

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	AUDIT AND STANDARDS COMMITTEE	15 NOVEMBER 2018	5
CONSTITUTION AMENDMENTS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

In accordance with the instructions of the Audit and Standards Committee at their meeting on 15 March 2018, the Constitution Review Working Group are in the process of undertaking a Constitution refresh.

The Constitution Review Working Group intends to report in full at the January 2019 Audit and Standards Committee meeting. However, one aspect of its work is brought forward to this committee as it ties in with work being undertaken by the Member Development Group regarding members being able to attend meetings by remote access. The Member Development Steering Group has been responsible for working with Councillor Mark Bamforth to find, and evaluate, a technology solution to facilitate this and a recommendation from the Member Development Steering Group in relation to this matter will be considered by the Finance and Democracy Committee on Monday 26th November.

This report deals with the procedural issues concerning the same matter, which fall under the remit of this Committee to consider, and make recommendations, to Council.

RECOMMENDATION

1. The consider the recommendation of the Constitution Working Group to amend the Council Procedure Rules to allow for remote access:

2 REMOTE ATTENDANCE:

2.1 Arrangements for remote attendance

(a) Subject to 2.3 and 2.4, the chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting remotely if the following circumstances apply.

(b) [M has notified the Director of Resources [in writing] no later than one week before the meeting of their wish to participate remotely and]

(c) M reasonably believes that it would be detrimental to their physical or mental wellbeing to attend the meeting in person

(d) Any arrangements must ensure so far as possible that any person attending the meeting is able to hear M's contributions as easily as those of members attending in person.

2.2 Substitutes

M may be represented by a substitute under rule 22 or 23 but not by remote access means.

2.3 Exempt and confidential items

M may not participate remotely in any part of a meeting in which the public have been excluded under section

100A of the Local Government Act 1972.

2.4 Maximum number of members participating remotely

The maximum number of members who may participate remotely in a council meeting is 2.

SUMMARY OF PREVIOUS DECISIONS

Audit and Standards Committee – 15 March 2018

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. In accordance with the instructions of the Audit and Standards Committee at their meeting on 15 March 2018, the Constitution Review Working Group are in the process of undertaking a Constitution refresh.
2. The Constitution Review Working Group intends to report in full at the January 2019 Audit and Standards Committee meeting. However, one aspect of its work is brought forward to this committee as it ties in with work being undertaken by the Member Development Group regarding members being able to attend meetings by remote access. The Member Development Steering Group has been responsible for working with Councillor Mark Bamforth to find, and evaluate, a technology solution to facilitate him participating in meetings by remote access and a recommendation from the Member Development Steering Group in relation to this matter will be considered by the Finance and Democracy Committee on Monday 26th November.
3. This report deals with the procedural issues concerning the same matter, which fall under the remit of this Committee to consider, and make recommendations to council. It brings forward this aspect of the work of the Constitution Working Party to progress this particular piece of work.
4. A councillor who is not physically present at a meeting at of a council or committee in England is not considered in law as attending the meeting, even where they participate by remote access. This means that they cannot validly vote at the meeting, cannot be counted towards the quorum, and would be counted as not having attended it for the purposes of the 'six-month rule'. These limitations are statutory or common law rules, which cannot be changed by the council.
5. However, this does not preclude a member attending a meeting by remote access means, although it should be noted that any attendance of a councillor at a committee meeting by remote access must be limited to participating in discussions and debates.
6. Balanced against these considerations, the Constitution Working Party has considered the opportunities for allowing remote access in the manner outlined in paragraph 5 above, and subject to the requirements of the law, with procedure rules being put in place to govern the working of this, have put forward the procedure rule set out below for consideration. It should be noted that this report does not provide any commentary on the evaluation of the technology to allow this to be brought about and this will be the subject of a separate review by the Finance and Democracy Committee.

2 REMOTE ATTENDANCE:

2.1 Arrangements for remote attendance

(a) Subject to 2.3 and 2.4, the chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting remotely if the following circumstances apply.

(i) M has notified the Director of Resources in writing no later than one week before the meeting of their wish to participate remotely; and

(ii) M reasonably believes that it would be detrimental to their physical or mental wellbeing to attend the meeting in person.

(b) Any arrangements must ensure so far as possible that any person attending the meeting is able to hear M's contributions as easily as those of members attending in person.

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M may be represented by a substitute under rule 22 or 23 but not by remote access means.

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IMPLICATIONS	
Finance	Supporting remote access requires specialist equipment and support from the IT Team. Based on existing draw down on the service, the support has been contained within existing budgets. However, if demand grows exponentially, this may require an increased staffing resource within the IT Team going forward.
Legal	A councillor who is not physically present at a meeting at of a council or committee in England is not considered in law as attending the meeting, even where they participate by remote access.
Community Safety	None
Human Rights and Equalities	This provides members with a physical or mental wellbeing issue to participate in council meetings which would otherwise preclude them
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	Tracy.manning@fylde.gov.uk	October 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		