

North Yorkshire County Council

Report to the Chief Executive Officer

21 April 2021

Moving the date of the Council's Annual Meeting in 2021

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

1.0 Purpose of report

- 1.1 To seek approval from the Chief Executive Officer, under his delegated emergency decision-making powers during the Coronavirus pandemic, to bring forward the date of the Council's Annual Meeting to 5 May 2021.

2.0 Background

- 2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee.
- 2.2 The Chairmen of the Overview and Scrutiny Committees and the Chairman of the Council have agreed that decisions taken by the Chief Executive Officer under his emergency delegated powers arising out of the Covid-19 pandemic shall be treated as a matter of special urgency and exempt from call in where urgent timescales necessitate this.

3.0 Annual Meeting of Council

- 3.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations") came into force on 4 April 2020 and allow formal meetings of the Council, Executive and their committees and sub-committees held before 7 May 2021 to take place virtually (and to permit remote attendance at, and remote access to, such meetings).
- 3.2 Following the coming into force of the 2020 Regulations, a virtual meetings' regime for the Council was introduced. All of the Council's formal, public committee meetings are currently live-broadcast, being live-streamed via the Council's YouTube page. The first remote meeting was held on 19 May 2020 and since then a total of 102 (as at 15 April 2021) formal committee meetings have been held remotely and live broadcast.
- 3.3 The 2020 Regulations are due to expire on 7 May 2021. The Government has confirmed that there is no Parliamentary time to extend or renew the Regulations before they expire or in the immediate future. On 25 March 2021, the Ministry of Housing, Communities and Local Government did, however, issue a call for evidence regarding remote meetings, which will close after 12 weeks, roughly 6 weeks after the existing regulations lapse - <https://www.gov.uk/government/consultations/local->

[authority-remote-meetings-call-for-evidence/local-authority-remote-meetings-call-for-evidence](#). Through the call for evidence, the Government is seeking to understand the experience of local authorities regarding remote meetings and to invite their views on the advantages and disadvantages of making permanent express provision for remote meetings. Any new legislation introduced to expressly enable the holding of remote meetings is, however, some time away.

- 3.4 The Association of Democratic Services Offices, Lawyers in Local Government and Hertfordshire County Council, supported by the Local Government Association, have issued a claim with the High Court seeking a declaration which would allow for the continuation of local authority remote meetings beyond 6 May 2021 on the basis that the existing local government legislation (separate to the Coronavirus legislation) could be interpreted to permit virtual meetings. The claim is listed for a hearing on 21 April 2021, but there is no guarantee that the decision will be issued by 7 May 2021, nor that the case will be successful. On 7 April 2021, the Government did, however, announce its support for the High Court claim, recognising that there was “a case to be heard” that the Local Government Act 1972 should be interpreted as allowing for virtual meetings “as the legislation was passed at a time when virtual meetings could not have been envisaged.” This support should hopefully add further weight to the case.
- 3.5 A report will be taken to full Council at its annual meeting regarding options for the holding of future Council, Executive and Committee meetings following 7 May 2021.
- 3.6 In terms of the Council’s Annual Meeting currently due to take place on 19 May 2021, it is recommended that the date of the Annual Meeting be brought forward to 5 May 2021, to enable it to be held virtually under the 2020 Regulations before they expire.

4.0 Consultation

- 4.1 There is general support for this course of action from Group Leaders and the Chairman of the Council has also confirmed his agreement to moving the date. At that time, it will not be known who has filled the two vacant posts and therefore it will be necessary to do an updated political calculation at some point after the elections and determine which committees the new councillors will sit on.

5.0 Financial Implications

- 5.1 There are no significant financial implications.

6.0 Legal Implications

- 6.1 There are no significant legal implications. The report seeks to ensure the continuance of appropriate legal decision making and governance arrangements in light of the enduring pandemic circumstances.

7.0 Equalities Implications

- 7.1 There are no specific equality implications.

8.0 Climate Change Implications

- 8.1 There are no significant climate change implications arising from this report.

9.0 Reasons for Recommendations

- 9.1 For the safe, expeditious and efficient conduct of the Council's business during the enduring Covid-19 pandemic it is recommended that the Chief Executive Officer approves the moving of the Council's Annual Meeting from 19 May 2021 to 5 May 2021 under his emergency delegated powers.

10.0 Recommendations

- 10.1 That the Chief Executive Officer notes the contents of this report.
- 10.2 That the Chief Executive Officer approves the moving of the Council's Annual Meeting from 19 May 2021 to 5 May 2021.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

County Hall
NORTHALLERTON

21 April 2021

Background Documents:

- The Council's Constitution
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020