

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	AUDIT AND STANDARDS COMMITTEE	10 NOVEMBER 2022	4
REMOTE PARTICIPATION IN MEETINGS			

PUBLIC ITEM

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

SUMMARY

The council's procedure rules presently allow a councillor to apply to participate remotely in a council or committee meeting, to the extent that the law allows, if they give a week's prior notice and if they reasonably believe that attending in person would affect their wellbeing. The Constitution Review Working Group has put forward changes to the relevant rule which would:

Extend the rule so that it applies to all committees, not just ones that the councillor wanting to attend remotely is a member of;

Shorten the notice period; and

Replaces the 'wellbeing' criterion with one relating to disability.

RECOMMENDATION

Recommend that the council adopt the revised council procedure rule set out in the report in place of the existing council procedure rule 2 in part 4 of the constitution.

SUMMARY OF PREVIOUS DECISIONS

None relevant

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. The Constitution Review Working Group has been considering changes to the council's constitution which will need to be in place for the next municipal year, when the council size will reduce to 37 councillors and it is

expected that a new committee structure, including overview and scrutiny committees, will be introduced. The full recommendations of the working group will be reported to the committee early in the New Year, in readiness for adoption by the council and eventual implementation in May 2023.

2. This report concerns one specific recommendation, which does not arise directly from the change in council size or the change in committee structures and which the working group consider can and should be implemented as soon as practicable. The change is to the arrangements for councillors to participate in council and committee meetings remotely.
3. In England, the law does not allow¹ a councillor who is not physically present at a meeting to be counted as being at the meeting. This means that a member accessing the meeting remotely (for example by Zoom) may not (among other things) move or second a motion, raise a point of order or vote. This can't be altered by the council's rules or constitution. However, the council's procedure rules can and do allow councillors to participate in council and committee meetings in certain circumstances to the extent allowed by the law, for example by speaking in meetings. The proposed changes would broaden the circumstances in which the rules allow a councillor to remotely participate in that way in a meeting.
4. Council procedure rule 2 presently allows a councillor to participate remotely (to the extent the law allows) in a meeting of the council or of a committee of which the councillor is a member if they reasonably believe that attending in person would be detrimental to their wellbeing, provided that the councillor has given a weeks' prior notification of wanting to attend the meeting and the chairman consents.
5. The proposed changes would reduce the notice period from a week to three working days and would change the criterion to one based on disability, rather than on detriment to wellbeing. The changes would also mean that a councillor could attend remotely under the rule at a meeting of a committee of which they are not a member (as councillors can do in person), and would extend the ability to attend remotely to exempt items. Finally, the limit of two members attending remotely at any meeting would be retired.
6. The revised rule also clarifies the position about substitutes and interests.
7. The present rule is set out below, with the proposed changes shown. Wording removed is struck through, and new wording is underlined and shown in square brackets.:

2.1. Arrangements for remote attendance

(a) Subject to 2.3 and 2.4, ~~t~~[T]he chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting of the council including any committee (s) of which that Councillor is a member, if the following circumstances apply

- (i) M has notified the Deputy Chief Executive in writing no later than one week [the third working day] before the meeting of their wish to participate remotely; and
- (ii) M [has notified the Deputy Chief Executive in writing that M has a disability which may prevent M from]reasonably believes that it would be detrimental to their physical or mental wellbeing[being able] 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.

[(c) M has a disability for the purposes of this rule if M has a disability for the purposes of the Equality Act 2010.]

[(d) For the avoidance of doubt, at a meeting that M is attending remotely M may not move or second motions or amendments and may not vote or do any other thing that the law only allows to be done by a councillor who is physically present.]

2.2 Substitutes

¹ Temporary legislation introduced during the coronavirus pandemic did allow meetings to be held wholly or partly remotely, but that legislation has lapsed.

M may be represented by a substitute under rule 22 or 23 [at a meeting of a committee of which M is a member] but not by remote access means. [The substitute for M would be entitled to participate in the meeting in the same way as members of the committee physically present.]

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.

[2.3 Interests

- (a) For the purposes of any provision in a code of conduct relating to the declaration of interests, M will be deemed to be present at a meeting in which M is participating remotely.
- (b) M may not participate remotely in any part of a meeting where the business being discussed is business in which M has or should have made a declaration of a disclosable pecuniary interest or a prejudicial interest.

IMPLICATIONS	
Finance	None
Legal	See below under 'Human Rights and Equalities'
Community Safety	None
Human Rights and Equalities	The changes proposed are intended to better address the council's obligations under equalities legislation, and in particular the public sector equality duty.
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Lead author's notes from Constitution Review Working Group		Town Hall, Lytham St Annes