

Annual Council

21 May 2020



Report of: Monitoring Officer

Title: Council Constitution – Virtual Meeting Procedure Rules

Ward: Citywide

Recommendation

That Annual Council adopt the Virtual Meeting Procedure Rules in Appendix 1 of this report.

Summary

This report asks Annual Council to adopt the Virtual Meeting Procedure Rules as part of the Council's Constitution to enable the Council to conduct virtual meetings.

The significant issues in the report are:

The Virtual Meeting Procedure Rules are set out in Appendix 1 of this report. These rules enable the Council to hold virtual meetings of Council, Cabinet and Committees of the Council and for the management of those meetings and the attendance of members of the public at those meetings.



Policy

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 came into force on 4 April 2020 and apply to all local authority meetings held before 7 May 2021. The Virtual Meeting Procedure Rules are based on these Regulations.

Consultation

2. **Internal**
Mayor and Party Group Leaders – 4 May 2020
Whips – 6 May 2020
3. **External**
Not applicable

Context

4. The ability of the Council to hold public meetings has changed in light of the Covid-19 pandemic. In April 2020, the Council published an initial version of the Virtual Meeting Procedure Rules to enable virtual meetings to be held. This was done pursuant to the powers in the Article 17.02(c) of the Council's Constitution for the Monitoring Officer to make changes to the Council's Constitution to reflect changes in legislation. Virtual meetings have been held since 22 April 2020.

Proposal

5. The proposals in this report build on the initial version of the Virtual Meeting Procedure Rules, incorporating further provisions relating to public participation in virtual meetings. The main provisions in the rules are as follows:
 - Virtual meetings will take place using video conference facilities and observers will view the meeting via live stream on YouTube.
 - Members of the public are able to submit statements, questions and petitions to a virtual meeting. It should be noted that any statements, questions or petitions submitted will be published on the Council's website.
 - The Chair of a virtual meeting shall determine, in consultation with the Proper Officer, whether members of the public shall be permitted to attend a virtual meeting in order to make a statement, ask a question or present a petition.
 - The provisions for public attendance at a virtual meeting will be outlined on the agenda for each meeting.
 - Members of the public wishing to attend a virtual meeting need to give at least two clear working days' notice to the appropriate officers.

Other Options Considered

6. The proposals in this report are made to reflect changes in legislation therefore, no other options have been considered.

Risk Assessment

7. The Council has a duty to keep its Constitution under review and to update its rules of procedure to reflect changes in legislation. The Virtual Meeting Procedure Rules ensure transparency in the Council's decision making processes as they will enable the Council to continue to conduct Council business in public during the Covid-19 pandemic. The updated rules will also facilitate public participation in Council meetings to maintain democratic engagement in the Council's decision making processes.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

Legal and Resource Implications

Legal

The Virtual Meeting Procedure Rules implement the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020. These rules were initially made under the delegation to the Monitoring Officer in Article 17.02(c) of the Council's

Constitution to make changes to the Council’s Constitution to reflect changes in legislation. They have now been updated and are reported to Annual Council for formal approval.

(Legal advice provided by Nancy Rollason, Head of Legal)

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

Appendices:

Virtual Meeting Procedure Rules

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None