



Minutes

Extraordinary Council Wednesday, 29th April, 2020

Attendance

Cllr Ms Sanders (Deputy Mayor)	Cllr Kendall
Cllr Aspinell	Cllr Kerlake
Cllr Barrett	Cllr Laplain
Cllr Dr Barrett	Cllr Lewis
Cllr Bridge	Cllr McCheyne
Cllr Chilvers	Cllr McLaren
Cllr Clarke	Cllr Mrs McKinlay
Cllr J Cloke	Cllr Morrissey
Cllr S Cloke	Cllr Mynott
Cllr Mrs Davies	Cllr Naylor
Cllr Fryd	Cllr Nolan
Cllr Mrs Fulcher	Cllr Parker
Cllr Haigh	Cllr Mrs Pearson
Cllr Hirst	Cllr Mrs Pound
Cllr Mrs Hones	Cllr Reed
Cllr Hossack	Cllr Tanner
Cllr Jakobsson	Cllr Tierney
Cllr Keeble	Cllr Tumbridge

Apologies

Cllr Poppy

Officers Present

Amanda Julian	- Director of Legal Services and Monitoring Officer
Claire Mayhew	- Corporate and Democratic Services Manager
Jonathan Stephenson	- Chief Executive
Steve Summers	- Chief Operating Officer

439. Apologies for Absence

Apologies were received from Cllr Poppy.

440. Declaration of Interest from Members and Officers

No declarations of interest were made.

441. Emergency Committee

The CEO, Jonathan Stephenson, introduced the report and reminded Members of the purpose of the meeting which related to preparatory work needing to be undertaken to ensure that Council business and decision making could continue in the unprecedented current situation brought about by the COVID19 pandemic.

The Coronavirus Act 2020 [the Act] had received Royal Assent on the 25 March 2020, and s78 gave the Secretary of State the power to make regulations to govern the way local authorities held meetings. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 [the Regulations] came into force on the 4 April 2020. These Regulations enabled local authorities to hold remote meetings and for attendance at these meetings to be attendance for the purposes of the Constitution.

Suggested changes to the Council's Rules of Procedure were attached to the report at Appendix D.

The report recommended the convening of an Emergency Committee and the powers that this would take on and how this would work in these unprecedented times. This committee would consider emergency and business continuity items and would operate until the council had the dedicated resources available to support the reintroduction of a full committee structure.

Proposed Terms of Reference were attached to the report at Appendix A. Members were also asked to consider the suspension of the six-month rule in relation to Members attending meetings and the approval of the proposed calendar of meetings for 2020/21 at Appendix B.

Cllr Hossack **MOVED** and Cllr Aspinell **SECONDED** the recommendations in the report.

Cllr Hirst **MOVED** and Cllr McCheyne **SECONDED** an **AMENDMENT** to Recommendation 1 as follows:

To delete from Paragraphs 7 and 8 of the Terms of Reference (Appendix A) for the Emergency Committee "Planning and Licencing", and to delete Paragraph 9.

Cllr Hossack **DID NOT ACCEPT** the **AMENDMENT** and following a debate Members voted and the **AMENDMENT** was **LOST**.

Cllr Hirst **MOVED** and Cllr McCheyne **SECONDED** a second **AMENDMENT** to Recommendation 1 as follows:

To add to the Terms of Reference (Appendix A) for the Emergency Committee an additional paragraph - Paragraph 14 to read: "For clarity, the

Emergency Committee may not change the decisions made at the meeting of Extraordinary Council on 29 April 2020."

Cllr Hossack **DID NOT ACCEPT** the **AMENDMENT** and following a discussion Members voted and the **AMENDMENT** was **CARRIED**, becoming part of the **SUBSTANTIVE MOTION**.

Cllr Hirst **MOVED** and Cllr McCheyne **SECONDED** a third **AMENDMENT** to remove Recommendation 3, as follows: *To agree to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972. This will be reviewed by the Monitoring Officer on a monthly basis, and will follow the Government guidance and legislation when determining if it no longer apply.*

Cllr Hossack **DID NOT ACCEPT** the **AMENDMENT** and following a debate Members voted and the **AMENDMENT** was **LOST**.

Cllr Mynott expressed concern at the disproportion in the allocation of seats between political groups in the proposed Emergency Committee and **MOVED** and Cllr Aspinell **SECONDED** that membership be increased to 10 from 9. Having consulted with the Monitoring Officer Cllr Hossack **ACCEPTED** the **AMENDMENT** to include wording in the relevant recommendation to reflect this change in membership of the Emergency Committee.

Cllr Dr Tim Barrett **MOVED** and Cllr Morrissey **SECONDED** an **AMENDMENT** that any constitutional changes made at this meeting be reviewed at the 7 October 2020 Ordinary Council meeting should it take place.

Cllr Hossack **ACCEPTED** the **AMENDMENT** and it became part of the **SUBSTANTIVE MOTION**.

Following further discussion Cllr Hossack proposed to insert some additional wording in the recommendations. Members voted and it was **RESOLVED**:

1. **To agree the Terms of Reference (Appendix A) for the Emergency Committee.** *(Appended to these minutes for clarity).*

Subject to the inclusion of:

Paragraph 14, add: "For clarity, the Emergency Committee may not change the decisions made at the meeting of Extraordinary Council on 29 April 2020.

To agree the Terms of Reference (Appendix A) to change the membership of the Emergency Committee from 9 to 10, to reflect the political balance at the time of calling the meeting. That the Monitoring Officer is given delegated authority to make the consequential amendment to the Terms of Reference

2. **To agree to include the Emergency Committee within the Council Constitution at Chapter 3 at 2.10 and to agree the changes of the Council's Rules of Procedure at Part 4 of the Constitution as set out in Appendix D and that these changes will be reviewed at the**

***Ordinary Council (should it convene as planned) on
7th October 2020.***

3. To agree to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972. This will be reviewed by the Monitoring Officer on a monthly basis, and will follow the Government guidance and legislation when determining if it no longer apply.
4. To agree the proposed calendar of meetings for 2020/21 (Appendix B).
5. To agree the holding of remote meeting in compliance with the Regulations for as long as it necessary. The Regulations are time barred and cease to have effect on the 7 May 2021, unless extended by further legislation.
6. To agree the Chief Executive to summons remote meeting as necessary and develop the required protocols and procedure to hold remote meeting.

442. Urgent Business

There was one matter of urgent business before Members which the Deputy Mayor had accepted under Part 4 of the Constitution paragraph 2.5(e), that this matter be considered by reason of special circumstance, this being that the country was currently experiencing a pandemic, the Government had passed the Coronavirus Act 2020 and The Local Government Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) Regulations 2020 (the Regulations) which enabled the Council not to hold an Annual Council meeting.

As no Annual Council Meeting would be held this year, the appointments from the 2019 Annual Council meeting would continue unless a Member retired or stepped down from being a Chair, Vice Chair, Leader or Deputy Leader.

The Leader had continued in position but due to stepping down of the Deputy Leader, the Conservative Group had put forward Cllr Keith Parker for the role.

Cllr Hossack **MOVED** and Cllr Nolan **SECONDED** that Cllr Parker should be appointed as Deputy Leader of the Council with immediate effect and it was **RESOLVED** accordingly.

The meeting ended at 22.14 hours.

443. Appendix A - Terms of Reference for Emergency Committee (*overleaf*)

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APPENDIX A: EMERGENCY COMMITTEE - TERMS OF REFERENCE

PURPOSE

To enable the Council to function in emergency situations when fewer Councillors and /or Officers are available to attend meetings.

There will be no informal meetings of the Emergency Committee called.

The Committee will be convened, as required, as part of the Borough Council's Major Incidents and Emergency Planning process.

The decision to convene the Committee will be made by the Chief Executive through consultation with the Leader and after the Monitoring Officer has assessed the appropriateness of taking a particular report to the Committee. The decision will be recorded on the agenda. Only decisions that cannot be deferred will be taken to the Committee.

The Agenda will include a Statement of Purpose for the Committee being convened and will record reasons why the decision being sought could not be deferred, there will be a clear statement of what the Committee will be discussing.

Equally a proposal to stand down the Committee will be brought by the Chief Executive through consultation with the Leader to each Committee, and after obtaining such advice as necessary from the Monitoring Officer or their deputy as appropriate, such proposal to stand down the Committee will be decided by a majority vote of members at the meeting. All members of the council will also have the ability to influence the decision to stand down the committee. This can be undertaken by at least a third of councillors writing to the Chief Executive and the Monitoring Officer requesting the committee stands down. If this action is taken, then the reinstatement of the full committee structure will take place or an extraordinary council meeting can be called to debate any other emergency governance models required to enable the council to function lawfully.

Once the Committee is convened it can take on the role of the delegations afforded to the following:

Council emergency functions only
Policy Resources & Economic Development,
Environment, Enforcement & Housing,
Community & Health,
Planning & Licensing

Audit & Scrutiny Committee – ONLY with regard to the development of any emergency budget that may be required or to sign off the Annual Accounts if this could not be brought to Audit & Scrutiny Committee.

The intention, where possible, is to still undertake Planning & Licensing and Audit & Scrutiny Committees separately when required and appropriate. This will be decided by the Chief Executive through consultation with the Leader, and Monitoring Officer. These powers can be in full or in part.

All members sitting on the Committee will have the appropriate Planning and Licensing Training prior to the consideration of any item, relating to planning and licensing, being presented at this committee.

The Committee will only undertake decisions that relate to the budgetary function of the Council and if there is a statutory reason that an urgent decision is needed and the Audit & Scrutiny Committee cannot be convened for whatever reason.

Any decisions made by the Emergency Committee may be subject to the scrutiny of the Audit & Scrutiny Committee when it is next convened.

Officer delegations will remain as per the Constitution.

The Committee will also meet as required and consider the immediate strategic issues for the Borough Council arising from the incident, having received reports from the Chief Executive.

The Emergency Committee may authorise action affecting any of the Borough Council's functions if the urgency of the situation demands this. Subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of Full Council.

The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular communications on the incident and the action being taken.

- Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media if required in consultation with the Councils' communications manager.
- The Committee should consider the longer-term implications arising from the incident and the impact these may have on the Borough Council.
- Emergency Committee may not change the decisions made at the meeting of Extraordinary Council on 29 April 2020.

The minutes to any Emergency Committee will be published no later than three working days after the meeting.

MEMBERSHIP

The Committee shall consist of 10 named Members of the Borough Council, to include:

- Leader of the Council and Chair of Policy, Resources & Economic Development (who will be the Chairman of this Committee)
- Vice-Chairman of Policy, Resources and Economic Development
- The Chairman of the Community & Health Committee
- The Chairman of the Environment, Enforcement & Housing Committee
- The Leaders of all groups
- Other named members to achieve a political balance

If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.

Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee. Substitutes for this committee will be submitted in writing by Group Leaders to the Chief Executive and Monitoring Officer ahead of the first meeting and updated for future meetings where necessary.

QUORUM

The minimum number of members to transact any business shall be one third (3) of the committee.

PROCEDURES, PROTOCOLS AND PUBLIC SPEAKING

Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.

Any member of the Council can attend and may speak on any issue once, as agreed through the Chairman, in line with the legislation in force at the time.

Members of the public and press will be provided with the means to attend the meeting and have access to agendas, reports and other documents necessary under the legislative provisions current at the time of calling the meeting(s).

QUESTIONS

Members may ask questions to the Chair in the usual way. If the meeting is virtual then the questions will be put in writing via the appropriate text/chat box. The Chair may read the question and provide a written or verbal response as appropriate.

VOTING

When Members are present at the meeting voting will be taken by a show of hands. If Members are not present i.e. remotely using technology, a recorded vote will be taken by the clerk.

In the event of an equality of votes, the Chairman shall have a second or casting vote.

TRAINING

All training requirements for the Committee will be ensured to enable them to undertake the delegations afforded to them when undertaking the role of another Committee.