



URGENT DELEGATED DECISION

Date: 30 March / 16 April 2021

Request to the Head of Paid Service to exercise delegated authority as per Responsibility of Functions in Part IV, page 28 of the Constitution.

“to determine any matter within the referred or delegated powers and duties of a committee / sub committee / board / working which is so urgent that a decision must be made before the next meeting of that committee / sub-committee / board / working group is due to be held.”

Limits on delegation: -

- Before making a decision using this delegated power, The Head of Paid Service shall consult with and take cognisance of the views of the Chairman (or in his absence the VC) of the relevant Committee / Sub-Committee etc; and
- Any decision taken by the Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision taken.
- During the COVID-19 Pandemic we have also committed to consult with the Leader of the Opposition on such decisions*.

* The Leader of the Opposition was present for the first meeting on 30 March only

* Due to the nature of the decision, both the Chairman of the Council and the Chairman of Governance and Audit Committee were present on 16 April 2021

Usual Decision Maker: -

This decision would have been taken by Corporate Policy and Resources Committee

This decision needs to be made and implementation commence, before the body is due to meet.

The decision is in response to changing Governance guidance and notification that the regulations which permit virtual/remote meetings will cease on 6 May.

Annual Council is currently scheduled to be held on 17 May 2021, and as such would be required to be held as an “in a person meeting”. Social Distancing requirements will still remain and under current guidance it is not possible to accommodate all Members within the Chamber.

An urgent decision is therefore required in order that alternatives can be considered and implemented if necessary.

Call-in does not apply. .

Background

On 23 April 2020 the Head of Paid Service took an urgent delegated decision relating to the Committee Timetable. The original decision can be viewed [here](#).

This decision was further reviewed on 27 July. The decision notice can be viewed [here](#).

The decision was again reviewed on 1 October when it was determined:-

- **All Meetings within the timetable for September from 20 October 2020 until 31 January 2020 be held virtually.**
- **The above decision be kept under constant revision and a further decision be taken in mid January regarding the remainder of the Civic Year.**

The decision was again reviewed on 20 January when it was determined:-

- **All Meetings within the timetable from February 2021 up until 7 May when current regulation expires, be held virtually**
- **A further decision be taken late March in respect of Full Council Meetings / Annual Council, in light of the expiry of current regulation and the impact of any restrictions still in place.**

The decision honours the decision made on 20 January regarding Annual Council.

In late March the Government confirmed that the regulations which permit virtual / remote would not be extended and will therefore cease on 7 May.

Consideration therefore needed to be given as to arrangements for Annual Council 2021 in the absence of virtual meeting regulations and social distancing requirements.

The background to this decision is as detailed in the report titled “**Arrangements For Annual Council – Suspension of Constitution**” which is appended to this decision.

Reason for Urgency and Rationale for use of urgent Delegated Decision

In light of the current COVID 19 situation, an urgent decision is required in order to determine what arrangements should be put in place for Annual Council whilst allowing time to make any necessary arrangements and communicate this.

Notes of Consultation Relevant to the Decision

Members had first come together on 30 March 2021 to consider the possible options for holding Annual Council, given expiry of the regulations. At that meeting the following options had been considered: -

- a) **Hold the meeting in an external venue** - This would require considerable resource to arrange, and come with additional costs. The Council will still be required to make its meetings accessible to the public and in the absence of webcasting facilities in an external venue – extra consideration and space would need to be given to arrangements for a public gallery. The venue would need to be larger enough to accommodate all Members of the
- b) **Hold the meeting in the GH with a reduced politically balanced quorum** – would this be politically palatable. 10 required could accommodate 18
- c) **bring the meeting forward and hold prior to the regs expiring** .

LGA act allows council in a non ordinary election year (we are) to hold AGM in March April or May. We could hold on 26 April 29 April (4 May) and thereby legally hold it virtually.

AGM ceremonial elements regardless of how we meet – would need to be suspended.

All parties were in agreement that the expectations placed upon Local Authorities by withdrawing these regulations were un-realistic. In response to comments made Officers confirmed that the Authority, along with the majority of Councils across England, had been lobbying the Government for an extension since the Autumn but to no avail. Members noted the legal challenge being made, but given the timescales, a decision could not be held in abeyance pending the outcome. Officers also confirmed that hosting remote meetings post 7 May would be illegal and could not be considered as option.

There were lengthy and robust discussion during the meeting with varying views expressed but there was little consensus and comments expressed to suggest attendance would be effected if the AGM was held both in the daytime and before the Elections.

As such the decision on 30 March was deferred to allow further time to consider the options, particularly the logistics and availability associated with moving the meeting to an External Venue.

Members came together again on 16 April and considered the report appended to this decision.

Members, by way of Appendix, also received an update on enquiries which have been made around venues, PA systems and Webcasting arrangements. Information was supplied regarding the LGA 72 requirements for an AGM, together with the business, stipulated by WLDCs Constitution.

Taking into consideration all of the information contained within the report, the views expressed by Members previously and the legal position the proposal and rationale detailed in section 5 of the report was presented in detail to Members.

The rationale for minimising the agenda was challenged and explanation was offered. In the main it was being proposed to recognise that some Members may not be able to attend, or may choose not to attend given the proposed change.

By undertaking the statutory business only, the Council would meet its legal requirements, but would not be seen to be approving business (other than that required by law) on a possible reduced attendance.

Retaining an evening meeting allowed those who worked to attend and recognised the “normal” meeting time for such meetings.

All Remaining “AGM” Business would be considered at Council’s June Meeting.

The HPS had been objective in his proposal and had focused on keeping the Council safe and within the law. Following much discussion: -

Decision

- the AGM be brought forward to the 4th May at 7 pm and held virtually;
- the business for the AGM be reduced to only the statutory requirements of the LGA 72 and as such it be agreed that the provisions of the Constitution which relate to the AGM be suspend.
- Arrangements continue to be made for an external meeting on 28 June and in the event that the Court Case is favourable, the future arrangements for Full Council meetings be further considered if needed

Financial Detail and Implications

There would be additional costs in the event that Full Council meetings were held outside the Chamber.

These would include, but not exhaustively, Room Hire, PA System Hire, Additional Staffing.

A return to face to face meetings does bring with it costs, budgets have been set as if face to face meetings would resume.



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Ian Knowles
Head of Paid Service

As Chairman of the Corporate Policy and Resources Committee I have been fully consulted on this matter



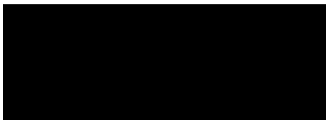
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Cllr A Welburn - Chairman of Corporate Policy and Resources Committee

As the Chairman of the Prosperous Communities Committee and Leader I have been fully consulted on this matter



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Cllr O Bierley - Chairman of the Prosperous Communities Committee and Leader

As the Leader of the Opposition I have been fully consulted on this matter



.....
Cllr T Young - Leader of the Opposition

As the Chairman of the Council I have been fully consulted on this matter.



Cllr S England – Chairman of Council

As Chairman of the Governance and Audit I have been fully consulted on this matter



Cllr. J McNeill – Chairman of Governance and Audit Committee

Date all Members were notified of the decision: 20 April 2021



Urgent Delegated Decision

16 April 2021

Subject: Arrangements For Annual Council – Suspension of Constitution

Report by:

Chief Executive

Contact Officer:

Katie Storr
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Purpose / Summary:

To consider arrangements for Annual Council 2021 in the absence of virtual meeting regulations and social distancing requirements

RECOMMENDATION(S):

Given the information contained in the report and Appendix 1: -

It is recommended that: -

- 1) the AGM be brought forward to the 4th May at 7 pm and held virtually;
- 2) the business for the AGM be reduced to only the statutory requirements of the LGA 72 and as such it be agreed that the provisions of the Constitution which relate to the AGM be suspend.
- 3) Arrangements continue to be made for an external meeting on 28 June and in the event that the Court Case is favourable, the future arrangements for Full Council meetings be further considered if needed

IMPLICATIONS

Legal:

expiration of virtual meeting regulations on 7 May. Virtual and Hybrid Meetings will not be legally permitted. From the 7 May onwards the Council is bound by the requirements of the Local Government Act 1972.

(N.B.) Where there are legal implications the report MUST be seen by the MO

Financial :

There would be additional costs in the event that Full Council meetings were held outside the Chamber.

These would include, but not exhaustively, Room Hire, PA System Hire, Additional Staffing.

A return to face to face meetings does bring with it costs, budgets have been set as if face to face meetings would resume.

(N.B.) All committee reports MUST have a Fin Ref

Staffing :

There are additional staffing resources required to deliver meetings outside of the Chamber.

Short term, and whilst social distancing requirements remain, additional staff will be required to facilitate meetings in the Guildhall.

(N.B.) Where there are staffing implications the report MUST have a HR Ref

Equality and Diversity including Human Rights :

The decision to return to the face to face meetings could negatively effect some residents however this decision is enacting a legal requirement

Data Protection Implications :

Climate Related Risks and Opportunities:

Travelling rates will be increased

Section 17 Crime and Disorder Considerations:

Health Implications:

Title and Location of any Background Papers used in the preparation of this report :

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

Risk Assessment :

A Full Risk Assessment is being developed together, with an attending the meeting procedure.

These documents will address all requirements of Social Distancing placed upon both the Council as an employer and attendees at meetings.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Introduction

- 1.1 Members will be aware that regulations introduced by Parliament on 4 April 2020, permitted the Council to hold meetings virtually, over-riding a number of provisions in the Local Government Act 1972, including the requirement to hold an AGM.
- 1.2 Members will also be aware that the Government confirmed that these regulations would not be extended and will therefore cease on 7 May.
- 1.3 Following 7 May it will not be legally permissible to hold Council or Committee Meetings (or any formal decision making meeting) via virtual means and all meetings must be held in accordance with the Local Government Act 1972 and the Council must hold an AGM.
- 1.4 It's worthy of note that ADSO and the LLG had previously mounted a legal challenge to the extended expiry date. The case continues and will be heard in the High Court on 21 April with a decision expected within days of that date.

2. Annual Council

- 2.1 Annual Council is currently scheduled to be held on 17 May 2021, and as such would be required to be held as in a person meeting. Social Distancing requirements will still remain and under current guidance it is not possible to accommodate all Members within the Chamber.

3. Options

- 3.1 Members were last consulted on this matter on 30 March where the following options were presented: -
 - (a) **Hold the meeting in an external venue**
 - would require resource to arrange, and come with additional costs.
 - The Council would still be required to make its meetings accessible to the public and in the absence of webcasting facilities in an external venue – extra consideration and space would need to be given to arrangements for a public gallery.
 - The venue would need to be larger enough to accommodate all Members of the Council supporting Officers
 - (b) **Hold the meeting in the GH with a reduced politically balanced quoram** – would this be politically palatable. 10 required could accommodate 18/ 20 people in total

- (c) **bring the meeting forward and hold prior to the regs expiring .**

LGA act allows council in a non ordinary election year (we are) to hold AGM in .March April or May.

- 3.2 At the last consultation meeting varying views were expressed and there was little consensus. As such the decision was deferred to allow further time to consider the options, particularly the logistics and availability associated with moving the meeting to an External Venue
- 3.3 The Information attached at Appendix 1 is an update on enquiries which have been made around venues, PA systems and Webcasting arrangements. It also includes the LGA 72 requirements for an AGM, together with the business, stipulated by WLDCs Constitution.

4. Conclusions and Summary

4.1 *Option a – External venues.*

Holding the meeting at an external venue does place a reliance on third parties and there are still uncertainties around the availability of a webcast stream and supporting technicians. Whilst the need to webcast can be negated by making the meeting “physically” open to public , this brings with it a further requirement to be accommodated within the space.

In theory the Epic Centre could host this meeting but a full site visit would need to be undertake to confirm layout.

4.2 *Option b – Guildhall Meeting - Reduced Politically Balanced Quorum*

No appetite shown for this option at the last consultation meeting

4.3 *Option c – Bring the meeting forward (within virtual regs)*

Remains an Option . Having checked the legislation the Council is only required by Statute to Appoint a Chairman and a Vice Chairman at its AGM . After that it is best practice for Councils to have their own standing business (WLDCs listed in Appendix 1)

5. Proposal and Rationale

- 5.1 Given the information contained in Appendix 1 it is proposed that the AGM be brought forward to the 4th May, that the meeting still be held in

the evening and the business be reduced to only the statutory requirements – this would require deviation from the Constitution.

- 5.2 Bringing forward the AGM removes the risk of breaking the law by not holding an AGM and removes the reliance on third parties – whose availability is still in doubt.
- 5.3 Retaining the start time at 7pm (evening meeting) allows those who work to attend and recognises our “normal” meeting time for such meetings.
- 5.4 By minimising the agenda, it recognises that some Members may not be able to attend, or may choose not to attend given the proposed change. Again by undertaking the statutory business only, the Council would meet its legal requirements, but would not be seen to be approving business (other than that required by law) on a reduced attendance.
- 5.5 Remaining “AGM” Business would be considered at Council’s June Meeting (28th).

Annual Council Options

Venues

As at 8 april

2 contacted – Epic Centre and Lesiure Centre

No response LC ([REDACTED]) and do have a response from Epic Centre.

Can accommodate 50 in a SD Manner – 2 options upstairs theatre, down stairs round tables. Available on 17 May (and 24 May) would provide a facilities officer.

Still uncertain whether theatre includes tables - would be an additional cost if so

Cost not confirmed

As at 12 April

Use of the larger downstairs room , including all furniture [REDACTED] rate of [REDACTED] plus vat available on both dates

As at 14 April

No response from LC

PA System (Sound)

As at 8 april

2 contacted – [REDACTED] – can not help

[REDACTED] - Are available on 17 and 24 May

include an engineer on the night

This will consist of 6 fixed wired microphones and 7 radio mics that can be passed around as needed hopefully that should give everyone a chance to use a mic while some of the mics are being sterilized ready for the next person.

we have included an engineer for the duration of the event as he will be needed to control the mics and to use the Bioshift chamber when cleansing the mics.

Its not possible for us to set up a 45 person mic system in that scenario.

What is unknown – whether the sound found is appropriate for public – I (and cost may increase)

As at 12 April

No change

Public –i

As at 8th April

Still awaiting a cost and availability. Although they have confirmed it is feasible to remote webcast.

Called again this morning. I would estimate in the region of 2k

As at 12th April

They are confident they can deliver what we would need , they would use their own mics , we would be looking at approximately [REDACTED] (would not have the costs of the pa system above)

However they will not commit to date, we have to put are requirements into their event booking system and they would go in a queue . First come first served, and I suspect those spending more will get prioritized. So even tho they could deliver it , I can not confirm their availability.

When Officers spoke to them last week, 17th was looking feasible the 24th less so but again caveated with you have to submit your requirements and then wait for confirmation.

As at 14 April

Two requests have been submitted, but neither confirmed

Agenda

The LGA Act 72 advises that at the Annual Meeting the Council must elect a Chairman (and a vice)

After that it is best practice for Councils to have their own standing business –

Our constitution states : -

elect a person to preside if the Chairman of Council is not present;

- b) elect the Chairman of Council;
- c) appoint the Vice-Chairman of Council;
- d) approve the minutes of the last meeting;
- e) consider the Monitoring Officer's report on the Constitution – if any;
- f) receive any declarations of interest from members;
- g) appoint the Leader of the Council;
- h) appoint the Deputy Leader(s) of the Council;
- i) appoint such Committees as the Constitution requires;
- j) consider any business set out in the notice convening the meeting.

Selection of Councillors on Committees and Outside Bodies

1.3 At the annual meeting, the Council will -

- a) decide which committees to establish for the municipal year;
- b) decide the size and terms of reference for those committees;
- c) decide the allocation of seats to political groups in accordance with the political balance rules;
- d) receive nominations of Councillors to serve on each committee and outside body (where vacancies exist); and
- e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.
- f) Appoint Chairmen and Vice-Chairmen to serve on each Committee and determine the normal commencement time for each Committee.

Considerations: -

Where does that leave us????

Need to decide a date

We have a venue for both dates

We have a PA System for both dates

Regardless of date I am unable to confirm whether we have webcasting see above. – enquiry been made about multiple bookings and cancellation fees

Without webcasting we need a gallery , believe we could accommodate a small gallery. Would need to make this clear (have had a reduced gallery before when had a big planning app) not ideal but its also impossible to ever have venue that could accommodate everyone.

Is the driver for a decision around a/c cost? would say no because come june back in the same boat.

Should we bring forward go minimal business – chair vice and minutes and get agreement to deviate from constitution (consult g and a chair)

Work with providers to get june perfect

If we go after 7 May , given uncertainty around webcasting , I would suggest AV only and limited gallery for May

Decision expected from Court within days of 21 April , however not sure how long we can hold off.