

Group Leaders

Scheduling the Annual General Meeting

Report of: Ian Hunt, Assistant Director Legal and Governance

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Executive Summary

The Council, with the rest of the Country is currently managing the ongoing Coronavirus (Covid-19) pandemic. The government has introduced regulations permitting the Council to change the way that Member Meetings are undertaken to support effective governance whilst also supporting the national restrictions.

The relevant government guidance on restricting the spread of the Coronavirus is that people should stay at home, only leaving home to only go outside for food, health reasons or work (but only if you cannot work from home), and if you go out, stay 2 metres (6ft) away from other people at all times. At this point there is no clear indication as to when these restrictions will be lifted.

The government regulations set out that Councils can use virtual meetings to conduct their business, but also empowered the Council to postpone the normal Annual General Meeting of the Council until May 2021.

1. Recommendation(s)

- 1.1 That the Chief Executive in consultation and agreement with the Group Leaders, under Council Procedure rule 2.2, postpones the 2020 Annual General Meeting of the Council to May 2021 in accordance with the provisions of regulation 4 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.**
- 1.2 That the Chief Executive, having consulted with the Leader and other Group Leaders and in recognition that there will be no Annual General Meeting in May 2020, exercises their powers under chapter 6, Part 1 – Functions which are Delegated to Officers, 7.1(d) of the constitution to set an Ordinary meeting of Council for the 24th June 2020.**
- 1.3 That the proposals for the timetabling and setting of other meetings are noted in section 5 of this report, together with the ongoing work on providing for virtual meetings to ensure that the normal processes of the council are implemented as soon as practicably possible.**

2. Current Position

- 2.1 The Council is in the process of scheduling the Annual General Meeting (AGM) of Council. This has provisionally been scheduled for the 27th May.
- 2.2 Following the implementation of 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) on the 4th April 2020, under regulation 4 the Council has the power not to hold an AGM in 2020. Other regulations permitted the use of virtual meetings and the rules governing these.
- 2.3 The Regulations are a change in law which supersedes the provisions of Constitution where these may be in conflict. The Constitution must be interpreted in light of the Regulations.
- 2.4 The Regulations allow the AGM can be delayed to within the year or to the next ordinary AGM in May 2021.
- 2.5 If the council does not have an AGM, the councillor appointments made at the AGM are held and remain as they are until the next AGM in May 2021. Principally the roles of:
 - Mayor and Deputy Mayor
 - Leader (and through their appointment Cabinet)
 - Committee allocations, and through that appointments to committees, including Chair's
 - Appointments to outside bodies

3. Options for Holding an AGM

- 3.1 There are two principal options for holding the AGM, either in person, or virtually. These two options are considered below:
- 3.2 **Option 1 – Physical Meeting:**

This represents the traditional approach. Whilst potentially lawful, the council would be holding a non-essential meeting during the current pandemic which is not in line with the government guidance generally (only travel for essential activities which cannot be done remotely) and the government guidance on member meetings which is strongly advocating virtual meetings where it is possible to do so. The Council should be mindful that it is a public health authority and therefore should not be seen to be disregarding strong public health guidance.

It must be recognised that to hold physical meetings would place those Elected Members and Officers who are shielding or in other higher risk categories at additional personal risk, and would restrict their attendance. This raises concerns under the Equalities Act 2010 for disproportionately impacting older persons, disabled persons and those with young children. Whilst not

directly surveyed, it may also create disproportionate impacts between political groups.

It may be physically possible to accommodate social distancing for smaller meetings, for larger meetings, such as the AGM, the council would need to acquire a very large hall space and Members may find it difficult to hear in such a setting. Other considerations are the audio and broadcast equipment the council would need for the meeting which may not necessarily be easy to replicate in another larger venue outside of the Civic Offices particularly at this time.

It should be noted that public meetings have to be able to accommodate the attendance of the press and public. Whilst this can be managed with social distancing the same issues around the government guidance for non-essential travel apply.

3.3 Option 2 - Virtual Meeting:

A virtual meeting in accordance with the Regulations is one where Members can attend and engage in a virtual location. This can either be a telephone or video link (or mix) there is no physical gathering although the decision making proceeds within the virtual environment.

This approach would meet the guidance on social distancing as well as avoiding unnecessary travel and assembly.

The Council is developing this option working across services, and with input from Elected Members. The first test of this approach is likely to be the Planning Committee which has been rescheduled for the 7th May. The Council is undertaking a sequence of test sessions leading towards the formal meeting, these will be carefully monitored and evaluated as will any meeting held. There will be a continual process of learning and evaluation of the approach.

However, to train all 49 Elected Members in the use of the technology and to be able to test this at scale before an AGM in May will pose significant difficulties and is unlikely to be a realistic prospect. At this stage, without having undertaken large scale testing with Officers and Members the council cannot provide assurance that a sufficiently robust solution could be delivered in time for a virtual meeting on the 27 May for all Members.

The virtual environment can be structured to enable live viewing by the press and public, with recordings of the meeting being available after the meeting. This will ensure that the public access is maintained. However, as stated above, it not likely that the implementation of the new technology and all members having been trained etc will be completed in time to hold a virtual May AGM.

3.4 Option 3 – Postponement of the AGM:

The AGM represents the start of the civic year. Losing this opportunity will adjust the feel of the civic year. However, it should be recognised that the unprecedented national situation will make the coming civic year significantly different to the usual.

Following an AGM there would need to be a significant programme of training for councillors if any changes are made to committees, notably the planning and licensing committees. Whilst this can be delivered virtually, by postponing the AGM this need is removed reducing risk for the Council.

4. Determining the date of the AGM:

4.1 The Constitution provides that the Chief Executive calls the AGM. The Constitution – Council Procedure Rule “2.2 Subject to Rule 2.1 above, the Annual Meeting shall be held at such date, time and place as the Council may resolve or, in default of such resolution, as may be determined by the Chief Executive and notified in writing to all Members.” Procedure Rule 2.1 provides that the meeting should take place in May, however this must be read in light of the Regulations and accordingly the Council has the power to hold the meeting at such time as it determines through a decision of the Chief Executive.

4.2 Following discussion on this matter, the group leaders and Chief Executive are in agreement that the 27 May 2020 AGM is postponed until May 2021.

4.3 It is clear that the current lockdown situation remains in place until at least 7 May 2020 and is highly likely that the position will be extended, particularly for those in the high risk groups. The Council must be mindful of its obligations under the Equalities Act 2010 and in its role as a public health authority.

5. Municipal Calendar:

5.1 It is proposed that in line with usual practice a schedule of proposed meetings will be published by the Council. This will be kept under review through the year. Initially the council is developing a full set of processes and protocols for electronic meetings, and will use this for all meetings if required depending on continuation of the lockdown and the ability to effectively run. The Council will continue to assess the government guidance and will review the management of meetings as guidance changes.

5.2 The municipal calendar is determined and amended as follows:

5.3 Ordinary Meetings of Council:

These are set at the AGM each year in accordance with The Constitution – Council Procedure Rule “3.1 Ordinary meetings of the Council will take place at such date time and place as may be determined by Council.” Although it

must be noted that this power can be exercised at any Council meeting.

The Chief Executive in consultation with the Mayor under rule 3.2 may cancel a meeting (for lack of business) or defer it (where it would be inappropriate to hold it).

There is no direct reserve power to set ordinary meetings of the Council set in the Constitution. Accordingly in line with the provisions of the Regulations and power under Chapter 6, Part 1 – Functions which are Delegated to Officers, 7.1(d) “in cases of urgency or emergency, take any decision on behalf of the Council (after consultation with the Leader)” could determine a date for at least the first meeting of the Council.

Accordingly following discussions with the Leader and other group leaders an ordinary meeting of the Council is scheduled for the 24th June 2020 with a schedule of further meetings to be agreed at that meeting.

In the event that it would be inappropriate to hold the Ordinary meeting of the Council on the 24th June, the Constitution provides in Council Procedure Rule “3.2 The Chief Executive may cancel or postpone an ordinary meeting prior to the issue of public notice of the meeting where, after consultation with the Mayor or Deputy Mayor, he/she considers that there is insufficient business to transact or where an event occurs which he/she considers would make it inappropriate to hold the meeting on the intended date. If circumstances make it impossible for a meeting to be held as convened, the Chief Executive, after consultation with the Mayor or Deputy Mayor, may postpone an ordinary meeting and hold the meeting on a date to be agreed with the Mayor or Deputy Mayor and after consultation with Group Leaders.”

5.4 Cabinet:

The Leader is responsible for determining the ordinary schedule of Cabinet Meetings in accordance with Constitution, Chapter 3, Part 2 – Leader / Cabinet Procedure Rules “2.1 Ordinary meetings of the Leader / Cabinet will take place in accordance with a programme decided by the Leader. In order to enable the Leader / Cabinet properly to discharge its functions, particularly in relation to service performance and financial monitoring, the Leader / Cabinet shall meet not less than ten times a year.”

The Leader may request additional meetings, and the statutory officers are also empowered to call for a meeting of Cabinet in accordance with Chapter 3, Part 2 – Leader / Cabinet Procedure Rules See rules 2.3 and 2.4

5.5 Scrutiny Committees:

Ordinary meetings of the Scrutiny Committees are set by the Council Constitution, Chapter 4, Part 31 – Article 8 Part 3 – Scrutiny Procedure Rules rule 1.2 (“...the time and place of meetings shall be as set out in the Calendar of Meetings approved by the Council annually...”). This can be set at any

meeting of the Council.

The Chair of the relevant Scrutiny Committee or the Monitoring Officer can call an extraordinary meeting of a committee in the absence of dates. Scrutiny Procedure Rules rule 1.5.

5.6 Other Committees:

All other committees of the Council are called at times determined by the Monitoring Officer, under Constitution, Chapter 5, Part 2 – Committee Procedure Rules 1.1 “The time and place of any meeting will be determined by the Monitoring Officer and notified in the summons”

Once a schedule is published the Monitoring Officer in consultation with the relevant Chair can cancel or change the date of meetings under Committee Procedure Rule 2.2.

6. Changes to Committee Memberships

- 6.1 Council can at any meeting review the membership of committees including the Chair’s if appropriate. The broad power for this is contained in Chapter 2, Part 2 – Council Procedure Rules 3.4 “(i) Make any appointments that fall to be made to Committees, Outside Bodies, Statutory and Other Panels”.
- 6.2 Where the proportionality of political groups changes this will trigger a review of proportionality under Council Procedure Rule 27.
- 6.3 In the absence of a change in proportionality group leaders can trigger changes under rule 27.3 “The Leader of any political group may notify the Chief Executive in writing at least ten clear working days before any meeting of Council stating his/her intention to move that a named Councillor be removed from a seat on a particular Committee or outside body which has been allocated to his/her political group and to move the appointment of another Member to that seat, and the Chief Executive shall then include an appropriate item of business in the Council agenda for the next appropriate meeting of Council”.

7. Position in the East of England

- 7.1 Whilst the Council is not bound to follow other authorities the majority of Councils in the East of England are adopting the approach of postponing the AGM. All Councils are developing their approach to virtual meetings for other business and officers are working collaboratively to share expertise and learning.

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