

NORTH YORKSHIRE COUNTY COUNCIL

Report for Consideration by the Chief Executive Using Emergency Powers, taking into account the views of the Executive

7th 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 – Report of the Assistant Chief Executive (Legal and Democratic Services)

1.0 PURPOSE OF THE REPORT

- 1.1 The aim of this report is to update members of the Executive on the recently issued Government Regulations that enable local authority meetings to be held virtually and also remove the requirement for an Annual General Meeting to be held. The Chief Executive is asked to consider the recommendations in the report and make a decision, taking into account the views of the Executive members.

2.0 BACKGROUND

- 2.1 On 3 April 2020, local authorities in England were given new powers to hold public meetings virtually by using video or telephone conferencing technology. The powers come into force on 4 April 2020. The Government has removed the legal requirement for local authorities to hold public meetings in person and also to hold an Annual General Meeting.

- 2.2 The powers are as summarised below:

- Can hold and alter the frequency and occurrence of meetings without requirement for further notice
- Can determine not to hold your annual meeting, with current appointments continuing until the next annual meeting or when the local authority determines
- Meetings, including any annual meetings, can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming
- Requirements for public and press access to meetings and documents can also be complied through similar remote access
- You can make standing orders in respect of remote meetings, and will not be constrained by any existing restrictions.

3.0 TECHNICAL SOLUTION

- 3.1 The Regulations detail how virtual meetings should be held. They work on the basis that a virtual meeting should replicate a physical meeting in so far as members of the public should be able to view the meetings and ask questions, where they have been submitted in line with the Constitution. What this means is that the meetings will need to be available on the internet.
- 3.2 The technical solution that is currently being explored is Microsoft Teams. This was due to be rolled out to all Council users in September 2020.

4.0 MEETINGS

- 4.1 The Council holds approximately 160 formal, public committee meetings a year. Should the decision be made to adopt the powers in the Regulations, then there is an opportunity to go back to business as usual and undertake all scheduled meetings virtually. Whilst this approach would be in keeping with openness and transparency and would support the return to normal democratic functions, it may not be possible as officers are not available to provide reports due to the immediate and pressing demands of responding to the Coronavirus pandemic.
- 4.2 An alternative would be to determine which meetings are to be held virtually, on the basis of whether or not they are making significant, formal decisions and whether those decisions have to be made now or whether they could be deferred. A first attempt at this is as outlined below:

Decision making meetings that go ahead as previously scheduled (albeit with a reduced agenda):

- Executive
- Planning and Regulatory functions
- Audit
- Pension Fund Committee.

Scrutiny type meetings that do not go ahead as scheduled but are convened for specific and/or pressing issues (return to normal business in September):

- Police Fire and Crime Panel
- Scrutiny of Health
- Care and Independence
- Young People
- Transport Economy and Environment
- Corporate and Partnerships
- Pension Fund Board.

Reference meetings that are cancelled until September (for most this means not meeting in June/July having met in March):

- Area Constituency Committees x 6 (these will continue to meet informally as a vehicle for member engagement)
- Informal Executive meetings with the ACCs
- Local Access Forum
- SACRE
- Howardian Hills
- Health and Wellbeing Board
- Shareholder committee
- Looked After Children Group.

Other consultative which may need to be convened as scheduled to help co-ordinate effort:

- LGNYY
- ACC Chairs and Vice Chairs
- Scrutiny Board.

4.3 Subject to the testing of the technical solution, the meeting of the Annual General Meeting of the Council that is scheduled for 13 May 2020 could be held virtually.

5.0 CHIEF EXECUTIVE EMERGENCY POWERS

5.1 Following the Government announcement restricting public gatherings and promoting social isolation and distancing on 23 March 2020, the Council agreed to suspend formal, public committee meetings and to invoke the emergency decision making process that is identified in the Council's Constitution to allow the Chief Executive to make all appropriate decisions and to allow for appropriate consultation. It was always the intention to review this should revised legislation on Local Government Decision making be issued that enables virtual meetings. The necessary legislation and regulations have now been passed. As such a review of the decision to invoke the emergency decision making process is needed.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no significant financial implications but there may be some costs incurred through the rescheduled roll out of Microsoft Teams.

7.0 LEGAL IMPLICATIONS

7.1 The Regulations enable the Annual General Meeting to be postponed and the formal, public meetings of the Council to be held virtually. This is a significant departure from previous ways of working and what is currently detailed in the Council's Constitution.

8.0 EQUALITIES IMPLICATIONS

8.1 There are no significant implications for equalities. There may be a risk, however, that people who are unable to access IT equipment or devices are excluded from viewing and engaging in the meetings of the Council.

9.0 RECOMMENDATIONS

9.1 The Chief Executive is asked to consider the following recommendations and make a decision, taking into account the views of the Executive members:

- a) Postpone the Annual General Meeting of the Council that was scheduled for 13 May 2020 and reschedule it for either 22 July 2020 or 18 November 2020
- b) If it is agreed to postpone the Annual General Meeting, as outlined above, then roll on all appointments that would otherwise have been made at the Annual General Meeting on 13 May 2020
- c) If it is agreed to postpone the Annual General Meeting, as outlined above, then either determine a method for the appointment of a new Chairman and Vice Chairman of the Council, as would have happened on 13 May 2020, or enable them to continue in their roles until the rescheduled Annual General Meeting is held
- d) Subject to the successful adoption of a technological solution that enables the requirements laid out in the Regulations to be complied with, introduce virtual meetings for the following committees: Executive; Planning and Regulatory functions; Audit; and Pension Fund Committee. These to meet as previously scheduled in the Council Calendar. All other meetings to be postponed, unless there is a pressing reason for a matter to be considered in public by the full committee.

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)
County Hall, Northallerton, 6 April 2020