

DECISION NO:	<i>For Member Services use only</i>
---------------------	-------------------------------------

Concurrence No:	066390
-----------------	--------

Action under delegated authority of Chief Executive	
Action under delegated authority of Director of Finance and Cabinet Member for Finance	
Action taken by Chief Executive in consultation with Cabinet Member(s)	X

Subject: Amendment to Part 4A of the Constitution - Council Procedure Rules -
Voting

Signature and designation of officer(s) taking action:

Chief Executive	Date	Director of Finance	Date
	23/4/20		
		Head of Finance	Date

**Name of Cabinet Member(s)
Consulted:**

I have been consulted and concur with
the proposals set out below:

Councillor L Cocking

Leader of the Council

Councillor

Cabinet Member for

Signature: Date: 23/04/20

Signature: Date:

Name of any member who has declared a
conflict of interest in relation to this decision:

THIS DOCUMENT WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE

The report overleaf sets out the decision to be taken, the reasons for the decision, and the details of alternative options, if any, considered and rejected.

Officer decisions are available for public inspection, both at the Borough Offices and on the Council's website, for a period of six years after the decision is made. Background papers are available for four years.

Background

Following the national emergency declared by the Government with the outbreak of the coronavirus pandemic, the Coronavirus Act 2020 was enacted in March 2020. Under Section 78 of the Act, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations were made in April 2020.

Regulation 5 (1) enables local authorities to hold meetings without the requirement for the persons to be present in the same place and that any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

Regulation 5 (6) also enables local authorities to make standing orders and any other rules governing remote attendance at meetings of the authority under Regulation 5 (1), including provision for voting. As the Council’s current standing orders require for the purpose of voting that members must be present in the room, an amendment is sought to Standing Order 16.1 of Part 4A of the Council’s constitution as it applies to meetings held before 7 May 2021, or until such time as the Regulations are revoked, if earlier.

Standing Order 16.1 is currently as follows:

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

Proposal

Under Part 3C (Responsibility for Functions, Scheme of Delegation to Officers) of the Council’s Constitution the Chief Executive, in cases of emergency or urgency (where possible in consultation with the Leader or Deputy Leader of the Council), has power to carry out any Council or Cabinet function, power or duty.

Due to the outbreak of the coronavirus pandemic, it is deemed necessary for the Council to invoke its emergency powers to give effect to a revision to Standing Order 16.1 in so far as it relates to a member being required to be present in the room to vote. The Council intends to hold virtual meetings, as provided for under the above Regulations, in view of the need for social distancing.

Decision

Agreed that the emergency powers given to the Chief Executive, in consultation with the Leader of the Council, under Part 3C of the Council constitution be applied to amend Standing Order 16.1 to read as follows until 7 May 2021, or until Regulation 5 (1) as referred to above is revoked, if earlier:

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting whether present in the room, or participating at electronic, virtual or digital locations, or on a conference call telephone to those locations, at the time the question was put.

Financial, Legal and Risk Management Implications

There are no legal implications as Part 3C of the Council's Constitution allows for the Chief Executive to carry out any Council or Cabinet function in an emergency.

There would be a potential health risk if this matter was dealt with by the Council at a meeting at which members were present due to social distancing rules.

There are no financial implications.

Alternative Options Considered and Rejected

Due to the circumstances surrounding Coronavirus COVID-19 no other options are viable in order to continue the functions of the Council and Cabinet.

Contribution to the Council's Objectives

Enacting the powers under Part 3C of the Constitution allow the Council and Cabinet functions to continue.

Conclusion

Due to the outbreak of coronavirus it has been deemed necessary to invoke the powers under Part 3C of the Council's Constitution to allow the Chief Executive, in consultation with the Leader of the Council, to carry out the functions of the Council and the Cabinet.

Contact Officer: Mr S Billington

Ext: 5534

Date: 17 April 2020

Action reported to the Cabinet on:
