

REPORT TO EMERGENCY COMMITTEE

22 April 2020

Subject:	Implementation of The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020
Director:	Surjit Tour - Director of Law and Governance & Monitoring Officer
Contribution towards Vision 2030:	
Contact Officer:	Suky Suthi-Nagra suky_suthinagra@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Committee:

1. Acknowledges and confirms that the Council's constitutional arrangements relating to meetings and the conduct of Council business shall be subject to the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations");
2. Agrees that the Director of Law and Governance & Monitoring Officer, in consultation with the Committee's Members, be authorised to put in place the necessary arrangements and/or make the requisite changes necessary to give effect to 2020 Regulations.

3. Agrees that standing orders 4 and 18 (Quorum of the Council and Quorum of Committees respectively) relating to the requirement for council meetings to commence within 15 minutes be suspended whilst the 2020 Regulations remain in force; and
4. That the Director of Law and Governance & Monitoring Officer brings to a future meeting of the Committee an interim Calendar of Meetings for consideration and approval.

1. PURPOSE OF THE REPORT

- 1.1 The Constitution sets out the Council's governance and decision-making arrangements. Until 4th April 2020, legislative provisions required Elected Members to be physically in attendance at meetings in order to participate in decision making and committee business.
- 1.2 As part of the response to the Covid-19 virus, the Government enacted the 2020 Regulations that now enable Elected Members to be in attendance and participate in council meetings remotely, as well as enable the greater use of technology in the Council's decision-making arrangements.
- 1.3 The regulations are temporary in nature and will remain in force until 7 May 2021.
- 1.4 This report confirms that the Council proposes temporary assimilation of the regulations into the constitution and will allow for Councillors and members of the public to attend meetings using a variety of electronic mechanisms.

3. IMPLICATIONS FOR VISION 2030

- 3.1 The Council is committed to maintaining its governance and decision-making functions in order to deliver the priorities within the Sandwell Corporate Plan.

4. BACKGROUND AND MAIN CONSIDERATIONS

- 5.1 The 2020 Regulations apply to any meeting of a Local Authority, Executive Meetings, and any joint committees of two or more Councils, and any related committee/sub-committee meetings, for e.g. Licencing Committee, Planning Committee, West Midlands Combined Authority, Fire and Rescue Authority meetings.
- 5.2 The key provisions within the Regulations are:-

- The Council may determine the day and time of meetings, and alter the frequency, move or cancel meetings without requirement for further notice.
- The removal of the need to hold an Annual Meeting (until 7th May 2021) and allow the Local Authority to hold such meetings as it requires.
- Any appointments that were due to be made at the Annual Meeting are extended until the next Annual Meeting (eg Mayor, Deputy Mayor, Chairs, Vice-Chairs, appointments to Outside Bodies etc).
- Local Authority meetings can be held virtually via webcasting, or telephone conferencing.
- The Council can publish documents on its website where there is a requirement to publish information (including agenda, minutes, background papers, special notices etc) (where previously they had to be made available to inspect at its offices).
- A member is considered to be 'in remote attendance' where they are able to:
 - i) Hear and be heard, and where possible see and be seen, by other members in attendance;
 - ii) Hear and be heard, and where possible see and be seen, by any members of the public who are entitled to attend to exercise their right to speak; and
 - iii) Be heard, and where possible seen, by members of the public.

Remote attendance contributes to the quorum required for each meeting

- The regulations broaden the definition of 'place' in current legislation relating to local authority meetings, and states that any reference to 'place' now includes virtual locations such as live webcasting, and telephone conference calls.
- Public attendance provisions have been expanded to include access through remote means including video and telephone conference, live webcasting and interactive streaming. This now means that there is no requirement for a member of the public to be physically present at the meeting.

- 5.3 At present, Council, Cabinet and Committee Procedure Rules require a meeting to be postponed after 15 minutes of the scheduled start time if quorum requirements are not met, and that if during a meeting, Elected Members leave and a quorum is no longer present, that the meeting is adjourned for 15 minutes to enable the meeting to become quorate.
- 5.4 To mitigate against any potential technology issues that may impact on the ability of council meeting to commence or proceed, it is proposed to suspend the associated standing orders. This enables the Chair of the relevant Council meeting to determine when the meeting should be postponed or adjourned.
- 5.5 Work is underway to give effect to the 2020 Regulations. The Council's Licensing Committee is part of a pilot that involves the configuration of the Council's systems and applications to enable remote council meetings to be held and for Elected Members, public and other stakeholders to engage (as applicable). Once the pilot has concluded, training and guidance will be provided to Chairs and Committee Members. Procedures for the management of Council meetings will be drawn in consultation with the Members of the Emergency Committee and will address issues such as how motions/recommendations will be moved, debated, and voted upon etc.

6. CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 6.1 The Council is liaising with neighbouring authorities to ensure a consistent approach to applying these regulations is taken across the region.

7. ALTERNATIVE OPTIONS

- 7.1 The Council, as a local authority, is required to apply the legislation to the conduct of its meetings held before 7 May 2021 and for the public and press access to these meetings.

8 STRATEGIC RESOURCE IMPLICATION

- 8.1 There are no additional direct resource implications anticipated at this time as the Council's ICT infrastructure is able to provide the requisite platform necessary to host remote council meetings. Should additional resources be required, they will be met from existing approved/available budgets.

9. LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 The Council is required to comply with and give effect to the 2020 Regulations as far as practicably possible. Council meeting must comply with all legislative requirements such as those set out in The Public Bodies (Admission to Meetings) Act 1960, the Local Government Acts, The Local Government (Access to Information) Act 1985, The Local Government and Public Involvement in Health Act 2007, The Localism Act 2011 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and other relevant Statutory Instruments.

9.4 Where there is a conflict between the 2020 Regulations and other legislation and the Council's Constitution, the 2020 Regulations will prevail.

10. EQUALITY IMPACT ASSESSMENT

10.1 There are no direct issues or implications relating to equality. The Council will continue to comply with its equality and diversity obligations and where necessary, make reasonable adjustments as appropriate.

11. DATA PROTECTION IMPACT ASSESSMENT

11.1 There are no direct issues or implications relating specifically to data protection. The Council will continue to comply with its duties and obligations under the Data Protection Act 2018 and General Data Protection Regulation (GDPR).

12. CRIME AND DISORDER AND RISK ASSESSMENT

12.1 There are no direct issues or implications relating specifically to crime and disorder and risk.

13. SUSTAINABILITY OF PROPOSALS

13.1 The 2020 Regulations take effect from 4 April 2020 until 7 May 2021 and measures to enable remote meetings to take place are already underway.

14. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

The proposals will ensure that the Council is still able to respond and make decisions in the event of further disruption as a result of Covid-19.

15. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

The proposals have no direct implication on Council managed property or land.

16. BACKGROUND PAPERS

[The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

17. APPENDICES:

None

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Director of Law and Governance
& Monitoring Officer**