



Council Meeting
Date: 21st May 2020

ADUR DISTRICT COUNCIL

Key Decision : No

Ward(s) Affected: All

Adur District Council Constitution

Report by the Monitoring Officer

Executive Summary

1. Purpose

The Council's Monitoring Officer has recently made some changes to various documents within the Council's Constitution under her delegated authority. This report seeks the endorsement of the Council to the changes that have been made to the Adur District Council Constitution.

2. Recommendations

2.1 The Council is asked to note and endorse the changes made by the Monitoring Officer to:

- i) the Council Procedure Rules on 22nd April 2020
- ii) the Protocol for Remote Council and Committee Meetings on 22nd April 2020
- iii) the Protocol on Public Speaking at Remote Council Planning Committee Meetings on 6th May 2020
- iv) The Council's Petition Scheme on 12th May 2020

v) the Joint Committee Agreement with Worthing Borough Council on 12th May 2020

2.2 The Council is asked to agree to formally adopt these documents into the Adur District Council Constitution.

3. Context

The Coronavirus Act 2020 was introduced to provide legislation surrounding the containment of the virus and to put arrangements in place during the global pandemic arising from COVID-19.

As a result of the legislation and Government advice it has become impractical to hold face-to-face meetings of the Council and its Committees, as there is a need for Councillors to socially distance from one another.

On 4th April 2020, under s78(1) Coronavirus Act 2020, the Secretary of State introduced secondary legislation; The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panels Meetings)(England and Wales) Regulations 2020, known as SI 392/2020. These regulations provide that the Council may hold its Council and Committee meeting by Councillors attending remotely, via electronic means, until 6th May 2021. The aim of the regulations is to enable Local Authorities to continue making strategic and operational decisions, in an agile but robust and transparent manner.

Prior to the new regulations, the Local Government Act 1972 provided that all Councillors had to be present in a physical location to be deemed to be in attendance at a meeting. The Council's Constitution incorporated this legislation and required that meetings be held in particular locations with Councillors only being able to attend by being physically present. Consequently, the introduction of the new regulations has required some amendments to the Adur District Council constitution to reflect our new arrangements to hold meetings remotely.

These changes had to be brought in quickly to enable Committee decision making to continue and prevent a delay being caused to the work of the Council. Consequently, changes were made by the Council's Monitoring Officer under her authority delegated by the Council, but in the interests of

transparency the Council is now asked to note and endorse the changes made, and formally endorse the adoption of the revised documents into the Constitution.

4. Issues for consideration

4.1 Council Procedure Rules

Various amendments were required to Council Procedure Rules to enable Council and Committee meetings to take place remotely. These may be summarised as follows:

- Arrangements have been made for voting to be by way of responding to a roll call rather than by way of a show of hands;
- The location of meetings has been amended to be a remote location by way of video conferencing rather than at the Shoreham Centre;
- Attendance of Members to meet quorum requirements of a remote meeting has been amended so that all those connected remotely to the meeting via electronic devices are in attendance;
- The public are able to ask questions at public question time, by joining the meeting to ask their question or by having their pre submitted question read out if they are unable to join the remote meeting electronically;
- The public, who do not have the right to speak at a meeting, are able to access the meeting by viewing the live stream of the remote meeting.

A copy of the revised document may be found at appendix 1 to this report.

4.2 Protocol for Remote Council Meetings

A Protocol has been developed for Remote Council Meetings to provide practical guidance. It includes the following issues:

- How to connect to a remote meeting
- How to indicate your wish to speak at a remote meeting
- How to vote at a remote meeting
- How to deal with an adjournment at a remote meeting
- How to deal with raising a point of order or personal explanation at a remote meeting
- How to deal with a disturbance at a remote meeting
- How to go into private session to consider exempt information at a remote meeting

A copy of the document may be found at appendix 2 to this report.

4.3 Protocol for Public Speaking at Adur District Council Planning Committee Meetings

A Protocol has been developed for Public Speaking at Remote Adur District Council Planning Committee Meetings; this replaces the previous Protocol on Speaking at Planning Committee document. The revised protocol provides guidance on the practicalities of holding a Planning Committee meeting remotely via electronic means, and also incorporates revised entitlement to public speaking previously considered by the Planning Committee. It provides that those members of the public entitled to speak at a Planning Committee Meeting are now able to join a remote meeting to make their representations, or alternatively if they do not wish to join the meeting or are unable to do so, they are entitled to have their previously submitted written representations read out to the meeting to ensure their views are taken into account.

A copy of the document may be found at appendix 3 to this report

4.4 Petition Scheme

The Adur District Council Petition Scheme has been amended to provide that the Petition Organiser is now able to join a remote meeting where they previously had a right to speak, to enable them to present their petition. It further provides that if a Petition organiser is unable or unwilling to join the meeting, they are entitled to have their written representations read out.

A copy of the revised document may be found at appendix 4 to this report.

4.5 Joint Committee Agreement

The Agreement covers working arrangements between Adur District Council and Worthing Borough Council and provides governance arrangements for decision making at joint meetings including the Joint Strategic Committee, the Joint Governance Committee, the Joint Overview and Scrutiny Committee and the Joint Staff Committee. Amendments have been made to the Joint Committee Agreement to enable joint meetings to be held remotely.

The changes can be summarised as relating to:

- The way in which voting takes place;

- The location of the meeting which may now be remotely via video conferencing;
- Attendance at the meeting which may now be by way of remote attendance via an electronic device;
- Selection of the Chairman of such a meeting.

A copy of the revised document may be found at appendix 5 to this report.

5. Engagement and Communication

In making amendments to the Constitution under authority delegated by the Council, the Monitoring Officer has consulted with the Leader of the Council, the Leader of the Opposition, the Chairman of the Joint Governance Committee, and in respect of the Protocol for Public Speaking at Adur District Council Planning Meetings, the Chairman of the Planning Committee.

6. Financial Implications

There are no financial implications arising as a result of this report.

7. Legal Implications

7.1 Section 78(1) Coronavirus Act 2020 provides that the Secretary of State can introduce secondary legislation relating to requirements to hold local authority meetings.

7.2 On 4th April 2020 the Secretary of State introduced SI 392/2000 The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panels Meetings)(England and Wales) Regulations 2020.

The regulations provide that Councils may now hold their Council and Committee meetings remotely, until 6th May 2021.

Regulation 5 provides that a Member is in remote attendance at a meeting of the Council or its Committees if:

- He can hear and be heard by other Members (and see/be seen if practicable), and
- He can hear and be heard (and see/be seen if practicable) by any members of the public entitled to attend in order to exercise a right to speak, and

- He can be heard (and seen where practicable) by any other member of the public attending.

7.3 Article 11.03 of the Adur District Council Constitution provides that the Council's Monitoring Officer has the delegated authority to make minor and consequential amendments to the Constitution at any time. Paragraph 3.9.23 of the Officer Scheme of Delegations confirms this provision.

Background Papers

- Adur District Council Constitution

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