

## **URGENCY ITEMS - MINUTE OF DECISION**

### **Delegation arrangements for dealing with matters of urgency**

Paragraph 7.3.1 of the Council's Constitution provides that the Chief Executive has delegated powers to take all such actions he considers appropriate in an emergency (as defined by the Chief Executive), including power to make or approve any necessary and urgent arrangements within the powers of the Council for the protection of persons or property in any civil or other emergency.

**Subject: Coronavirus Pandemic Emergency**

**Appropriate Committee: Full Council**

**Details of Item** (including reason(s) for use of urgency procedure):

This note sets out how the District Council will take forward various aspects of its decision making for the period that social distancing applies during the coronavirus outbreak.

The Government has made Regulations (The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020) relaxing the legal provisions around council meetings, which currently require them to take place at a particular place and with people attending in person. These new regulations allow all meetings to take place remotely by electronic means. The Regulations provide for the conduct of local authority meetings held between 4 April 2020 and 7 May 2021, and for public and press access to these meetings. The Regulations apply to all tiers of local authorities, from parish and town councils to districts and county councils.

### **ANNUAL GENERAL MEETING – 12 MAY 2020**

The Regulations specifically allow councils to postpone Annual General Meetings (AGM) in 2020 and allow any appointments normally made at that meeting to continue until the next AGM or until such earlier time the council decides. Whilst it would be technically possible to conduct a full council meeting remotely using electronic means, it would be very challenging and cumbersome to run a meeting of 39 Members at the same time ensuring a fair and inclusive debate, recording votes in an open and publicly transparent way, and facilitate questions by the public.

The decision has therefore been taken, that the AGM scheduled for 12 May 2020 will be cancelled and all existing appointments will continue until the following AGM to be held in May 2021. In addition, full council meetings will not be held whilst the social distancing requirements associated with the coronavirus pandemic are in place, but clearly this will require regular review.

### **COMMITTEE MEETINGS**

It has also been decided not to hold committee meetings unless there are specific pressing items of business that need to be determined. Although the Regulations allowing remote meetings are now in place, at a time when council resources are increasingly stretched there is the need to avoid the emergency legislation adding to and not reducing the burden. Currently significant officer resource

has been diverted to supporting the community during the health crisis and it would be extremely difficult to service the normal committee cycle. However, it is considered that the Planning Committee and any required Licensing Hearings meetings should continue to be held remotely via electronic means in order to facilitate decision making on applications received by the Authority. During regular briefings with the Secretary of State, he has emphasised the need for local authorities to continue to facilitate the planning and licensing processes in order to sustain economic activity within their areas.

The decision not to hold committee meetings (with the exceptions as indicated) will cover the June cycle of meetings as a minimum. This decision will be kept under review to ensure it is still warranted and will be revisited following the end of the June committee cycle.

### OFFICER DECISIONS

Under the Council's Constitution, (Part Two, Paragraph 7.2.1) Chief Officers have delegated powers to take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken prior to the time when such action could be approved through normal council procedures. Where they do so they should first consult with the Leader, and Chairman, and the Opposition Spokesperson of the appropriate committee. During the current health crisis, when it is likely that chief officers may have to utilise these delegated powers more frequently than under normal circumstances, the Group Leaders of the Labour, Independent and Liberal Democrat Groups will also be consulted.

Written records of decisions taken under these delegated powers will be kept by Democratic Services Business Unit in accordance with current practice. These will be circulated periodically to the members of relevant committees for information and will also be available for other members to access via the Member Extranet and published on the website.

### MINOR VARIATIONS TO THE CONSTITUTION TO REFLECT REGULATIONS

The Monitoring Officer has delegated powers to make minor variations to the Council's Constitution, which are required to reflect legislative changes. She will therefore ensure that changes are made to the Constitution, albeit temporarily, to reflect the changes brought in by The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

### Summary of Decisions

In the current health emergency (and for the reasons given above) the Chief Executive has taken the decision using his delegated powers under Paragraph 7.3.1 of the Constitution, to:

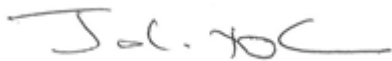
- Cancel the Council's AGM on 12 May 2020 (with all Member appointments being carried forward to May 2021);
- Subject to regular review, to suspend all scheduled full council meetings during the period that the Government's social distancing requirements continue;
- Suspend all scheduled committee meetings in the June committee cycle unless there is pressing business to be determined by a specific committee – with the exception of Planning Committee and Licensing Hearings, which will be held as necessary remotely using electronic means. This decision to be kept under review and revisited following the June committee cycle; and

- Temporarily broaden the provision contained within Paragraph 7.2.1 of the Constitution requiring Chief Officers to consult with the Leaders of the other groups on the Council in relation to urgent decisions.

**Members Consulted:**

This decision was taken following consultation with and the agreement of: the Leader of the Council; Deputy Leader of the Council; Chairman and Vice-Chairman of the Council; Group Leaders of the Labour, Independent, and Liberal Democrat Groups; and the Chairmen and Vice-Chairmen of all committees [during week commencing 6 April 2020].

Signed:



Chief Executive  
Newark & Sherwood District Council

Dated: 14 April 2020

## **URGENCY ITEMS - MINUTE OF DECISION**

### **Delegation arrangements for dealing with matters of urgency**

Paragraph 7.2.1 of the Council's Constitution provides that Chief Officers may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal Council Procedures. They shall, where practicable, first consult with the Leader and Chairman (or in their absence the Vice Chairman) and the Opposition Spokesperson of the appropriate committee (Constitution incorporating a scheme of delegation approved by the Council on 14<sup>th</sup> May 2013)

Given the current emergency in respect of the Covid-19 pandemic and the decision taken to suspend committee meetings while social distancing measures continue, the urgency decision provision under Paragraph 7.2.1 of the Council's Constitution has been widened to extend the consultation to include the Leaders of all the political groups on the Council.

### **Subject: Remote Committee Meetings – Amendments to the Council's Constitution**

#### **Appropriate Committee: Full Council**

#### **Details of Item** (including reason(s) for use of urgency procedure):

The urgency procedure has been used due to the Covid-19 pandemic. The Council's Monitoring Officer has delegated authority under the Council's Constitution to make minor variations to the Constitution which are required to remove any inconsistency or ambiguity or reflect legislative change. The urgency procedure has been used for transparency and for the avoidance of doubt.

Regulations made under the Coronavirus Act 2020 (2020/392) make provision for local authority meetings held before 7 May 2021 to be conducted remotely. This is to enable committee meetings to be held while social distancing measures are in effect. The Regulations have an automatic amending effect on local authorities' existing meeting procedure rules; nonetheless it is considered good practice to formally adopt the provisions.

#### **New Procedure Rule – Remote Meetings Held by Virtue of the Coronavirus Act 2020**

A new procedure rule, setting out the requirements for remote meetings, is attached at **Appendix A**.

The content is based on the protocol and model procedure rules published by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).

The new procedure rule is based on the information available at this time. As practice develops the rule may need to be updated.

**Decision**

That the Council's Constitution is amended to include the Procedure Rule attached at Appendix A to this urgency decision.

That it is noted the Monitoring Officer may make minor amendments to the Procedure Rule as practice develops.

**Remote Meeting Protocol**

To accompany the new Procedure Rule, a Remote Meeting Protocol is attached at **Appendix B**. This Protocol provides guidance regarding meeting preparation and etiquette, to ensure meetings are properly conducted and run smoothly. The Protocol will be incorporated into Part 4 of the Council's Constitution, Codes and Protocols.

The Protocol is based on experience to date and information available at this time. As practice develops it may need to be updated.

**Decision**

That the Council's Constitution is amended to include the Remote Meeting Protocol attached at Appendix B to this urgency decision.

That it is noted the Monitoring Officer may make minor amendments to the Protocol as practice develops.

**Members Consulted**

Councillor David Lloyd  
Councillor Paul Peacock  
Councillor Gill Dawn  
Councillor Peter Harris  
Councillor Rob Crowe, Chairman of the Council

Signed 

Date: 15 July 2020

Karen White  
Director - Governance & Organisational Development and Monitoring Officer

**RULE NO.38 – REMOTE MEETINGS HELD BY VIRTUE OF THE CORONAVIRUS ACT 2020**

- 38.1 Wherever there is a conflict between this Rule and another Council Procedure Rule this Rule takes precedence in relation to any remote meeting. This Rule will have effect until 7<sup>th</sup> May 2021 subject to any amendments to legislation. This Rule should be read in conjunction with the Remote Meeting Protocol.
- 38.2 The requirement to hold an Annual Meeting is to be disregarded prior to 7<sup>th</sup> May 2021.
- 38.3 For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:
- (i) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
  - (ii) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.
- 38.4 For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:
- (i) “place” is to be interpreted as 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; and
  - (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- 38.5 If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 38.6 A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance;
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and

- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

38.7 A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 38.6 above are not met. In such circumstance the Chairman may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 38.6 above to be re-established; or
- (ii) count the number of Members in attendance for the purposes of the quorum and continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.
- (iii) In relation to meetings of Planning Committee, the provisions of paragraph 14 of the Protocol for Members on Dealing with Planning Matters shall apply; any Member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.

38.8 A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

38.9 A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 38.8 above are not met. In such circumstance the Chairman may, as he or she deems appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 38.8 above to be re-established;
- (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
- (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

38.10 Unless a recorded vote is demanded, the Chairman will take the vote

- (i) through the use of an electronic voting system and voting in the Chamber or;
- (ii) by the affirmation of the meeting if there is no dissent; or
- (iii) the Chairman will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

38.11 Where a Member is required to leave the meeting for any reason such as having a disclosable pecuniary interest, the Member will be required to disable their microphone and video whilst any discussion or vote takes place in respect of the item or items of business.



**NEWARK & SHERWOOD DISTRICT COUNCIL**  
**Remote Meeting Protocol**  
**May 2020**

**Introduction**

This document has been prepared to assist Members when attending remote or virtual committee or council meetings.

These meetings are held in accordance with 'The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020' or 'Coronavirus Act 2020'.

Members should refer to *Council Procedure Rule No. 38 of the Constitution – Remote Meetings Held by Virtue of the Coronavirus Act 2020* when reading this protocol.

**Remote Meeting Software**

Remote meetings will be undertaken using Microsoft Teams. The ICT or Democratic Services Business Units are available to give advice on using Microsoft Teams. You must ensure for a remote meeting, that your camera is switched on and you know how to mute and unmute your microphone.

ICT and Democratic Services will be able to offer assistance at any time prior to the meeting so please ensure you have understood how to access the meeting before the day of the scheduled event.

ICT will 'open' the remote meeting at least 30 minutes before the formal start time of the meeting, to ensure that everyone is logged into the meeting and are confident in using the software.

The Chairman of the meeting will give Members a one minute warning prior to the start of the meeting, which for public meetings will be streamed live on the Council's social media channels.

**Identity Presentation**

You must ensure that your 'identity presentation' on Microsoft Teams clearly identifies you as a Councillor, for example Councillor Brian Smith, as you will be taking part in the formal decision making process. Consistent identification helps the general public, who may be watching the webcast of the meeting, identify you as a Councillor.

When you 'join' the meeting and are prompted to enter your name please record in this manner, as per the example above, i.e. Councillor *followed by your name*.

**Surroundings**

Consider where you are planning to 'access' the meeting from. The environment should be quiet with no interruptions, for example by other people in your household. There should be a plain background free from any political artwork or slogans. We recommend setting the background to

a blurred effect, which ICT and Democratic Services can provide instruction on. Do not use any pre-set virtual backgrounds that are available on Teams as this can affect the quality of the overall image.

You may wish to use headphones to reduce the background noise from within your household. Headphones can also improve the sound quality. If you are not able to use headphones please familiarise yourself with how to adjust the volume levels on your device.

### **Appearance**

You will be able to see yourself as you appear to others in the meeting or to those viewing the live stream. You should ensure that you can be seen clearly without glare from windows etc. Please remember that public meetings will be livestreamed as required by the legislation so wear appropriate clothing.

### **Eating and Drinking**

It would not be appropriate to eat during a traditional Committee meeting so this convention should be observed for a remote meeting. However, please ensure that you have a drink available during the meeting.

If you need to take a short break from the remote meeting please remember to switch your camera off and ensure your microphone is muted. Switch your camera back on when you return. For meetings of the Planning Committee, Members will need to be mindful of the provision of Paragraph 14 of the Protocol for Members on Dealing with Planning Matters which requires that any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.

### **Behaviour**

As a councillor you are bound by the Member Code of Conduct, and this form of meeting doesn't change that requirement. Your actions, as a representative of the Council, could be observed by a public audience who are not visible to you and may be recorded by some, so please maintain the standards of behaviour required by the Code of Conduct at all times. The Council will also maintain a formal recording of the meeting, which will be available following the meeting.

### **Speaking During a Remote Meeting**

Please indicate your wish to speak at a meeting, but wait until the Chairman has indicated that you may speak. It is very difficult for the public, and other Members and Officers listening, to hear what is being said when people talk over each other. The meeting should not be interrupted unless it is your turn to engage in the process when invited by the Chairman.

To reduce background noise and feedback, you should mute your microphone, and only unmute when you wish to speak or vote.

**Disclosable Pecuniary Interests**

If you have a disclosable pecuniary interest in an item which prevents you from participating in the debate and the voting, Members are requested to turn off their cameras and mute their microphones while the particular item is being discussed.

**Voting**

Voting in a remote meeting will be managed by the Chairman or the Democratic Services Officer in attendance, usually by taking the vote from each Member on the Committee in alphabetical order.

**Exclusion of the Press and Public**

When a Committee resolves to exclude the press and public by virtue of Schedule 12A of the Local Government Act 1972, Members will be required to confirm that there are no other persons present with them who are not entitled to hear or see the proceedings.

**What Happens if Something Goes Wrong?**

If your connection drops away from the event, you can resume by going back to the original invitation to the meeting and click to re-join. All remote meetings will also have the option to 'dial in' if for any reason you cannot access through Microsoft Teams. Please keep the meeting link and the dial-in instructions readily available in case you need to refer back to these.

Please do not attend Castle House in person. Facilities are not currently available for you to join a remote meeting from Castle House.

For meetings of the Planning Committee, Members will need to be mindful of the provision of Paragraph 14 of the Protocol for Members on Dealing with Planning Matters which requires that any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. This will apply if a Member does temporarily lose connection to the meeting.

If you have issues with your laptop/iPad please contact ICT before the day of the meeting where possible.

Appropriate images will be presented on the livestream broadcast should a remote meeting need to be adjourned for any reason such as a failure in the technology. Members of the public viewing the livestream will be given suitable messages such as the ones pictured in the screenshots below.

# Planning Committee

The meeting is about to start



# Planning Committee

The meeting is temporarily adjourned and will recommence soon



## URGENCY ITEMS - MINUTE OF DECISION

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Paragraph 7.2.1 of the Council's Constitution provides that Chief Officers may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal Council Procedures. They shall, where practicable, first consult with the Leader and Chairman (or in their absence the Vice-Chairman) and the Opposition Spokesperson of the appropriate committee.

Given the current emergency in respect of the Covid 19 pandemic and the decision taken to suspend committee meetings while social distancing measures continue, the urgency decision provision under Paragraph 7.2.1 of the Council's Constitution has been widened to extend the consultation to include the Leaders of all the political groups on the Council.

**Subject:**                               **Review of June Committee Cycle Suspension**

**Appropriate Committee:**       **Full Council**

**Details of Item** (including reason(s) for use of urgency procedure):

### **Reinstatement of Committee Meetings**

This note sets out the decision for reinstating committee meetings following the summer recess. Meetings will need to be held in the virtual format using Microsoft Teams with no attendance by Members of the Council (other than the Chairman if they wish to have officer support) or the public at Castle House. This is in accordance with the Government's social distancing measures but this will again be subject to ongoing review in line with any fresh guidance issued by the Government.

The meetings to be reinstated are set out below:

<b>Committee</b>	<b>Date</b>	<b>Start Time</b>
Licensing & General Purposes	3 September	6pm
Planning	8 September	2pm
Economic Development	9 September	6pm
Homes & Communities	14 September	6pm
Shareholder	15 September	5.30pm
Leisure & Environment	22 September	6pm
Policy & Finance	24 September	6pm
Audit & Accounts	30 September	10am
Planning	6 October	2pm

The table above gives the start times for the reinstated committees. The Councillors' Commission at their virtual meeting held on 8 July 2020 supported the reinstatement of the committees but raised the issue of start times for meetings given those meetings held in a

virtual manner to date all started at 2pm. Therefore, a canvass of all Members was undertaken and a small majority favoured the 6pm start. The reinstated committees are therefore, being held at their regular start times as indicated above with the exception of Planning Committee as the majority of Planning Committee Members expressed the view that they wished to retain a 2pm start time.

The public part of the meetings will all be broadcast live on the Council's social media platforms to enable public access and parish representatives will be able to 'join' the Planning Committee to address the Members in accordance with the usual practice. Conducting meetings in this manner has been made possible by virtue of the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) England & Wales Regulations 2020.

The holding of Full Council Meetings will be kept under review.

### **Members Attendance at Meetings**

This note also sets out the position in respect of Members attendance at meetings. Given the June cycle of meetings was cancelled, a large number of Members will not have attended a formal Council meeting since the last Full Council held on 9 March 2020. Section 85 of the Local Government Act 1972 requires that "if a Member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of the authority."

It is therefore necessary to use the urgency provision to authorise a blanket extended period of absence for all Members in order to capture all Members to whom this applies.

### **Decisions**

**To reinstate the September cycle of Committee meetings as set out above.**

**The Chief Executive keep the provision of Committee Meetings and Full Council Meetings under review in line with Government guidance in respect of social distancing.**

**A blanket authorisation be given to all Members to approve any continued absence due to the Covid-19 pandemic, if they had failed to attend a Council meeting for six months in accordance with Section 85 of the Local Government Act 1985.**

### **Reason for Decision**

**To re-start Council business and authorise the non-attendance of those Members who may not have been able to attend a formal Council Meeting for a six-month period.**

### **Members Consulted:**

Councillor D.J. Lloyd – Leader of the Council – 24.08.20

Councillor P. Peacock – Leader of the Labour Group – 21.08.20

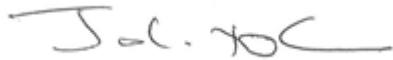
Councillor Mrs G.E. Dawn – Leader of the Independent Group – no response by deadline but Mrs Dawn supported in the Councillors' Commission)

Councillor P.R.B. Harris – Leader of the Liberal Democrat Group – 22.08.20

Councillor R. Crowe – Chairman of the Council – 22.08.20

(Note – this decision was supported by the Councillors' Commission at their meeting held on 8 July 2020).

Signed:

A handwritten signature in black ink, appearing to read 'J.C. Crox', written over a horizontal line.

Date: 26.08.20