
  - b) Amend the delegation given on 15 April 2021 to allow the Chief Executive in consultation with the Chair of Council to apply that delegation for a period of up to 4 weeks at any time when it appears prudent to do so on public health and safety grounds and in line with national or local safe practice under the Covid-19 guidance and requirements issued by the Government from time to time; or
  - c) Revoke the delegated authority given on 15 April 2021 with effect from 31 July 2021;



- d) Whichever option is chosen, authority to be delegated to the Monitoring Officer and Chief Executive to amend the Constitution to reflect these changes.

## Background

6. On 15 April 2021, in view of the imminent lapse of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, Council decided to:
  - (a) continue to enable members to hold remote, virtual meetings using available technology; and
  - (b) 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 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.
7. The delegated authority given on 15 April will expire on 31 July 2021 unless Council decides to extend it.

## Report

8. On 25 March 2021 Luke Hall, the Minister of State for Regional Growth and Local Government, wrote to all local authorities to announce 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 closed on 17 June 2021. The Government made it clear that it is in favour of local authorities having the power to hold remote meetings through its statement in the LLG (Lawyers in Local Government), ADSO (Association of Democratic Services Officers) and Hertfordshire County Council application to the High Court in April, but following the decision of the Court in that case that existing legislation does not already enable local authorities to hold meetings remotely, new legislation will be required.
9. It should be noted that the High Court decision does not negate the decision on 15 April to continue remote meetings as consultative bodies with decisions delegated to the Chief Executive in consultation with those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution, as it remains legitimate to delegate decisions in this way.
10. The April decision was taken on the basis that although it would be physically possible to hold meetings of members in person from 7 May in compliance with



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social distancing rules and the Covid-19 safe use guidance, there were 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 or officer were to attend and subsequently test positive, all meetings would have to stop during the self-isolation period.

11. Since that time, many more individuals have been vaccinated, but at the time of writing the Government has only recently extended current restrictions (due to be lifted on 21 June) for a further four weeks (until 19 July) and there are concerns that the UK is about to experience a third wave of infections. For these reasons, no recommendation is made in this report in respect of SSDC meetings continuing to be held remotely after 31 July 2021, as the position is likely to be clearer by the time of the meeting.

### Financial Implications

12. 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.

### Legal Implications

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

### Council Plan Implications

15. 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

16. 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

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

### Background Papers



## South Somerset District Council

Council Constitution - Part 3

Agenda and minutes of Council meetings – 19 March 2020, August 2020 and 15 April 2021

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)

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>