

## **COUNCIL**

**23 APRIL 2020**

### **ARRANGEMENTS FOR 2020/21 MUNICIPAL YEAR**

Report from: Neil Davies, Chief Executive

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#### **Summary**

New Regulations issued in response to the Coronavirus pandemic The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have removed the requirement to hold an annual meeting and enabled local authorities to hold meetings remotely.

This report sets out some of the implications for the Council and the options available to Members with regard to the Annual Meeting, the appointment of the Mayor and Deputy Mayor, the appointment of Members to Committees and the approval of the 2020/21 schedule of meetings.

#### **1. Budget and Policy Framework**

- 1.1 The establishment of committees and the appointment of Members to serve on committees and outside bodies is a matter for decision by the Annual Meeting of the Council together with approval of the annual schedule of meetings.
- 1.2 The appointment of Chairmen and Vice-Chairmen of some committees, the establishment of sub-committees, and any scrutiny task groups and the appointment of Members to serve on them is normally a matter for decision at a Joint meeting of Committees, which immediately follows the Annual Council meeting.
- 1.3 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have, however, removed the requirement to hold an annual meeting.

#### **2. Background**

- 2.1 In April each year the Council usually considers the position regarding the overall allocation of seats on committees and makes recommendations for decision at the Annual Council meeting in May.
- 2.2 There are 55 Councillors representing 22 Wards. The current composition of the Council is as follows:

	<b>Number of councillors</b>	<b>Proportionality %</b>
Conservative Group	32	58.2
Labour & Co-op Group	20	36.4
3 x Independent Members	3	5.4
<b>Total</b>	<b>55</b>	<b>100%</b>

### **3. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020**

- 3.1 These Regulations came into force on 4 April 2020. They apply to meetings of the Council, Committees and the Cabinet taking place before 7 May 2021 but could be brought back to an earlier date if the existing restrictions are relaxed.
- 3.2 The Regulations enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming.
- 3.3 The Regulations also remove the requirement for local authorities to hold annual meetings and to enable requirements for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.
- 3.4 Where a meeting is held remotely a Member will be considered as being in attendance if they can hear, and where practicable see, and be heard and, where practicable, be seen by other members and the public. This allows for meetings to be held by remote means including via telephone conferencing, video conferencing, live webchat and live streaming.
- 3.5 Officers are urgently working on developing the technology and procedures required to allow remote meetings to operate effectively and in accordance with the Regulations. However, it should be noted that some of the equipment required to use this technology to its full potential is unavailable to purchase across the country due to the pandemic.
- 3.6 Whilst the Regulations allow Local authorities to make new standing orders about remote attendance at meetings in relation to voting, access to documents and facilities, it is not suggested that new Council Rules are agreed at this point. Instead a protocol on remote meetings will be developed, in consultation with Members.

### **4. The Annual Meeting**

- 4.1 The Constitution stipulates that the Annual meeting will be held in May (in a non-election year) and that the following business will be transacted at the meeting:
- elect a person to chair the meeting if the Mayor is not present;
  - elect the Mayor and the Deputy Mayor;
  - approve the record of the last annual meeting;

- hear any announcements from the Mayor;
- elect the Leader (in the year of local elections);
- appoint members of the Overview and Scrutiny Committees, a Councillor Conduct Committee and other Council Committees to deal with matters which are neither reserved to the Council nor are executive functions;
- make appointments of Councillors to outside bodies;
- agree any amendments to the scheme of delegation relating to Council functions;
- approve a programme of ordinary meetings for the year ahead;
- consider any other business set out in the agenda, if any.

4.2 The new Regulations allow the Council to not hold its annual meeting between March – May, as required by the Local Government Act 1972.

4.3 In relation to any appointments that would be made at the annual meeting, including the appointment of the Mayor, the Regulations state:

*“Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority, such appointment continues until the next annual meeting of the authority or until such time as that authority may determine”.*

4.4 Should the Council decide to hold its annual meeting it will not be able to extend these appointments using the Regulations. This means that there are four options available to the Council:

- Option 1 - Cancel the annual meeting of the Council for 2020/2021
- Option 2 - Defer the annual meeting to a later date during 2020/2021.
- Option 3 - Hold a quorate only annual meeting of the Council in May using the technology allowed under the new Regulations.
- Option 4 - Hold a full annual meeting of the Council in May using the technology allowed under the new Regulations.

4.5 **Option 1** - If the Council does not hold the annual meeting at all during the 2020/2021 municipal year then the Members currently appointed as Mayor and Deputy Mayor and the Members currently appointed to Committees and Outside Bodies will remain until the Annual Meeting in May 2021. Should this option be agreed by the Council, it will not be necessary to review the allocation of seats on committees to political groups as such a review is only required in specified circumstances including annually at the Annual Council meeting. It is also proposed that should any matters arise in relation to committee memberships or outside bodies memberships that these be dealt with by the Chief Executive under his existing delegated authority. There are also some matters relating to the Joint meeting of Committees which are covered at paragraph 4.7.1 below.

4.5.1 The current Mayor and Deputy Mayor have indicated that they would be willing to remain in office should the Council decide to cancel the scheduled Annual

Meeting. In addition, the Leader of the Council and the Leader of the Labour and Co-operative Group have been informally consulted on the proposal and are supportive of this approach.

- 4.6 **Option 2** - If the Council defers the Annual Meeting then the Members currently appointed as Mayor and Deputy Mayor and the Members currently appointed to Committees will remain until such other time determined by the Council during the 2020/2021 municipal year.
- 4.7 **Option 3** - if the annual meeting takes place in May then, so long as it is quorate, the Council can appoint a new Mayor and Deputy Mayor. It is not possible to make appointments to those roles outside of the annual meeting. There is no requirement for whoever is appointed Mayor or Deputy Mayor to be present when the appointment is made. The declaration of acceptance of office can be signed after the meeting and before taking up office.
- 4.7.1 If the annual meeting goes ahead on the basis of enough members to have a quorate Council meeting there may not be enough members to secure a quorum for each of the Committees to enable the joint meeting of committees to take place. In this scenario the Joint meeting of Committees could take place at a later date or the appointment of the Committee chairmen and vice chairmen and any Sub-Committees for those appointments could take place as the first item of business at the first meeting of each Committee and this is the recommended option. On that basis the Licensing and Safety and Employment Matters Committees would need to meet quickly to appoint their Sub-Committees.
- 4.8 **Option 4** - This option is only viable if the technology to do this has been fully tested and shown to be effective. Whilst the Cabinet meeting on 7 April 2020 was livestreamed and included remote participation by one Cabinet Member, there is further work for ICT to undertake to ensure that the process for livestreaming and remote participation is robust.
- 4.9 Taking all of the options into account, including the current Mayor's and Deputy Mayor's willingness to continue in office, it is recommended that the Annual Meeting of the Council is cancelled for 2020/2021 (**option 1**). It is also recommended that the appointment of the Committee chairmen and vice chairmen and any Sub-Committees for those appointments should take place as the first item of business at the first meeting of each Committee. This is because of the current Government advice in response to the Coronavirus pandemic and the Council's position that only essential meetings should take place at this time.

## 5. **Audit Committee – recommendation to amend terms of reference**

- 5.1 At its meeting on 7 January 2020 the Audit Committee agreed to recommend to Council that its terms of reference be amended to allow for the consideration of financial information for each year of any companies and joint ventures set up by the Council. The Council is therefore requested to agree a change to the Council's Constitution to add the following to the Terms of Reference of the Audit Committee:

“To receive and review financial information in relation to the limited companies and joint ventures set up by the Council”.

## **6. Timetable of meetings**

- 6.1 On 23 January 2020 the Council agreed a draft schedule of meetings for 2020/21, as attached at Appendix A.
- 6.2 The Council is recommended to note the timetable of meetings attached at Appendix A which has been the subject of consultation with Group Leaders and Group Whips and to delegate authority to the Chief Executive to agree the timetable of meetings during 2020/21 including the cancellation or rearrangement of meetings in consultation with the Leader of the Council, the respective Committee Chairman and the Leader of the Labour and Co-operative Party Group as necessary in response to the impact of the Coronavirus pandemic.

## **7. Financial, legal and risk management implications**

- 7.1 The Council will be asked to agree, for the avoidance of doubt, that subject to the cancellation of the Annual Council meeting, Special Responsibility Allowances should continue to be paid to those Members currently holding positions of special responsibility as specified in the Members Allowances Scheme noting that adjustments will be made during the course of 2020/2021 if different Councillors are appointed to any of these positions, for example, Committee Chairmen and Vice Chairmen.
- 7.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 remove the requirement to hold an Annual meeting. Where the annual meeting is not held, any appointments which would normally be dealt with at the meeting will continue until the next annual meeting of the authority or when the Council determines, providing continuity of membership.
- 7.3 The proposed delegation to the Chief Executive to agree and vary the timetable of meetings is in response to the potential risk to the capacity to hold meetings on the dates set out in the proposed timetable for meetings reported to Council in January 2020 in light of the impact of the Coronavirus pandemic.

## **8. Recommendations**

- 8.1 The Council is asked to cancel the Annual Meeting scheduled for 20 May 2020 (option 1) and to agree that the next Annual Meeting will not take place until May 2021.
- 8.2 The Council is asked to note that the appointment of the current Mayor, Deputy Mayor, the number and size of Committees and Members currently appointed to Committees, Joint Committees and other bodies will continue until the next Annual meeting takes place in May 2021.
- 8.3 The Council is asked to agree, for the avoidance of doubt, that in light of the cancellation of the Annual Council meeting, Special Responsibility Allowances should continue to be paid to those Members currently holding positions of special responsibility as specified in the Members Allowances Scheme noting that adjustments will be made during the course of 2020/2021 if different Councillors are appointed to any of these positions, for example, Committee Chairmen and Vice Chairmen.

- 8.4 The Council is recommended to note the timetable of meetings attached at Appendix A which has been the subject of consultation with Group Leaders and Group Whips and to delegate authority to the Chief Executive to agree the timetable of meetings during 2020/21 including the cancellation or rearrangement of meetings in consultation with the Leader of the Council, the respective Committee Chairman and the Leader of the Labour and Co-operative Party Group as necessary in response to the impact of the Coronavirus pandemic.
- 8.5 The Council is asked to delegate authority to the Chief Executive to agree, and amend, procedures for remote participation at Council, Cabinet and Committee meetings, following consultation with the Leader of the Council and the Leader of the Labour and Co-operative Group.
- 8.6 The Council is asked to agree a change to the Council's Constitution to amend the Terms of Reference of the Audit Committee as set out in paragraph 5.1 of the report.

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**Appendices**

Appendix A – Revised timetable of meetings

**Background papers**

None